

SENATE BILL REPORT

SB 5336

As of January 28, 2025

Title: An act relating to protections for isolated employees.

Brief Description: Concerning protections for isolated employees.

Sponsors: Senators Orwall, Saldaña, Frame, Hasegawa, Lovick, Nobles, Stanford, Trudeau, Valdez and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/28/25.

Brief Summary of Bill

- Adds enforcement provisions to the isolated employee statute and authorizes the Department of Labor and Industries to investigate violations and assess penalties for willful violations.
- Requires employers to maintain a record of the purchase and utilization of required panic buttons.
- Modifies and consolidates terminology related to isolated employees.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: State law requires every hotel, motel, retail, or security guard entity, or property service contractor, who employs an employee to:

- adopt a sexual harassment policy;
- provide mandatory training to managers, supervisors, and employees to prevent sexual harassment and sexual discrimination, and to inform the employer's workforce on legal protections for employees;
- provide a list of resources for employees to utilize; and

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.

- provide a panic button to each employee.

An employee is an individual who spends a majority of their working hours alone, or whose primary work responsibility involves working without another coworker present, and who is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

A panic button is an emergency contact device carried by an employee by which the employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

A property service contractor must submit the following to the Department of Labor and Industries (L&I):

- the date of adoption of the required sexual harassment policy;
- the number of managers, supervisors, and employees trained; and
- the physical address of the work location or locations at which janitorial services are provided by workers of the property services contractor and specified information about each location.

L&I is required to make aggregate data from the information received from property service contractors available upon request.

A property service contractor is any person or entity that employs workers:

- to perform labor for another person to provide commercial janitorial services; or
- on behalf of an employer to provide commercial janitorial services.

A property service contractor is not the Employment Security Department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, if the work is performed on land owned or leased by the individuals.

Summary of Bill: Definitions and Terminology. The terms employee, worker, contractor, and workforce are consolidated into the term isolated employee. References to hotel, motel, retail, and security guard entity are moved to the definition of employer. Expired dates are removed from the definition of security guard.

Training, Recordkeeping, and Reporting. The required training for isolated employees must include information on how to use panic buttons and inform supervisors on the responsibility to respond to the use of panic buttons. Employers are required to document completion of the mandatory training and maintain a record of the purchase and utilization of panic buttons provided to isolated employees. Both the documentation and the records must be provided to L&I upon request. It is specified that the information property service contractors are required to send L&I must be sent annually.

Penalties. Penalties are added to the isolated employee statute. If L&I has reason to believe

that an employer or property services contractor has failed to comply the isolated employee statute, then L&I may investigate.

L&I must investigate violations and issue a citation assessing a civil penalty or a closure letter. The civil penalty for the first willful violation is \$1,000. For repeat willful violations, there is a civil penalty of at least \$2,000 but not more than \$10,000. L&I may waive or reduce penalties if the employer takes corrective action to resolve the violation.

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: Panic buttons are incredibly important for isolated workers. If they are not working, there is no security for the employee. The bill makes isolated workers safer. Janitors and housekeepers often clean by themselves and need to make sure employers are taking safety seriously. Many workers are not receiving required training. Isolated workers need a line of communication in case of violence or other incidents. The statute needs remedies for noncompliance. The remedies under the Washington Law Against Discrimination would be better than a civil penalty by L&I. L&I provided employers with thorough guidance, but compliance is still low.

OTHER: The hospitality industry is supportive of the underlying law and is neutral on the bill. The Senate definitions and the House enforcement language are preferred.

Persons Testifying: PRO: Senator Tina Orwall, Prime Sponsor; Milixa Portillo, SEIU6; Sofia Pineda, SEIU6; Ellicott Dandy, Washington Employment Lawyers Association; Matt Haney, SEIU6 Property Services NW.

OTHER: Julia Gorton, Washington Hospitality Association.

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