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**SUBSTITUTE HOUSE BILL 1128**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Fosse, Stonier, Berry, Bronoske, Davis, Taylor, Wylie, Nance, Pollet, Ormsby, Scott, Mena, Doglio, Alvarado, Berg, Peterson, Goodman, Reeves, Reed, Parshley, Stearns, Simmons, Cortes, Ramel, Ryu, Timmons, Hackney, Kloba, Callan, Farivar, Ortiz-Self, Paul, Morgan, Shavers, Macri, Obras, Rule, Fey, Lekanoff, Bergquist, Salahuddin, Bernbaum, and Hill)

READ FIRST TIME 02/12/25.

1 AN ACT Relating to establishing a child care workforce standards  
2 board; and adding a new chapter to Title 49 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the  
5 following:

6 (a) High quality child care and early learning enable parents to  
7 go to work, keeping the economy going at all levels and returning six  
8 dollars in value for every one dollar invested. High quality early  
9 learning services help prepare children for success in school and in  
10 life. A high quality child care and early learning system depends on  
11 a thriving, healthy, and competitively compensated workforce. Current  
12 conditions for child care workers have resulted in lack of access,  
13 unaffordable prices, and poorer outcomes for children and families;

14 (b) Low compensation and poor working conditions impair the  
15 health, efficiency, and well-being of persons employed to provide  
16 child care, constitute unfair competition against other employers and  
17 their employees, threaten the stability of the child care market,  
18 create economic instability for providers, and result in a provider  
19 workforce that must rely in public and private assistance to support  
20 their own families;

1 (c) The fissured nature of child care workplaces exacerbates  
2 these conditions and create barriers preventing workers from being  
3 able to address these problems on their own; and

4 (d) Employment under these conditions threatens the health and  
5 well-being of the people of Washington and injures the overall  
6 economy.

7 (2) Therefore, it is the declared policy of the state that such  
8 working conditions for child care workers be eliminated as rapidly as  
9 practicable through establishment of a workforce standards board  
10 comprised of employer and worker representatives and state agency  
11 representatives to set minimum compensation and other employment  
12 standards.

13 (3) To ensure the state's policy goals are achieved, it is  
14 essential that child care workers are informed of their rights at  
15 work and under this act; are encouraged and able to freely  
16 participate in standard setting through the workforce standards board  
17 process; and are protected against any retaliation for such  
18 participation.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply  
20 throughout this chapter unless the context clearly requires  
21 otherwise.

22 (1) "Board" means the Washington state child care workforce  
23 standards board established pursuant to this chapter.

24 (2) "Certified worker organization" means a worker organization  
25 that is certified by the board as qualified to conduct worker  
26 trainings for the purposes of this chapter.

27 (3) "Child care employer" means any employer of child care  
28 workers.

29 (4) "Child care worker" means any worker providing child care  
30 services, excluding administrative staff, at a child care provider  
31 licensed or certified by the department of children, youth, and  
32 families. "Child care worker" includes family child care providers as  
33 defined in RCW 41.56.030.

34 (5) "Department" means the department of labor and industries.

35 (6) "Director" means the director of the department of labor and  
36 industries or the director's designee.

37 (7) "Employer organization" means:

1 (a) An organization that is exempt from federal income taxation  
2 under section 510(c)(6) of the internal revenue code that represents  
3 child care employers; or

4 (b) An entity that employers, who together employ the largest  
5 number of child care workers in Washington, have selected as a  
6 representative.

7 (8) "Worker organization" means a worker organization exempt from  
8 federal income taxation under section 501(c)(3), (4), or (5) of the  
9 internal revenue code, that is not dominated or interfered with by  
10 any child care employer within the meaning of United States Code,  
11 Title 29, section 158a(2), and that has a minimum of five years  
12 demonstrated experience engaging with and advocating for employment  
13 standards for child care workers.

14 NEW SECTION. **Sec. 3.** (1) The Washington state childcare  
15 workforce standards board is created with the powers and duties  
16 established by law. The board is composed of members appointed by the  
17 governor as provided in this subsection:

18 (a) Three members who represent child care workers, subject to  
19 the following:

20 (i) One member must be appointed from a list of at least three  
21 names submitted by the largest organization representing family child  
22 care providers;

23 (ii) One member must be appointed from a list of at least three  
24 names submitted by the largest organization representing child care  
25 center workers; and

26 (iii) One member must represent workers in school-age programs.

27 (b) Three members who represent child care employers or employer  
28 organizations, with at least one representing child care family home  
29 providers and one representing a small business of 15 or fewer  
30 employees;

31 (c) One representative of a professional development or training  
32 program for child care workers;

33 (d) One representative of an organization representing parents;  
34 and

35 (e) The secretary of the department of children, youth, and  
36 families and the director of the department of labor and industries,  
37 or their designees.

38 (2) Board members appointed under subsection(1)(a) or (b) of this  
39 section shall serve four-year terms following the initial staggered

1 lot determination in subsection (3) of this section and must not be  
2 appointed to more than two full consecutive four-year terms. The  
3 governor shall fill vacancies occurring prior to the expiration of a  
4 member's term by appointment for the unexpired term. A member serves  
5 until a successor is appointed.

6 (3) (a) The governor must make initial appointments to the board  
7 no later than September 1, 2025. The initial terms for board members  
8 appointed under subsection (1) (a) and (b) of this section must be  
9 determined by lot as follows:

10 (i) One member appointed under subsection (1) (a) and (b) of this  
11 section shall serve a two-year term;

12 (ii) One member appointed under subsection (1) (a) and (b) of this  
13 section shall serve a three-year term; and

14 (iii) One member appointed under subsection (1) (a) and (b) of  
15 this section shall serve a four-year term.

16 (b) The director must convene the first meeting of the board by  
17 October 1, 2025. The board must elect a chair at its first meeting.

18 (4) The board shall elect a member by majority vote to serve as  
19 its chairperson and shall determine the term to be served by the  
20 chairperson.

21 (5) Board members must be compensated in accordance with RCW  
22 43.03.220 and must be reimbursed for travel expenses as provided in  
23 RCW 43.03.050 and 43.03.060.

24 (6) The affirmative vote of six board members is required for the  
25 board to take any action, including actions necessary to establish  
26 minimum child care employment standards under section 4 of this act.

27 (7) To carry out its duties, the board shall hold public hearings  
28 on, and conduct investigations into, working conditions in the child  
29 care industry in accordance with section 4 of this act.

30 (8) The director may employ personnel to carry out duties of the  
31 board under this chapter.

32 (9) The director shall provide administrative staff support to  
33 the board.

34 (10) The department may adopt new rules to implement or enforce  
35 this chapter.

36 (11) The board shall establish operating procedures that meet all  
37 state and federal antitrust requirements and may prohibit board  
38 member access to data to meet the requirements of this subsection.

39 (12) The board is subject to the requirements of chapters 34.05  
40 and 42.56 RCW.

1        NEW SECTION.        **Sec. 4.**        (1)(a) The board must adopt rules  
2 establishing minimum child care employment standards that are  
3 reasonably necessary and appropriate to protect the health and safety  
4 of child care workers, to ensure that child care workers are properly  
5 trained about and fully informed of their rights under this chapter,  
6 and to otherwise satisfy the purposes of this act. Standards  
7 established by the board must include, as appropriate, standards on  
8 compensation and other working conditions for child care workers. In  
9 establishing standards under this section, the board must establish  
10 statewide standards and may adopt standards that apply to specific  
11 child care occupations or geographic regions.

12        (b) The board may not adopt standards regarding licensing of  
13 child care facilities. The board may not adopt standards that are  
14 less protective of or beneficial to child care workers as any other  
15 applicable statute or rule or any standard previously established by  
16 the board unless there is a determination by the board under  
17 subsection (2)(c) of this section.

18        (c) The board must adopt rules establishing initial standards for  
19 wages for child care workers no later than August 1, 2026. The board  
20 shall consult with the department in the development of these  
21 standards prior to beginning the rule adoption process.

22        (d) To the extent that any minimum standards that the board finds  
23 are reasonably necessary and appropriate to protect the health and  
24 safety of child care workers fall within the jurisdiction of chapter  
25 49.17 RCW, the board shall not adopt rules establishing the standards  
26 but shall instead recommend the occupational health and safety  
27 standards to the director. The director shall initiate rule making  
28 under chapter 49.17 RCW on child care health and safety standards as  
29 recommended by the board, unless the director determines that the  
30 recommended standard is outside the statutory authority of the  
31 department, is already covered under existing standards, presents  
32 enforceability challenges, is infeasible to implement, or is  
33 otherwise unlawful and issues a written explanation of this  
34 determination.

35        (2)(a) The board must investigate market conditions and the  
36 existing wages, benefits, and working conditions of child care  
37 workers for specific geographic areas of the state and specific child  
38 care occupations. Based on this information, the board must seek to  
39 adopt minimum child care employment standards that meet or exceed  
40 existing industry conditions for a majority of child care workers in

1 the relevant geographic area and child care occupation. Except as  
2 provided in (c) of this subsection, initial employment standards  
3 established by the board are effective beginning January 1, 2027, and  
4 remain in effect until any subsequent standards are adopted by rules.

5 (b) The board may consider the following types of information in  
6 making determinations that employment standards are reasonably  
7 necessary to protect the health and welfare of child care workers:

8 (i) Wage rate and benefit data collected by or submitted to the  
9 board for child care workers in the relevant geographic area and  
10 child care occupations;

11 (ii) Statements showing wage rates and benefits paid to child  
12 care workers in the relevant geographic area and child care  
13 occupations;

14 (iii) Signed collective bargaining agreements applicable to child  
15 care workers in the relevant geographic area and child care  
16 occupations;

17 (iv) Testimony and information from current and former child care  
18 workers, worker organizations, child care employers, parents of  
19 children currently in child care, and child care organizations;

20 (v) Local minimum employment standards;

21 (vi) Information submitted by or obtained from state and local  
22 government entities, including registries or data regarding employee  
23 training, recruitment, and retention;

24 (vii) Information from a federally approved rate-setting tool for  
25 child care funding; and

26 (viii) Any other information pertinent to establishing minimum  
27 child care employment standards.

28 (c) If the established child care employment standards result in  
29 an increase in costs for services covered under RCW 41.56.028, the  
30 standards are not effective until the legislature appropriates  
31 funding sufficient to cover the increase in costs. This subsection  
32 does not prohibit the state from providing funding to meet standards  
33 set by the board.

34 (3) At least once every four years, the board shall:

35 (a) Conduct a full review of the adequacy of the minimum child  
36 care employment standards previously established by the board; and

37 (b) Following that review, adopt new rules, amend or repeal  
38 existing rules, or make recommendations to adopt new rules or amend  
39 or repeal existing rules for minimum child care employment standards,  
40 as appropriate to meet the purposes of this act.

1 (4) (a) In the event of a conflict between a standard established  
2 by the board in rule and a rule adopted by another state agency, the  
3 rule adopted by the board applies to child care workers and child  
4 care employers.

5 (b) Notwithstanding (a) of this subsection, in the event of a  
6 conflict between a standard established by the board in rule and a  
7 rule adopted by another state agency, the rule adopted by the other  
8 state agency applies to child care workers and child care employers  
9 if the rule adopted by the other state agency is adopted after the  
10 board's standard and the rule adopted by the other state agency is  
11 more protective or beneficial than the board's standard.

12 (c) Notwithstanding (a) of this subsection, if the secretary of  
13 the department of children, youth, and families determines that a  
14 standard established by the board in rule or recommended by the board  
15 conflicts with requirements in federal regulations for child care  
16 certification or with state statutes or rules governing licensure of  
17 child care employers, the federal regulations or state child care  
18 licensure statutes or rules take precedence, and the conflicting  
19 board standard or rule does not apply to child care workers or child  
20 care employers. The secretary is required to provide a written  
21 explanation of the rule or recommendation and how it conflicts with  
22 the federal regulations.

23 (5) Nothing in this act may be construed to:

24 (a) Limit the rights of parties to a collective bargaining  
25 agreement to bargain and agree with respect to child care employment  
26 standards; or

27 (b) Diminish the obligation of a child care employer to comply  
28 with any contract, collective bargaining agreement, or employment  
29 benefit program or plan that meets or exceeds, and does not conflict  
30 with, the minimum standards and requirements established by the board  
31 under this chapter.

32 NEW SECTION. **Sec. 5.** (1) The board must certify worker  
33 organizations that it finds are qualified to provide training to  
34 childcare workers according to this section. The board shall by rule  
35 establish certification criteria that a worker organization must meet  
36 in order to be certified and provide a process for renewal of  
37 certification upon the board's review of the worker organization's  
38 compliance with this section. The criteria must ensure that a worker  
39 organization, if certified, is able to provide:

1 (a) Effective, interactive training on the information required  
2 by this section; and

3 (b) Follow-up written materials and responses to inquiries from  
4 child care workers in the three languages most commonly spoken by  
5 child care workers in the state.

6 (2)(a) The board shall establish requirements for the curriculum  
7 for the child care worker training required by this section. A  
8 curriculum must at least provide the following information to child  
9 care workers:

10 (i) The applicable compensation and working conditions in the  
11 minimum standards or local minimum standards established by the  
12 board;

13 (ii) The antiretaliation protections established in sections 7  
14 and 8 of this act;

15 (iii) Information on how to enforce this act and on how to report  
16 violations of this act or of standards established by the board,  
17 including contact information for the department, the board, and any  
18 local enforcement agencies, and information on the remedies available  
19 for violations;

20 (iv) The purposes and functions of the board and information on  
21 upcoming hearings, investigations, or other opportunities for child  
22 care workers to become involved in board proceedings;

23 (v) Workers' rights to paid family and medical leave under  
24 chapter 50A.05 RCW;

25 (vi) Other rights, duties, and obligations under this chapter;

26 (vii) Any updates or changes to the information provided  
27 according to subsection (2) of this section since the most recent  
28 training session;

29 (viii) Any other information the board deems appropriate to  
30 facilitate compliance with this act; and

31 (ix) Information on labor standards in other applicable local,  
32 state, and federal laws, rules, and ordinances regarding child care  
33 working conditions or child care worker health and safety.

34 (b) Before establishing initial curriculum requirements, the  
35 board must hold at least one public hearing to solicit input on the  
36 requirements.

37 (3) A certified worker organization is not required to cover all  
38 of the topics listed in subsection (2) of this section in a single  
39 training session. A curriculum used by a certified worker  
40 organization may provide instruction on each topic listed in



1 subsection (2) of this section over the course of up to three  
2 training sessions.

3 (4) The board must review the adequacy of its curriculum  
4 requirements at least annually and must revise the requirements as  
5 appropriate to meet the purposes of this act. As part of each annual  
6 review of the curriculum requirements, the board must hold at least  
7 one public hearing to solicit input on the requirements.

8 (5) A certified worker organization:

9 (a) Must use a curriculum for its training sessions that meets  
10 requirements established by the board;

11 (b) Must provide trainings that are interactive and conducted in  
12 the three languages most commonly spoken by child care workers in the  
13 state;

14 (c) Must, at the end of each training session, provide attending  
15 child care workers with follow-up written or electronic materials on  
16 the topics covered in the training session, in order to fully inform  
17 child care workers of their rights and opportunities under this  
18 chapter. A child care worker may request, and the certified worker  
19 organization must provide, the follow-up materials be provided to the  
20 child care worker in one of the three languages most commonly spoken  
21 by child care workers in the state;

22 (d) Must make itself reasonably available to respond to inquiries  
23 from child care workers during and after training sessions; and

24 (e) May conduct surveys of child care workers who attend a  
25 training session to assess the effectiveness of the training session  
26 and industry compliance with this act and other applicable laws,  
27 rules, and ordinances governing child care working conditions or  
28 worker health and safety.

29 (6)(a) A child care employer must ensure that every two years  
30 each of its child care workers completes one hour of training that  
31 meets the requirements of this section and is provided by a certified  
32 worker organization. The child care employer must certify its  
33 compliance with this subsection to the board. A child care employer  
34 may, but is not required to, host training sessions on their  
35 premises.

36 (b) If requested by a certified worker organization, a child care  
37 employer must, after a training session provided by the certified  
38 worker organization, provide the certified worker organization with  
39 the names and contact information of the child care workers who

1 attended the training session, unless a child care worker opts out  
2 according to (c) of this subsection.

3 (c) A child care worker may opt out of having the worker's child  
4 care employer provide the worker's name and contact information to a  
5 certified worker organization that provided a training session  
6 attended by the worker by submitting a written statement to that  
7 effect to the child care employer.

8 (7) A child care employer must compensate its child care workers  
9 at their regular hourly rate of wages and benefits for each hour of  
10 training completed as required by this section and reimburse any  
11 travel expenses if the training sessions are not held on their  
12 premises.

13 NEW SECTION. **Sec. 6.** (1)(a) Child care employers must provide  
14 notices informing child care workers of the rights and obligations  
15 provided under this chapter of applicable minimum child care  
16 employment standards and local minimum standards and that for  
17 assistance and information, child care workers should contact the  
18 department. A child care employer must provide notice using the same  
19 means that the child care employer uses to provide other work-related  
20 notices to child care workers. Provision of notice must be at least  
21 as conspicuous as:

22 (i) Posting a copy of the notice at each work site where child  
23 care workers work and where the notice may be readily seen and  
24 reviewed by all child care workers working at the site; or

25 (ii) Providing a paper or electronic copy of the notice to all  
26 child care workers and applicants for employment as a child care  
27 worker.

28 (b) The notice required by this section must include text  
29 provided by the board that informs child care workers that they may  
30 request the notice to be provided in a particular language. The child  
31 care employer must provide the notice in the language requested by  
32 the child care worker. The board must assist child care employers in  
33 translating the notice in the three languages most commonly spoken by  
34 child care workers in the state.

35 (2) The board must adopt rules specifying the minimum content and  
36 posting requirements for the notices required in this section. The  
37 board must make available to child care employers a template or  
38 sample notice that satisfies the requirements of this section and  
39 rules adopted under this section.

1        NEW SECTION.        **Sec. 7.**        (1) A child care employer may not  
2 discharge, discipline, penalize, interfere with, threaten, restrain,  
3 coerce, or otherwise retaliate or discriminate against a child care  
4 worker because the person has exercised or attempted to exercise  
5 rights protected under this act, including but not limited to:

6        (a) Exercising any right afforded to the child care worker under  
7 this act;

8        (b) Participating in any process or proceeding under this act  
9 including, but not limited to, board hearings, board or department  
10 investigations, or other related proceedings;

11        (c) Communicating with other child care workers or participating  
12 in activities with a worker organization regarding matters covered  
13 under this act; or

14        (d) Attending or participating in the training required by  
15 section 5 of this act.

16        (2) It is unlawful for an employer to:

17        (a) Inform another employer that a child care worker or former  
18 child care worker has engaged in activities protected under this  
19 chapter; or

20        (b) Report or threaten to report the actual or suspected  
21 citizenship or immigration status of a child care worker, former  
22 child care worker, or family member of a child care worker to a  
23 federal, state, or local agency for exercising or attempting to  
24 exercise any right protected under this act.

25        (3) (a) If a child care employer takes adverse action against an  
26 employee or a former employee within 90 days of the employee engaging  
27 or attempting to engage in activities protected by this chapter,  
28 there is a rebuttable presumption that the adverse action is a  
29 retaliatory action in violation of this section.

30        (b) The presumption may be rebutted by a preponderance of  
31 evidence that:

32        (i) The action was taken for other permissible reasons; and

33        (ii) The engaging or attempting to engage in activities protected  
34 by this chapter was not one of the substantial motivating factors in  
35 the adverse action.

36        (4) A person found to have experienced retaliation in violation  
37 of this section is entitled to back pay and reinstatement to the  
38 person's previous position, wages, benefits, hours, and other  
39 conditions of employment.

1 (5) The department must carry out and enforce the provisions of  
2 this section pursuant to procedures established under chapter 49.46  
3 RCW and any applicable rules. The department may adopt new rules to  
4 implement or enforce this section.

5 NEW SECTION. **Sec. 8.** (1) Except as provided in section 4(4) (b)  
6 and (c) of this act, the minimum wages and other working conditions  
7 established by the board in rule as minimum child care employment  
8 standards are the minimum wages and standard conditions of labor for  
9 child care workers or a subgroup of child care workers as a matter of  
10 state law. Except as provided in section 4(4) (b) and (c) of this  
11 act, it is unlawful for a child care employer to employ a child care  
12 worker for lower wages than those established as the minimum child  
13 care employment standards or under any other working conditions that  
14 violate the minimum child care employment standards.

15 (2) The director may investigate possible violations of this  
16 chapter or of the minimum child care employment standards established  
17 by the board whenever it has cause to believe that a violation has  
18 occurred, either on the basis of a report of a suspected violation or  
19 on the basis of any other credible information, including violations  
20 found during the course of an investigation.

21 (3) (a) One or more child care workers deeming themselves to be  
22 injured by any act in violation of this chapter has a civil action in  
23 a court of competent jurisdiction to enjoin further violations, to  
24 obtain reinstatement, to recover the actual damages sustained by the  
25 person, together with the cost of suit including reasonable attorney  
26 fees.

27 (b) A child care worker found to have experienced retaliation in  
28 violation of section 7 of this act is entitled to back pay and  
29 reinstatement to the worker's previous position, wages, benefits,  
30 hours, and other conditions of employment. Filing a civil action  
31 under this subsection terminates the director's processing of the  
32 complaint under section 7 of this act.

33 (c) An agreement between a child care employer and child care  
34 worker or labor union that fails to meet the minimum standards and  
35 requirements in this chapter or established by the board is not a  
36 defense to an action brought under this subsection.

37 NEW SECTION. **Sec. 9.** By October 1, 2025, the department and the  
38 department of children, youth, and families must jointly enter into a

1 formal agreement that includes data sharing of information necessary  
2 to implement the provisions of this act.

3 NEW SECTION. **Sec. 10.** This act may be known and cited as the  
4 child care workforce standards board act.

5 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act  
6 constitute a new chapter in Title 49 RCW.

--- **END** ---