

SENATE BILL REPORT

SB 5101

As of January 21, 2025

Title: An act relating to expanding access to leave and safety accommodations to include workers who are victims of hate crimes or bias incidents.

Brief Description: Expanding access to leave and safety accommodations to include workers who are victims of hate crimes or bias incidents.

Sponsors: Senators Valdez, Hansen, Frame, Hasegawa, Liias, Nobles, Orwall, Pedersen, Saldaña, Salomon, Stanford, Wellman and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/21/25.

Brief Summary of Bill

- Expands access to leave and safety accommodations available to victims of domestic violence, sexual assault, or stalking, to include victims of hate crimes or bias incidents.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Marlon Llanes (786-7423)

Background: Leave and Safety Accommodation. Under the Domestic Violence Leave Act, an employee has the right to take reasonable leave from work to obtain assistance with respect to domestic violence, sexual assault, or stalking. A family member of a victim may also take reasonable leave. Leave may be taken to:

- address legal or law enforcement needs;
- seek treatment for physical or mental injuries;
- obtain mental health counseling;
- obtain services from a shelter, center, or other social services program; or
- participate in safety planning, relocate, or take other actions to increase safety.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

An employer may not refuse to make a reasonable safety accommodation requested by a victim of domestic violence, sexual assault, or stalking, unless the accommodation would impose an undue hardship on the employer's business. An accommodation may include a transfer, reassignment, or modified schedule.

An employer may require verification that the employee is a victim of domestic violence, sexual assault, or stalking, and that the leave or safety accommodation was for a permitted purpose.

Discrimination. An employer may not discriminate or retaliate against a person because the person is a victim of domestic violence, sexual assault, or stalking.

Summary of Bill: Leave and Safety Accommodation. An employee may take reasonable leave from work or request a reasonable safety accommodation if the employee or the employee's family member is a victim of a hate crime or bias incident.

An employer may require verification that the employee or family member is a victim of a hate crime or bias incident, and that the leave or safety accommodation was for a permitted purpose.

Discrimination. An employer may not discriminate or retaliate against a person because the person is a victim of a hate crime or bias incident.

Definitions. Bias incident means a person's hostile expression of animus toward another person, relating to the other person's actual or perceived characteristics, of which criminal investigation or prosecution is impossible or inappropriate. Bias incident includes incidents committed through online communication.

Bias incident does not include an incident in which probable cause of the commission of a crime is established, and does not include expressions of opposition or support for the actions or policies of a foreign or domestic government protected under free speech.

Hate crime means an assault, damage or destruction of property, or threat committed because of a person's perception of another person's specified characteristics, including race, gender, or religion. Hate crime includes offenses committed through online communication.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a continuation of recent legislation relating to hate crimes, including last year's bill that established the hate crimes and bias incidents hotline. Washington is among the states with the highest number of hate crimes in the country, and that number is only increasing. Hate crimes and bias incidents are unique offenses because they attack a person's identity and often lead to anxiety or PTSD. Victims may need leave to recover from injuries, attend court, or adjust routines to avoid the offender. A victim should be able to recover without fear of adverse economic consequences. A worker who is given leave for these purposes is ultimately more productive when they return and less prone to burnout.

OTHER: This bill may have unintended consequences. The definition of bias incident is too broad, and should be different than the definition for the hotline. The broad definition could inadvertently suppress protected speech. An employee could misuse this leave. Since individual employers are left to decide what qualifies as a bias incident, they could be liable if their interpretation is too narrow or broad. It is important for businesses to understand what qualifies as a bias incident, especially because this bill subjects them to a civil penalty. There are concerns that domestic violence organizations have not been consulted. Bias incidents should be removed from this bill.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor; Kendall Kosai, ADL Pacific Northwest; Christoph Mair, Washington State Labor Council.

OTHER: Rose Gundersen, WA Retail Association; Julia Gorton, Washington Hospitality Association; Imraan Siddiqi, Council of American Islamic Relations (CAIR) Washington; Sabrene Odeh, Council of American Islamic Relations (CAIR) Washington.

Persons Signed In To Testify But Not Testifying: No one.