
HOUSE BILL 1128

State of Washington

69th Legislature

2025 Regular Session

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

Prefiled 12/23/24. Read first time 01/13/25. Referred to Committee on Labor & Workplace Standards.

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. "Child care worker"
31 includes family child care providers as defined in RCW 41.56.030.

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

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

35 (7) "Employer organization" means:

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

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

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

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

15 (a) Three members who represent child care workers, at least one
16 of whom must be appointed from a list of at least three names
17 submitted by the largest organization representing family child care
18 providers and at least one of whom must be appointed from a list of
19 at least three names submitted by the largest organization
20 representing child care center workers;

21 (b) Three members who represent child care employers or employer
22 organizations, with at least one representing child care family home
23 providers;

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

26 (d) One representative of an organization representing parents;
27 and

28 (e) The secretary of the department of children, youth, and
29 families and the director of the department of labor and industries,
30 or their designees.

31 (2) Board members appointed under subsection(1)(a) or (b) of this
32 section shall serve four-year terms following the initial staggered
33 lot determination in subsection (3) of this section and must not be
34 appointed to more than two full consecutive four-year terms. The
35 governor shall fill vacancies occurring prior to the expiration of a
36 member's term by appointment for the unexpired term. A member serves
37 until a successor is appointed.

38 (3)(a) The governor must make initial appointments to the board
39 no later than September 1, 2025. The initial terms for board members

1 appointed under subsection (1)(a) and (b) of this section must be
2 determined by lot as follows:

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

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

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

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

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

14 (5) Board members must be compensated in accordance with RCW
15 43.03.220 and must be reimbursed for travel expenses as provided in
16 RCW 43.03.050 and 43.03.060.

17 (6) The affirmative vote of five board members is required for
18 the board to take any action, including actions necessary to
19 establish minimum child care employment standards under section 4 of
20 this act.

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

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

26 (9) The director shall provide administrative staff support to
27 the board.

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

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

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

35 NEW SECTION. **Sec. 4.** (1)(a) The board must adopt rules
36 establishing minimum child care employment standards that are
37 reasonably necessary and appropriate to protect the health and safety
38 of child care workers, to ensure that child care workers are properly
39 trained about and fully informed of their rights under this chapter,

1 and to otherwise satisfy the purposes of this act. Standards
2 established by the board must include, as appropriate, standards on
3 compensation and other working conditions for child care workers. In
4 establishing standards under this section, the board must establish
5 statewide standards and may adopt standards that apply to specific
6 child care occupations.

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

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

17 (d) To the extent that any minimum standards that the board finds
18 are reasonably necessary and appropriate to protect the health and
19 safety of child care workers fall within the jurisdiction of chapter
20 49.17 RCW, the board shall not adopt rules establishing the standards
21 but shall instead recommend the occupational health and safety
22 standards to the director. The director shall initiate rule making
23 under chapter 49.17 RCW on child care health and safety standards as
24 recommended by the board, unless the director determines that the
25 recommended standard is outside the statutory authority of the
26 department, is already covered under existing standards, presents
27 enforceability challenges, is infeasible to implement, or is
28 otherwise unlawful and issues a written explanation of this
29 determination.

30 (2)(a) The board must investigate market conditions and the
31 existing wages, benefits, and working conditions of child care
32 workers for specific geographic areas of the state and specific child
33 care occupations. Based on this information, the board must seek to
34 adopt minimum child care employment standards that meet or exceed
35 existing industry conditions for a majority of child care workers in
36 the relevant geographic area and child care occupation. Except as
37 provided in (c) and (d) of this subsection, initial employment
38 standards established by the board are effective beginning January 1,
39 2027, and remain in effect until any subsequent standards are adopted
40 by rules.

1 (b) The board must consider the following types of information in
2 making determinations that employment standards are reasonably
3 necessary to protect the health and welfare of child care workers:

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

7 (ii) Statements showing wage rates and benefits paid to child
8 care workers in the relevant geographic area and child care
9 occupations;

10 (iii) Signed collective bargaining agreements applicable to child
11 care workers in the relevant geographic area and child care
12 occupations;

13 (iv) Testimony and information from current and former child care
14 workers, worker organizations, child care employers, parents of
15 children currently in child care, and child care organizations;

16 (v) Local minimum employment standards;

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

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

22 (viii) Any other information pertinent to establishing minimum
23 child care employment standards.

24 (c) If the established child care employment standards result in
25 an increase in costs that exceed any applicable federal payments, the
26 standards are not effective until an appropriation sufficient to
27 cover the rate increase is obtained.

28 (d) 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.

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

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

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

39 (4) (a) In the event of a conflict between a standard established
40 by the board in rule and a rule adopted by another state agency, the

1 rule adopted by the board applies to child care workers and child
2 care employers.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (v) Other rights, duties, and obligations under this chapter;

22 (vi) Any updates or changes to the information provided according
23 to subsection (2) of this section since the most recent training
24 session;

25 (vii) Any other information the board deems appropriate to
26 facilitate compliance with this act; and

27 (viii) Information on labor standards in other applicable local,
28 state, and federal laws, rules, and ordinances regarding child care
29 working conditions or child care worker health and safety.

30 (b) Before establishing initial curriculum requirements, the
31 board must hold at least one public hearing to solicit input on the
32 requirements.

33 (3) A certified worker organization is not required to cover all
34 of the topics listed in subsection (2) of this section in a single
35 training session. A curriculum used by a certified worker
36 organization may provide instruction on each topic listed in
37 subsection (2) of this section over the course of up to three
38 training sessions.

39 (4) The board must review the adequacy of its curriculum
40 requirements at least annually and must revise the requirements as

1 appropriate to meet the purposes of this act. As part of each annual
2 review of the curriculum requirements, the board must hold at least
3 one public hearing to solicit input on the requirements.

4 (5) A certified worker organization:

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

7 (b) Must provide trainings that are interactive and conducted in
8 the languages in which the attending child care workers are
9 proficient;

10 (c) Must, at the end of each training session, provide attending
11 child care workers with follow-up written or electronic materials on
12 the topics covered in the training session, in order to fully inform
13 child care workers of their rights and opportunities under this
14 chapter;

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

17 (e) May conduct surveys of child care workers who attend a
18 training session to assess the effectiveness of the training session
19 and industry compliance with this act and other applicable laws,
20 rules, and ordinances governing child care working conditions or
21 worker health and safety.

22 (6)(a) A child care employer must ensure that every two years
23 each of its child care workers completes one hour of training that
24 meets the requirements of this section and is provided by a certified
25 worker organization. The child care employer must certify its
26 compliance with this subsection to the board. A child care employer
27 may, but is not required to, host training sessions on their
28 premises.

29 (b) If requested by a certified worker organization, a child care
30 employer must, after a training session provided by the certified
31 worker organization, provide the certified worker organization with
32 the names and contact information of the child care workers who
33 attended the training session, unless a child care worker opts out
34 according to (c) of this subsection.

35 (c) A child care worker may opt out of having the worker's child
36 care employer provide the worker's name and contact information to a
37 certified worker organization that provided a training session
38 attended by the worker by submitting a written statement to that
39 effect to the child care employer.

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

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

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

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

21 (b) The notice required by this section must include text
22 provided by the board that informs child care workers that they may
23 request the notice to be provided in a particular language. The child
24 care employer must provide the notice in the language requested by
25 the child care worker. The board must assist child care employers in
26 translating the notice in the four languages most commonly spoken by
27 child care workers in the state.

28 (2) The board must adopt rules specifying the minimum content and
29 posting requirements for the notices required in this section. The
30 board must make available to child care employers a template or
31 sample notice that satisfies the requirements of this section and
32 rules adopted under this section.

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

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

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

6 (c) Communicating with other child care workers or participating
7 in activities with a worker organization regarding matters covered
8 under this act; or

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

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

12 (a) Inform another employer that a child care worker or former
13 child care worker has engaged in activities protected under this
14 chapter; or

15 (b) Report or threaten to report the actual or suspected
16 citizenship or immigration status of a child care worker, former
17 child care worker, or family member of a child care worker to a
18 federal, state, or local agency for exercising or attempting to
19 exercise any right protected under this act.

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

25 (b) The presumption may be rebutted by a preponderance of
26 evidence that:

27 (i) The action was taken for other permissible reasons; and
28 (ii) The engaging or attempting to engage in activities protected
29 by this chapter was not one of the substantial motivating factors in
30 the adverse action.

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 9.** This act may be known and cited as the
34 child care workforce standards board act.

35 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act
36 constitute a new chapter in Title 49 RCW.

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