
HOUSE BILL 1561

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By Representatives Stonier, Ortiz-Self, Fosse, Berry, Ramel, Reed, Gregerson, Parshley, Salahuddin, Peterson, Taylor, Ormsby, Scott, Macri, Doglio, Hill, Thomas, and Simmons

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

1 AN ACT Relating to providing labor market protections for
2 domestic workers; amending RCW 49.46.010, 49.60.040, and 51.12.020;
3 adding a new section to chapter 49.60 RCW; adding a new chapter to
4 Title 49 RCW; prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** Whereas domestic workers were historically
7 excluded from many basic labor protections and whereas these
8 protections have been identified as a priority to the people of the
9 state of Washington, this act declares that health, safety, wage
10 protections, and general welfare are guaranteed for domestic workers.
11 This includes meal and rest breaks, clarity on what constitutes
12 working time, sick time to care for themselves and their families,
13 and the freedom from discrimination and sexual harassment.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise.

17 (1) "Casual labor" means work that is irregular, uncertain, and
18 incidental in nature and duration and is different in nature from the
19 type of paid work in which the worker is customarily engaged in.

20 (2) "Department" means the department of labor and industries.

1 (3) "Director" means the director of labor and industries.

2 (4) "Domestic service" means services related to the care of
3 persons in private homes or the maintenance of private homes or their
4 premises.

5 (5)(a) "Domestic worker" includes hourly and salaried employees
6 and includes any worker who:

7 (i) Works for one or more hiring entity; and

8 (ii) Is an individual who works in residences as a nanny, house
9 cleaner, home care worker, cook, gardener, or household manager, or
10 for any domestic service purpose including but not limited to: Caring
11 for a child; providing support services for a person who is sick,
12 convalescing, elderly, or a person with a disability; providing
13 housekeeping or house cleaning services; cooking; providing food or
14 butler services; parking cars; cleaning laundry; gardening; or
15 working as a household manager.

16 (b) "Domestic worker" does not include:

17 (i) Persons who provide babysitting on a casual labor basis;

18 (ii) Any individual employed in casual labor in or about a
19 private home, unless performed in the course of the hiring entity's
20 trade, business, or profession;

21 (iii) Individual providers, as defined in RCW 74.39A.240;

22 (iv) Persons who perform house sitting, pet sitting, and dog
23 walking duties that do not involve domestic service; or

24 (v) Any individual in a family relationship with the hiring
25 entity.

26 (6) "Employ" includes to permit to work.

27 (7) "Family member" shall be liberally construed to include, but
28 not be limited to, a parent, child, sibling, aunt, uncle, cousin,
29 grandparent, grandchild, grandniece, or grandnephew, or such
30 relatives when related by marriage.

31 (8) "Hiring entity" means any employer, as defined in RCW
32 49.46.010, and in RCW 49.60.040, who employs a domestic worker, as
33 well as any individual, partnership, association, corporation,
34 business trust, or any combination thereof, which pays a wage or pays
35 wages for the services of a domestic worker. It includes any such
36 entity, person, or group of persons that provides compensation
37 directly or indirectly to a domestic worker for the performance of
38 domestic services and any such entity, person, or persons acting
39 directly or indirectly in the interest of the hiring entity in
40 relation to the worker. "Hiring entity" does not include state

1 agencies or in-home services agencies as defined in RCW 70.127.010 to
2 the extent that the home care services are funded through RCW
3 74.39A.310.

4 (9) "Standard rate of pay" means the agreed-upon rate of pay
5 between the hiring entity and domestic worker, as reflected in the
6 written agreement.

7 NEW SECTION. **Sec. 3.** A hiring entity employing a domestic
8 worker must follow these requirements:

9 (1) A hiring entity employing a domestic worker shall pay the
10 domestic worker at least the minimum hourly rate as provided by RCW
11 49.46.020. This constitutes a wage payment requirement as defined in
12 RCW 49.48.082.

13 (2) A hiring entity employing a domestic worker shall pay the
14 domestic worker an overtime wage at a rate of one and one-half times
15 the worker's regular rate for hours worked in excess of 40 hours in a
16 workweek as provided by RCW 49.46.130. This constitutes a wage
17 payment requirement as defined in RCW 49.48.082.

18 (3) Domestic workers are entitled to an uninterrupted meal period
19 of at least 30 minutes which commences no less than two hours nor
20 more than five hours from the beginning of the shift. Meal periods
21 shall be on the hiring entity's time when the domestic worker is
22 required by the hiring entity to remain on duty on the premises or at
23 a prescribed worksite in the interest of the hiring entity.

24 (a) No domestic worker shall be required to work more than five
25 consecutive hours without a meal period.

26 (b) Domestic workers working three or more hours longer than a
27 normal workday shall be allowed at least one 30-minute meal period
28 prior to or during the overtime period.

29 (c) Domestic workers shall be allowed an uninterrupted rest
30 period of not less than 10 minutes, on the hiring entity's time, for
31 each four hours of working time. Rest periods shall be scheduled as
32 near as possible to the midpoint of the work period. No domestic
33 worker shall be required to work more than three hours without a rest
34 period.

35 (d) A hiring entity may not discourage meal and rest breaks and
36 cannot request that a domestic worker voluntarily waive meal and rest
37 break requirements.

38 (e) If the nature of the work does not allow a domestic worker to
39 be relieved of all duties and an uninterrupted meal break or rest

1 breaks may be impractical or impossible, a hiring entity must
2 compensate the domestic worker for that time at the standard rate of
3 pay for that worker.

4 (4) Subsections (1), (2), and (3) of this section do not apply
5 where a domestic worker voluntarily provides additional homecare in
6 excess of a written agreement between only the domestic worker and a
7 family member to whom the domestic worker is providing services.

8 (5) For domestic workers living in the home of their hiring
9 entities, the hiring entity must permit the domestic worker to cook
10 and consume the worker's own food, subject to reasonable restrictions
11 based on the religious or health needs of the home's residents.

12 (6) The domestic worker must have the right to retain personal
13 effects, including any legal documents, including forms of
14 identification, passports, or other immigration documents.

15 (7) All terms and expectations of employment must be in a written
16 agreement as specified in RCW 49.46.010. This includes but is not
17 limited to: Location where the work will be done; rate of pay,
18 including overtime expectations and compensation for additional
19 duties, if any; the work schedule at the time of hire including meal
20 and rest breaks; if applicable, deduction agreements, information
21 about days of rest, sick days, vacation days, personal days, and
22 holidays; transportation, severance, and health insurance costs; and
23 any fees or other costs for the domestic worker associated with
24 expectations of employment.

25 (a) All written agreements under this subsection (7) shall be:

26 (i) Provided in a language or languages understood by both the
27 worker and hiring entity; and

28 (ii) Signed and dated by both the hiring entity and the domestic
29 worker, after any time requested for review by either party has
30 passed.

31 (b) No provisions in the written agreement may waive a domestic
32 worker's rights under federal, state, or local law.

33 (c) The agreements may not contain mandatory predispute
34 arbitration clauses for employee claims of their legal rights,
35 noncompete agreements, nondisclosure agreements, or nondisparagement
36 agreements that inhibit a domestic worker's claims of their legal
37 rights under this chapter, or noncompete agreements that limit the
38 ability of domestic workers to seek any other form of domestic work
39 postemployment.

1 (8) Any time a hiring entity initiates a written agreement of
2 employment, a disclosure of rights specified in section 16 of this
3 act must accompany that agreement.

4 (9) The hiring entity shall provide a minimum two-week
5 notification period before termination of the employment. For live-in
6 domestic workers, a minimum four-week notification period before
7 termination of the employment relationship shall be provided.

8 (a) No notification period is required if:

9 (i) It is in connection with termination of work performed on a
10 casual labor basis for a hiring entity;

11 (ii) It occurs during an agreed-upon probationary period.

12 (b) Notice of termination requirements do not apply if:

13 (i) The hiring entity terminates employment based on a good faith
14 belief that the domestic worker has engaged in misconduct as defined
15 in RCW 50.04.294 or if circumstances outside of the hiring entity or
16 the hiring entity's control apply. This includes death, or if both
17 the hiring entity and domestic worker agree that the care needs have
18 significantly changed and cannot be addressed by the current
19 employment relationship. If an investigation into termination
20 commences, the hiring entity must be able to articulate and support
21 the allegations of misconduct or change of circumstances;

22 (ii) If the domestic worker becomes unable to meet the stated
23 requirements for compensation as outlined in the written agreement.

24 (c) Failure to provide notification as required under this
25 subsection shall entitle the domestic worker to severance pay in the
26 amount of the worker's standard rate of pay multiplied by the regular
27 number of hours worked over the period of time during which the
28 required notification was not provided.

29 (10) A hiring entity shall create and maintain records
30 documenting hours worked, pay rate, the existence of a written
31 contract, and, where applicable, the leave time earned and used. If a
32 complaint is filed and an investigation commences, the hiring entity
33 must make these records accessible.

34 (11) The enforcement entity shall maintain the confidentiality of
35 all records it obtains in connection with enforcement activities to
36 the full extent permitted by law.

37 (12) Any wages due to domestic workers under this chapter are
38 subject to the provisions of RCW 49.52.050 and RCW 49.52.070, where
39 hiring entities are subject to the same obligations and remedies as
40 "employers" under those sections.

1 NEW SECTION. **Sec. 4.** A hiring entity that employs a domestic
2 worker may not:

3 (1) Request that the domestic worker allow the hiring entity, on
4 either a mandatory or voluntary basis, to have possession of any
5 personal effects, including any legal documents, including forms of
6 identification, passports, or other immigration documents;

7 (2) Engage in any form of discrimination and harassment as
8 defined by chapter 49.60 RCW. A domestic worker who files a complaint
9 or brings suit alleging discrimination in violation of RCW 49.60.180
10 shall be entitled to all the procedural and substantive rights
11 available under chapter 49.60 RCW;

12 (3) Subject a domestic worker to conduct with the purpose or
13 effect of unreasonable interfering with the domestic worker's work
14 performance by creating an intimidating, hostile, or offensive work
15 environment;

16 (4) Monitor or record, through any means, the activities of the
17 domestic worker using a bathroom or similar facility, in the domestic
18 worker's private living quarters, or while the domestic worker is
19 engaged in personal activities associated with dressing or changing
20 clothes;

21 (5) Monitor, record, or interfere with the private communications
22 of a domestic worker;

23 (6) Communicate to a person exercising rights protected under
24 this chapter, directly or indirectly, the willingness or intent to
25 inform a government employee or contracted organization suspected
26 citizenship or immigration status of a domestic worker or a family
27 member to a federal, state, or local agency because the domestic
28 worker has exercised any right under this chapter;

29 (7) Take any adverse action against a domestic worker because the
30 domestic worker has exercised their rights provided under this
31 chapter. Such rights include, but are not limited to: Filing an
32 action, organizing or communicating amongst themselves, participating
33 in political speech, disclosing their immigration status, or
34 instituting or causing to be instituted any proceeding under or
35 related to this chapter.

36 NEW SECTION. **Sec. 5.** Where more than one hiring entity has an
37 employment relationship with a domestic worker in connection with the
38 same work or where more than one hiring entity has an overlapping
39 employment relationship with a domestic worker, the hiring entities

1 are subject to liability as well as concurrent fines and penalties
2 for violations of this chapter. Any state agency that does not
3 contract with or employ domestic workers in the ordinary course of
4 business shall not be subject to liability unless that state agency
5 directly interferes with the rights established for domestic workers
6 under this act.

7 NEW SECTION. **Sec. 6.** (1) If a domestic worker files a complaint
8 with the department alleging a violation of the domestic worker's
9 rights under section 3 of this act, the department may investigate
10 the complaint under this section.

11 (a) The department may not investigate any such alleged violation
12 of rights that occurred more than three years before the date that
13 the domestic worker filed the complaint.

14 (b) If a domestic worker files a timely complaint with the
15 department, the department may investigate the complaint and issue
16 either a citation assessing a civil penalty or a closure letter
17 within 60 days after the date on which the department received the
18 complaint, unless the complaint is otherwise resolved. The department
19 may extend the period by providing advance written notice to the
20 domestic worker and the hiring entity setting forth good cause for an
21 extension of the period and specifying the duration of the extension.

22 (c) If the department investigates a violation under this
23 section, the department may send notice of a citation assessing a
24 civil penalty or the closure letter to both the hiring entity and the
25 domestic worker by service of process or using a method by which the
26 mailing can be tracked or the delivery can be confirmed to their last
27 known addresses.

28 (2) Unless otherwise resolved, if the department's investigation
29 finds that the domestic worker's allegation cannot be substantiated,
30 the department will issue a closure letter to the domestic worker and
31 the hiring entity detailing such finding.

32 (3) If the department determines that the violation of rights
33 under this chapter was a willful violation, the department may order
34 the hiring entity to pay the department a civil penalty as specified
35 in (a) of this subsection.

36 (a) A citation assessing a civil penalty for a willful violation
37 of such rights will be \$1,000 for each willful violation. For a
38 repeat willful violator, the citation assessing a civil penalty will

1 not be less than \$2,000 for each repeat willful violation, but no
2 greater than \$20,000 for each repeat willful violation.

3 (b) The department may not issue a citation assessing a civil
4 penalty if the hiring entity reasonably relied on:

5 (i) A written order, ruling, approval, opinion, advice,
6 determination, or interpretation of the director; or

7 (ii) An interpretive or administrative policy issued by the
8 department and filed with the office of the code reviser. In
9 accordance with the department's retention schedule obligations under
10 chapter 40.14 RCW, the department will maintain a complete and
11 accurate record of all written orders, rulings, approvals, opinions,
12 advice, determinations, and interpretations for purposes of
13 determining whether a hiring entity is immune from civil penalties
14 under this subsection (3)(b).

15 (c) The department may, at any time, waive or reduce a civil
16 penalty assessed under this section.

17 (d) The department will deposit civil penalties paid under this
18 section into a domestic workers rights grant program for the purpose
19 of enforcing rights for domestic workers under this act, educating
20 domestic workers of their rights under this act, educating domestic
21 worker hiring entities of their responsibilities under this act, and
22 assisting domestic workers in pursuing their workplace rights under
23 this act. The department will administer the grant program for
24 community organizations that further this purpose.

25 (4) For purposes of this section, the following definitions
26 apply:

27 (a) "Repeat willful violator" means any hiring entity that has
28 been the subject of a final and binding citation for a willful
29 violation of one or more rights under this chapter, and all
30 applicable rules, within three years of the date of issuance of the
31 most recent citation for a willful violation of one or more such
32 rights.

33 (b) "Willful" means a knowing and intentional action that is
34 neither accidental nor the result of a bona fide dispute.

35 NEW SECTION. **Sec. 7.** (1) A person, firm, or corporation
36 aggrieved by a citation assessing a civil penalty issued by the
37 department under section 6 of this act may appeal the citation to the
38 director by filing a notice of appeal with the director within 30
39 days of the department's issuance of the citation. A citation not

1 appealed within 30 days is final and binding, and not subject to
2 further appeal.

3 (2) A notice of appeal filed with the director under this section
4 will stay the effectiveness of the citation pending final review of
5 the appeal by the director as provided for in chapter 34.05 RCW.

6 (3) Upon receipt of a notice of appeal, the director will assign
7 the hearing to an administrative law judge of the office of
8 administrative hearings to conduct the hearing and issue an initial
9 order. The hearing and review procedures will be conducted in
10 accordance with chapter 34.05 RCW, and the standard of review by the
11 administrative law judge of an appealed citation will be de novo. Any
12 party who seeks to challenge an initial order shall file a petition
13 for administrative review with the director within 30 days after
14 service of the initial order. The director will conduct the
15 administrative review in accordance with chapter 34.05 RCW.

16 (4) The director will issue all final orders after appeal of the
17 initial order. The final order of the director is subject to judicial
18 review in accordance with chapter 34.05 RCW.

19 (5) Orders that are not appealed within the period specified in
20 this section and chapter 34.05 RCW are final and binding, and not
21 subject to further appeal.

22 (6) A hiring entity who fails to allow adequate inspection of
23 records in an investigation by the department within a reasonable
24 time period may not use such records in any appeal under this section
25 to challenge the correctness of any determination by the department
26 of penalties assessed.

27 NEW SECTION. **Sec. 8.** Collections of unpaid citations
28 administered under sections 10 and 11 of this act will be handled
29 pursuant to the procedures outlined in RCW 49.48.086.

30 NEW SECTION. **Sec. 9.** (1) It is unlawful for a hiring entity to
31 interfere with, restrain, or deny the exercise of any right provided
32 under or in connection with this chapter. This means a hiring entity
33 may not use a domestic worker's exercise of any of the rights
34 provided in this chapter as a negative factor in any employment
35 action such as evaluation, promotion, or termination, or otherwise
36 subject a domestic worker to discipline for the exercise of any
37 rights provided under this chapter.

1 (2) No hiring entity or any other person shall communicate to a
2 person exercising rights protected under this chapter, directly or
3 indirectly, the willingness or intent to inform a government employee
4 or contracted organization suspected citizenship or immigration
5 status of a domestic worker or a family member to a federal, state,
6 or local agency because the domestic worker has exercised a right
7 under this chapter.

8 (3) It is unlawful for a hiring entity to take any adverse action
9 against a domestic worker because the domestic worker has exercised
10 their rights provided under this chapter. Such rights include, but
11 are not limited to: Disclosing their immigration status or
12 instituting or causing to be instituted any proceeding under or
13 related to this chapter.

14 (4) Adverse action means any action taken or threatened by a
15 hiring entity against a domestic worker for their exercise of rights
16 under this chapter, which may include, but is not limited to:

- 17 (a) Denying the use of any rights provided under this chapter;
- 18 (b) Denying or delaying payment due under this chapter;
- 19 (c) Terminating, suspending, demoting, or denying a promotion;
- 20 (d) Reducing the number of work hours for which the domestic
21 worker is scheduled;
- 22 (e) Altering the domestic worker's preexisting work schedule;
- 23 (f) Reducing the domestic worker's rate of pay; and
- 24 (g) Threatening to take, or taking action, based upon the
25 immigration status of a domestic worker or a domestic worker's family
26 member.

27 (5) It shall be considered a rebuttable presumption of
28 retaliation if the hiring entity or any other person takes an adverse
29 action against a domestic worker within 90 calendar days of the
30 domestic worker's exercise of rights protected under this chapter.
31 However, in the case of seasonal employment that ended before the
32 close of the 90 calendar day period, the presumption also applies if
33 the hiring entity fails to rehire a former domestic worker at the
34 next opportunity for work in the same position. The hiring entity may
35 rebut the presumption with clear and convincing evidence that the
36 adverse action was taken for a permissible purpose.

37 NEW SECTION. **Sec. 10.** (1) A domestic worker who believes that
38 they were subject to retaliation by their hiring entity, as defined
39 in this chapter, except for section 4 of this act, for the exercise

1 of any domestic worker right under this chapter, may file a complaint
2 with the department within 180 days of the alleged retaliatory
3 action. The department may, at its discretion, extend the 180 day
4 period on recognized equitable principles or because extenuating
5 circumstances exist. For example, the department may extend the 180
6 day period when there is evidence that the hiring entity has
7 concealed or misled the domestic worker regarding the alleged
8 retaliatory action.

9 (2) If a domestic worker files a timely complaint with the
10 department alleging retaliation, the department may investigate the
11 complaint and issue either a citation and notice of assessment or a
12 determination of compliance within 90 days after the date on which
13 the department received the complaint, unless the complaint is
14 otherwise resolved. The department may extend the period by providing
15 advance written notice to the domestic worker and the hiring entity
16 setting forth good cause for an extension of the period and
17 specifying the duration of the extension.

18 (3) The department may consider a complaint to be otherwise
19 resolved when the domestic worker and the hiring entity reach a
20 mutual agreement to remedy any retaliatory action, or the domestic
21 worker voluntarily and on the domestic worker's own initiative
22 withdraws the complaint. Mutual agreements include, but are not
23 limited to, rehiring, reinstatement, back pay, and reestablishment of
24 benefits.

25 (4) If the department's investigation finds that the domestic
26 worker's allegation of retaliation cannot be substantiated, the
27 department may issue a determination of compliance to the domestic
28 worker and the hiring entity detailing such finding.

29 (5) If the department's investigation finds that the hiring
30 entity retaliated against the domestic worker, and the complaint is
31 not otherwise resolved, the department may, at its discretion, notify
32 the hiring entity that the department intends to issue a citation and
33 notice of assessment, and may provide up to 30 days after the date of
34 such notification for the hiring entity to take corrective action to
35 remedy the retaliatory action. If the complaint is not otherwise
36 resolved, then the department may issue a citation and notice of
37 assessment. The department's citation and notice of assessment may:

38 (a) Order the hiring entity to make payable to the domestic
39 worker earnings that the domestic worker did not receive due to the
40 hiring entity's retaliatory action, including interest of one percent

1 per month on all earnings owed. The earnings and interest owed will
2 be calculated from the first date earnings were owed to the domestic
3 worker;

4 (b) Order the hiring entity to restore the domestic worker to the
5 position of employment held by the domestic worker when the
6 retaliation occurred, or restore the domestic worker to an equivalent
7 position with equivalent employment hours, work schedule, benefits,
8 pay, and other terms and conditions of employment;

9 (c) For the first violation, order the hiring entity to pay the
10 department a civil penalty as specified in this chapter; and

11 (d) For a repeat violation, order the hiring entity to pay the
12 department up to double the civil penalty as specified in this
13 chapter.

14 (6) If the department issues a citation and notice of assessment
15 or determination of compliance, the department will send the citation
16 and notice of assessment or determination of compliance to both the
17 hiring entity and domestic worker by service of process or using a
18 method by which the mailing can be tracked or the delivery can be
19 confirmed to their last known addresses.

20 (7) During an investigation of the domestic worker's retaliation
21 complaint, if the department discovers information suggesting alleged
22 violations by the hiring entity of the domestic worker's other rights
23 under this chapter, and all applicable rules, the department may
24 investigate and take appropriate enforcement action without requiring
25 the domestic worker to file a new or separate complaint. If the
26 department determines that the hiring entity violated additional
27 rights of the domestic worker under this chapter, and all applicable
28 rules, the hiring entity may be subject to additional enforcement
29 actions for the violation of such rights. If the department discovers
30 information alleging the hiring entity retaliated against or
31 otherwise violated rights of other domestic workers under this
32 chapter, and all applicable rules, the department may launch further
33 investigation under this chapter, and all applicable rules, without
34 requiring additional complaints to be filed.

35 (8) The department may prioritize retaliation investigations as
36 needed to allow for timely resolution of complaints.

37 (9) Nothing in this chapter limits the department's ability to
38 investigate under any other authority.

39 (10) Nothing in this chapter limits a domestic worker's right to
40 pursue private legal action.

1 NEW SECTION. **Sec. 11.** (1) If the department's investigation
2 finds that a hiring entity retaliated against a domestic worker,
3 pursuant to the procedures outlined in sections 9 and 10 of this act,
4 the department may order the hiring entity to pay the department a
5 civil penalty. A civil penalty for a hiring entity's retaliatory
6 action will not be less than \$1,000 or an amount equal to 10 percent
7 of the total amount of unpaid earnings attributable to the
8 retaliatory action, whichever is greater. The maximum civil penalty
9 for a hiring entity's retaliatory action shall be \$20,000 for the
10 first violation, and \$40,000 for each repeat violation.

11 (2) The department may, at any time, waive or reduce any civil
12 penalty assessed against a hiring entity under this section if the
13 department determines that the hiring entity has taken corrective
14 action to remedy the retaliatory action.

15 (3) The department will deposit civil penalties paid under this
16 section in a fund dedicated to enforcement of this chapter.

17 (4) Collections of amounts owed for unpaid citations and notices
18 of assessment in this section will be handled pursuant to the
19 procedures outlined in RCW 49.48.086.

20 NEW SECTION. **Sec. 12.** (1) A person, firm, or corporation
21 aggrieved by a citation and notice of assessment or a determination
22 of compliance may, within 30 days after the date of such decision,
23 submit a request for reconsideration to the department setting forth
24 the grounds for seeking such reconsideration, or submit an appeal to
25 the director pursuant to the procedures outlined in subsection (4) of
26 this section. If the department receives a timely request for
27 reconsideration, the department will either accept the request or
28 treat the request as a notice of appeal.

29 (2) If a request for reconsideration is accepted, the department
30 will send notice of the request for reconsideration to the hiring
31 entity and the domestic worker. The department will determine if
32 there are any valid reasons to reverse or modify the department's
33 original decision to issue a citation and notice of assessment or
34 determination of compliance within 30 days of receipt of such
35 request. The department may extend this period by providing advance
36 written notice to the domestic worker and hiring entity setting forth
37 good cause for an extension of the period and specifying the duration
38 of the extension. After reviewing the reconsideration, the department
39 will either:

1 (a) Notify the domestic worker and the hiring entity that the
2 citation and notice of assessment or determination of compliance is
3 affirmed; or

4 (b) Notify the domestic worker and the hiring entity that the
5 citation and notice of assessment or determination of compliance has
6 been reversed or modified.

7 (3) A request for reconsideration submitted to the department
8 shall stay the effectiveness of the citation and notice of assessment
9 or the determination of compliance pending the reconsideration
10 decision by the department.

11 (4) Within 30 days after the date the department issues a
12 citation and notice of assessment or a determination of compliance,
13 or within 30 days after the date the department issues its decision
14 on the request for reconsideration, a person, firm, or corporation
15 aggrieved by a citation and notice of assessment or a determination
16 of compliance may file with the director a notice of appeal.

17 (5) A notice of appeal filed with the director under this section
18 shall stay the effectiveness of the citation and notice of assessment
19 or the determination of compliance pending final review of the appeal
20 by the director as provided for in chapter 34.05 RCW.

21 (6) Upon receipt of a notice of appeal, the director shall assign
22 the hearing to an administrative law judge of the office of
23 administrative hearings to conduct the hearing and issue an initial
24 order. The hearing and review procedures shall be conducted in
25 accordance with chapter 34.05 RCW, and the standard of review by the
26 administrative law judge of an appealed citation and notice of
27 assessment or determination of compliance shall be de novo. Any party
28 who seeks to challenge an initial order shall file a petition for
29 administrative review with the director within 30 days after service
30 of the initial order. The director shall conduct administrative
31 review in accordance with chapter 34.05 RCW.

32 (7) If a request for reconsideration is not submitted to the
33 department within 30 days after the date of the original citation and
34 notice of assessment or determination of compliance, and a person,
35 firm, or corporation aggrieved by a citation and notice of assessment
36 or determination of compliance did not submit an appeal to the
37 director, then the citation and notice of assessment or determination
38 of compliance is final and binding, and not subject to further
39 appeal.

1 (8) The director shall issue all final orders after appeal of the
2 initial order. The final order of the director is subject to judicial
3 review in accordance with chapter 34.05 RCW.

4 (9) Director's orders that are not appealed within the time
5 period specified in this section and chapter 34.05 RCW are final and
6 binding, and not subject to further appeal.

7 (10) A hiring entity who fails to allow adequate inspection of
8 records in an investigation by the department within a reasonable
9 time period may not use such records in any appeal to challenge the
10 correctness of any determination by the department.

11 NEW SECTION. **Sec. 13.** The department may adopt rules to
12 implement this chapter.

13 NEW SECTION. **Sec. 14.** This chapter establishes minimum
14 standards for wages and working conditions of domestic workers in
15 this state, unless exempted herefrom, and is in addition to and
16 supplementary to any other federal, state, or local law or ordinance,
17 or any rule or regulation issued thereunder. Any standards or rights
18 established by any applicable federal, state, or local law or
19 ordinance, or any rule or regulation issued thereunder, which are
20 more favorable to domestic workers than the minimum standards and
21 rights established by this chapter, or any rule or regulation issued
22 hereunder, shall not be affected by this chapter and such other laws,
23 or rules or regulations, shall be in full force and effect and may be
24 enforced as provided by law. The remedies provided by this chapter
25 are not exclusive and are concurrent with any other remedy provided
26 by law.

27 NEW SECTION. **Sec. 15.** The attorney general's office shall
28 develop and make available a model disclosure statement which
29 describes a hiring entity's obligations and domestic worker's rights
30 under this chapter, in at least eight of the most commonly spoken
31 languages in Washington state. The disclosure statement must include
32 notice about any state law, rule, or regulation governing maternity
33 disability leave and indicate that federal or local ordinances, laws,
34 rules, or regulations may also apply. The model disclosure must also
35 include a telephone number and an address of the department to enable
36 domestic workers to obtain more rights, obligations, and enforcement.

1 NEW SECTION. **Sec. 16.** The attorney general's office shall
2 develop and make available a model written agreement, which describes
3 a hiring entity's obligations and domestic worker's rights under this
4 act in at least eight of the most commonly spoken languages.

5 NEW SECTION. **Sec. 17.** (1) A domestic worker who deems
6 themselves injured by a violation of this act has the right to bring
7 forward any civil action, in a court of competent jurisdiction, for
8 any violation of rights pursuant to this act. This means any legal
9 action necessary to collect such claim, and the hiring entity shall
10 be required to pay the costs and such reasonable attorneys' fees as
11 may be allowed by the court.

12 (2) Any agreement between such domestic worker and the hiring
13 entity allowing the domestic worker to receive less than what is due
14 under this chapter shall be no defense to such action.

15 NEW SECTION. **Sec. 18.** (1) The department may:

16 (a) Upon obtaining information indicating a hiring entity may be
17 committing a violation under this chapter, except for section 4 of
18 this act, conduct investigations to ensure compliance with this
19 chapter;

20 (b) Order the payment of all wages owed the domestic worker and
21 institute actions necessary for the collection of the sums determined
22 owed; and

23 (c) Take assignments of wage claims and prosecute actions for the
24 collection of wages of persons who are financially unable to employ
25 counsel when in the judgment of the director of the department the
26 claims are valid and enforceable in the courts.

27 (2) The director of the department or any authorized
28 representative may, for the purpose of carrying out this chapter:

29 (a) Issue subpoenas to compel the attendance of witnesses or
30 parties and the production of books, papers, or records;

31 (b) Administer oaths and examine witnesses under oath;

32 (c) Take the verification of proof of instruments of writing; and

33 (d) Take depositions and affidavits. If assignments for wage
34 claims are taken, court costs shall not be payable by the department
35 for prosecuting such suits.

36 (3) The director shall have a seal inscribed "Department of Labor
37 and Industries—State of Washington" and all courts shall take
38 judicial notice of such seal. Obedience to subpoenas issued by the

1 director or authorized representative shall be enforced by the courts
2 in any county.

3 **Sec. 19.** RCW 49.46.010 and 2024 c 132 s 1 are each amended to
4 read as follows:

5 As used in this chapter:

6 (1) "Director" means the director of labor and industries;

7 (2) "Employ" includes to permit to work;

8 (3) "Employee" includes any individual employed by an employer
9 but shall not include:

10 (a) Any individual (i) employed as a hand harvest laborer and
11 paid on a piece rate basis in an operation which has been, and is
12 generally and customarily recognized as having been, paid on a piece
13 rate basis in the region of employment; (ii) who commutes daily from
14 his or her permanent residence to the farm on which he or she is
15 employed; and (iii) who has been employed in agriculture less than
16 thirteen weeks during the preceding calendar year;

17 (b) Any individual employed in casual labor in or about a private
18 home, unless performed in the course of the employer's trade,
19 business, or profession;

20 (c) Any individual employed in a bona fide executive,
21 administrative, or professional capacity or in the capacity of
22 outside salesperson as those terms are defined and delimited by rules
23 of the director. However, those terms shall be defined and delimited
24 by the human resources director pursuant to chapter 41.06 RCW for
25 employees employed under the director of personnel's jurisdiction;

26 (d) Any individual engaged in the activities of an educational,
27 charitable, religious, state or local governmental body or agency, or
28 nonprofit organization where the employer-employee relationship does
29 not in fact exist or where the services are rendered to such
30 organizations gratuitously. If the individual receives reimbursement
31 in lieu of compensation for normally incurred out-of-pocket expenses
32 or receives a nominal amount of compensation per unit of voluntary
33 service rendered, an employer-employee relationship is deemed not to
34 exist for the purpose of this section or for purposes of membership
35 or qualification in any state, local government, or publicly
36 supported retirement system other than that provided under chapter
37 41.24 RCW;

38 (e) Any individual employed full time by any state or local
39 governmental body or agency who provides voluntary services but only

1 with regard to the provision of the voluntary services. The voluntary
2 services and any compensation therefor shall not affect or add to
3 qualification, entitlement, or benefit rights under any state, local
4 government, or publicly supported retirement system other than that
5 provided under chapter 41.24 RCW;

6 (f) Any newspaper vendor, carrier, or delivery person selling or
7 distributing newspapers on the street, to offices, to businesses, or
8 from house to house and any freelance news correspondent or
9 "stringer" who, using his or her own equipment, chooses to submit
10 material for publication for free or a fee when such material is
11 published;

12 (g) Any carrier subject to regulation by Part 1 of the Interstate
13 Commerce Act;

14 (h) Any individual engaged in forest protection and fire
15 prevention activities;

16 (i) Any individual employed by any charitable institution charged
17 with child care responsibilities engaged primarily in the development
18 of character or citizenship or promoting health or physical fitness
19 or providing or sponsoring recreational opportunities or facilities
20 for young people or members of the armed forces of the United States;

21 (j) Any individual whose duties require that he or she reside or
22 sleep at the place of his or her employment or who otherwise spends a
23 substantial portion of his or her work time subject to call, and not
24 engaged in the performance of active duties, except for domestic
25 workers as defined in section 2 of this act;

26 (k) Any resident, inmate, or patient of a state, county, or
27 municipal correctional, detention, treatment or rehabilitative
28 institution;

29 (l) Any individual who holds a public elective or appointive
30 office of the state, any county, city, town, municipal corporation or
31 quasi municipal corporation, political subdivision, or any
32 instrumentality thereof, or any employee of the state legislature;

33 (m) All vessel operating crews of the Washington state ferries
34 operated by the department of transportation;

35 (n) Any individual employed as a seaman on a vessel other than an
36 American vessel;

37 (o) Any farm intern providing his or her services to a small farm
38 which has a special certificate issued under RCW 49.12.471;

39 (p) An individual who is at least 16 years old but under twenty-
40 one years old, in his or her capacity as a player for a junior ice

1 hockey team that is a member of a regional, national, or
2 international league and that contracts with an arena owned,
3 operated, or managed by a public facilities district created under
4 chapter 36.100 RCW; or

5 (q) Any individual who has entered into a contract to play
6 baseball at the minor league level and who is compensated pursuant to
7 the terms of a collective bargaining agreement that expressly
8 provides for wages and working conditions;

9 (4) "Employer" includes any individual, partnership, association,
10 corporation, business trust, or any person or group of persons acting
11 directly or indirectly in the interest of an employer in relation to
12 an employee;

13 (5) "Occupation" means any occupation, service, trade, business,
14 industry, or branch or group of industries or employment or class of
15 employment in which employees are gainfully employed;

16 (6) "Retail or service establishment" means an establishment
17 seventy-five percent of whose annual dollar volume of sales of goods
18 or services, or both, is not for resale and is recognized as retail
19 sales or services in the particular industry;

20 (7) "Wage" means compensation due to an employee by reason of
21 employment, payable in legal tender of the United States or checks on
22 banks convertible into cash on demand at full face value, subject to
23 such deductions, charges, or allowances as may be permitted by rules
24 of the director.

25 **Sec. 20.** RCW 49.60.040 and 2024 c 161 s 1 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Aggrieved person" means any person who: (a) Claims to have
30 been injured by an unfair practice in a real estate transaction; or
31 (b) believes that he or she will be injured by an unfair practice in
32 a real estate transaction that is about to occur.

33 (2) "Any place of public resort, accommodation, assemblage, or
34 amusement" includes, but is not limited to, any place, licensed or
35 unlicensed, kept for gain, hire, or reward, or where charges are made
36 for admission, service, occupancy, or use of any property or
37 facilities, whether conducted for the entertainment, housing, or
38 lodging of transient guests, or for the benefit, use, or
39 accommodation of those seeking health, recreation, or rest, or for

1 the burial or other disposition of human remains, or for the sale of
2 goods, merchandise, services, or personal property, or for the
3 rendering of personal services, or for public conveyance or
4 transportation on land, water, or in the air, including the stations
5 and terminals thereof and the garaging of vehicles, or where food or
6 beverages of any kind are sold for consumption on the premises, or
7 where public amusement, entertainment, sports, or recreation of any
8 kind is offered with or without charge, or where medical service or
9 care is made available, or where the public gathers, congregates, or
10 assembles for amusement, recreation, or public purposes, or public
11 halls, public elevators, and public washrooms of buildings and
12 structures occupied by two or more tenants, or by the owner and one
13 or more tenants, or any public library or educational institution, or
14 schools of special instruction, or nursery schools, or day care
15 centers or children's camps: PROVIDED, That nothing contained in this
16 definition shall be construed to include or apply to any institute,
17 bona fide club, or place of accommodation, which is by its nature
18 distinctly private, including fraternal organizations, though where
19 public use is permitted that use shall be covered by this chapter;
20 nor shall anything contained in this definition apply to any
21 educational facility, columbarium, crematory, mausoleum, or cemetery
22 operated or maintained by a bona fide religious or sectarian
23 institution: PROVIDED FURTHER, That this definition, as it relates to
24 "service animal trainers" and "service animal trainees" as those
25 terms are defined in this section, shall not include those places of
26 public accommodation conducted for housing or lodging of transient
27 guests.

28 (3) "Casual labor" means work that is irregular, uncertain, and
29 incidental in nature and duration and is different in nature from the
30 type of paid work in which the worker is customarily engaged in.

31 (4) "Commission" means the Washington state human rights
32 commission.

33 ((+4)) (5) "Complainant" means the person who files a complaint
34 in a real estate transaction.

35 ((+5)) (6) "Covered multifamily dwelling" means: (a) Buildings
36 consisting of four or more dwelling units if such buildings have one
37 or more elevators; and (b) ground floor dwelling units in other
38 buildings consisting of four or more dwelling units.

39 ((+6)) (7) "Credit transaction" includes any open or closed end
40 credit transaction, whether in the nature of a loan, retail

1 installment transaction, credit card issue or charge, or otherwise,
2 and whether for personal or for business purposes, in which a
3 service, finance, or interest charge is imposed, or which provides
4 for repayment in scheduled payments, when such credit is extended in
5 the regular course of any trade or commerce, including but not
6 limited to transactions by banks, savings and loan associations or
7 other financial lending institutions of whatever nature, stock
8 brokers, or by a merchant or mercantile establishment which as part
9 of its ordinary business permits or provides that payment for
10 purchases of property or service therefrom may be deferred.

11 ~~((7))~~ (8)(a) "Disability" means the presence of a sensory,
12 mental, or physical impairment that:

13 (i) Is medically cognizable or diagnosable; or

14 (ii) Exists as a record or history; or

15 (iii) Is perceived to exist whether or not it exists in fact.

16 (b) A disability exists whether it is temporary or permanent,
17 common or uncommon, mitigated or unmitigated, or whether or not it
18 limits the ability to work generally or work at a particular job or
19 whether or not it limits any other activity within the scope of this
20 chapter.

21 (c) For purposes of this definition, "impairment" includes, but
22 is not limited to:

23 (i) Any physiological disorder, or condition, cosmetic
24 disfigurement, or anatomical loss affecting one or more of the
25 following body systems: Neurological, musculoskeletal, special sense
26 organs, respiratory, including speech organs, cardiovascular,
27 reproductive, digestive, genitourinary, hemic and lymphatic, skin,
28 and endocrine; or

29 (ii) Any mental, developmental, traumatic, or psychological
30 disorder, including but not limited to cognitive limitation, organic
31 brain syndrome, emotional or mental illness, and specific learning
32 disabilities.

33 (d) Only for the purposes of qualifying for reasonable
34 accommodation in employment, an impairment must be known or shown
35 through an interactive process to exist in fact and:

36 (i) The impairment must have a substantially limiting effect upon
37 the individual's ability to perform his or her job, the individual's
38 ability to apply or be considered for a job, or the individual's
39 access to equal benefits, privileges, or terms or conditions of
40 employment; or

1 (ii) The employee must have put the employer on notice of the
2 existence of an impairment, and medical documentation must establish
3 a reasonable likelihood that engaging in job functions without an
4 accommodation would aggravate the impairment to the extent that it
5 would create a substantially limiting effect.

6 (e) For purposes of (d) of this subsection, a limitation is not
7 substantial if it has only a trivial effect.

8 ~~((+8))~~ (9) "Dog guide" means a dog that is trained for the
9 purpose of guiding blind persons or a dog that is trained for the
10 purpose of assisting hearing impaired persons.

11 ~~((+9))~~ (10) "Domestic service" means household services for
12 members of households or their guests in private homes. "Domestic
13 service" includes the maintenance of private homes or their premises.

14 (11) "Dwelling" means any building, structure, or portion thereof
15 that is occupied as, or designed or intended for occupancy as, a
16 residence by one or more families, and any vacant land that is
17 offered for sale or lease for the construction or location thereon of
18 any such building, structure, or portion thereof.

19 ~~((+10))~~ (12) "Employ" includes to permit to work.

20 (13) "Employee" does not include ((any)):

21 (a) Any individual employed by his or her parents, spouse, or
22 child(~~, or in the domestic service of any person~~);

23 (b) Persons who provide babysitting on a casual labor basis;

24 (c) Persons who provide services or supports for a family member
25 on a casual labor basis;

26 (d) Any individual employed in casual labor in or about a private
27 home, unless performed in the course of a hiring entity's trade,
28 business, or profession;

29 (e) Individual providers, as defined in RCW 74.39A.240;

30 (f) Persons who perform house sitting, pet sitting, and dog
31 walking duties that do not involve domestic service; or

32 (g) Persons providing services to another family member who is
33 sick, convalescing, elderly, or a person with a disability, where the
34 family members do not intend to establish an employer-employee
35 relationship. An employer-employee relationship does not exist under
36 such circumstances when:

37 (i) The family members have mutually agreed that care is provided
38 gratuitously; or

1 (ii) The family member provides services for fewer than 15 hours
2 per week and the family member providing care does not provide
3 domestic services in the person's ordinary course of business.

4 ~~((11))~~ (14) "Employer" includes any person acting in the
5 interest of an employer or hiring entity, directly or indirectly, who
6 employs eight or more persons, unless hiring for domestic services,
7 and does not include any religious or sectarian organization not
8 organized for private profit. "Employer" also includes any person
9 employing an employee for domestic service.

10 ~~((12))~~ (15) "Employment agency" includes any person undertaking
11 with or without compensation to recruit, procure, refer, or place
12 employees (for an employer).

13 ~~((13))~~ (16) "Families with children status" means one or more
14 individuals who have not attained the age of eighteen years being
15 domiciled with a parent or another person having legal custody of
16 such individual or individuals, or with the designee of such parent
17 or other person having such legal custody, with the written
18 permission of such parent or other person. Families with children
19 status also applies to any person who is pregnant or is in the
20 process of securing legal custody of any individual who has not
21 attained the age of eighteen years.

22 ~~((14))~~ (17) "Full enjoyment of" includes the right to purchase
23 any service, commodity, or article of personal property offered or
24 sold on, or by, any establishment to the public, and the admission of
25 any person to accommodations, advantages, facilities, or privileges
26 of any place of public resort, accommodation, assemblage, or
27 amusement, without acts directly or indirectly causing persons of any
28 particular race, creed, color, sex, sexual orientation, national
29 origin, or with any sensory, mental, or physical disability, or the
30 use of a trained dog guide or service animal by a person with a
31 disability, to be treated as not welcome, accepted, desired, or
32 solicited.

33 ~~((15))~~ (18) "Hiring entity" means any employer, as defined in
34 RCW 49.46.010, or in this section, who employs an employee for
35 domestic services, as well as any individual, partnership,
36 association, corporation, business trust, or any combination thereof,
37 which pays a wage or pays wages. It includes any such entity, person,
38 or group of persons that provides compensation directly or indirectly
39 to a domestic worker for the performance of domestic services and any
40 such entity, person, or persons acting directly or indirectly in the

1 interest of the hiring entity in relation to the domestic worker.
2 "Hiring entity" does not include a state agency or home care agency
3 as defined in RCW 70.127.010 and licensed under chapter 70.127 RCW if
4 the home care agency receives funding through RCW 74.39A.310.

5 (19) "Honorably discharged veteran or military status" means a
6 person who is:

7 (a) A veteran, as defined in RCW 41.04.007; or

8 (b) An active or reserve member in any branch of the armed forces
9 of the United States, including the national guard, coast guard, and
10 armed forces reserves.

11 ~~((16))~~ (20) "Labor organization" includes any organization
12 which exists for the purpose, in whole or in part, of dealing with
13 employers concerning grievances or terms or conditions of employment,
14 or for other mutual aid or protection in connection with employment.

15 ~~((17))~~ (21) "Marital status" means the legal status of being
16 married, single, separated, divorced, or widowed.

17 ~~((18))~~ (22) "National origin" includes "ancestry."

18 ~~((19))~~ (23) "Person" includes one or more individuals,
19 partnerships, associations, organizations, corporations,
20 cooperatives, legal representatives, trustees and receivers, or any
21 group of persons; it includes any owner, lessee, proprietor, manager,
22 agent, or employee, whether one or more natural persons; and further
23 includes any political or civil subdivisions of the state and any
24 agency or instrumentality of the state or of any political or civil
25 subdivision thereof.

26 ~~((20))~~ (24) "Premises" means the interior or exterior spaces,
27 parts, components, or elements of a building, including individual
28 dwelling units and the public and common use areas of a building.

29 ~~((21))~~ (25) "Race" is inclusive of traits historically
30 associated or perceived to be associated with race including, but not
31 limited to, hair texture and protective hairstyles. For purposes of
32 this subsection, "protective hairstyles" includes, but is not limited
33 to, such hairstyles as afros, braids, locks, and twists.

34 ~~((22))~~ (26) "Real estate transaction" includes the sale,
35 appraisal, brokering, exchange, purchase, rental, or lease of real
36 property, transacting or applying for a real estate loan, or the
37 provision of brokerage services.

38 ~~((23))~~ (27) "Real property" includes buildings, structures,
39 dwelling, real estate, lands, tenements, leaseholds, interests in

1 real estate cooperatives, condominiums, and hereditaments, corporeal
2 and incorporeal, or any interest therein.

3 ~~((24))~~ (28) "Respondent" means any person accused in a
4 complaint or amended complaint of an unfair practice in a real estate
5 transaction.

6 ~~((25))~~ (29) "Service animal" means any dog or miniature horse
7 that is individually trained to do work or perform tasks for the
8 benefit of an individual with a disability, including a physical,
9 sensory, psychiatric, intellectual, or other mental disability. The
10 work or tasks performed by the service animal must be directly
11 related to the individual's disability. Examples of work or tasks
12 include, but are not limited to, assisting individuals who are blind
13 or have low vision with navigation and other tasks, alerting
14 individuals who are deaf or hard of hearing to the presence of people
15 or sounds, providing nonviolent protection or rescue work, pulling a
16 wheelchair, assisting an individual during a seizure, alerting
17 individuals to the presence of allergens, retrieving items such as
18 medicine or the telephone, providing physical support and assistance
19 with balance and stability to individuals with mobility disabilities,
20 and helping persons with psychiatric and neurological disabilities by
21 preventing or interrupting impulsive or destructive behaviors. The
22 crime deterrent effects of an animal's presence and the provision of
23 emotional support, well-being, comfort, or companionship do not
24 constitute work or tasks. This subsection does not apply to RCW
25 49.60.222 through 49.60.227 with respect to housing accommodations or
26 real estate transactions.

27 ~~((26))~~ (30) "Service animal trainee" means any dog or miniature
28 horse that is undergoing training to become a service animal.

29 ~~((27))~~ (31) "Service animal trainer" means an individual
30 exercising care, custody, and control over a service animal trainee
31 during a course of training designed to develop the service animal
32 trainee into a service animal.

33 ~~((28))~~ (32) "Sex" means gender.

34 ~~((29))~~ (33) "Sexual orientation" means heterosexuality,
35 homosexuality, bisexuality, and gender expression or identity. As
36 used in this definition, "gender expression or identity" means having
37 or being perceived as having a gender identity, self-image,
38 appearance, behavior, or expression, whether or not that gender
39 identity, self-image, appearance, behavior, or expression is

1 different from that traditionally associated with the sex assigned to
2 that person at birth.

3 NEW SECTION. **Sec. 21.** A new section is added to chapter 49.60
4 RCW to read as follows:

5 An employee employed in domestic service who files a complaint or
6 brings suit alleging discrimination in violation of RCW 49.60.180
7 shall be entitled to all the procedural and substantive rights
8 available under this chapter except when:

9 (1) The employer is a person who is elderly or has a disability
10 that results in discriminatory or harassing behaviors;

11 (2) The employer or a hiring entity informs the employee
12 providing home care or personal care services to a person who has a
13 documented behavioral condition, that the employer or hiring entity
14 has reason to believe that those behaviors will result in
15 discrimination and abusive conduct likely occurring in or around the
16 client's home prior to assigning the employee to that client and
17 throughout the duration of service;

18 (3) The behaviors can be shown as directly resulting from a
19 diagnosed and documented cognitive impairment; and

20 (4) The employee voluntarily agrees to initiate or continue the
21 employment relationship; or

22 (5) The employer or hiring entity receiving personal care
23 services, as defined in RCW 74.39A.009, refuses to hire an employee
24 based on gender preferences.

25 **Sec. 22.** RCW 51.12.020 and 2022 c 281 s 8 are each amended to
26 read as follows:

27 The following are the only employments which shall not be
28 included within the mandatory coverage of this title:

29 (1) ~~((Any person employed as a domestic servant in a private home
30 by an employer who has less than two employees regularly employed
31 forty or more hours a week in such employment.~~

32 ~~(2) Any person employed to do gardening, maintenance, or repair,
33 in or about the private home of the employer. For the purposes of
34 this subsection, "maintenance" means the work of keeping in proper
35 condition, "repair" means to restore to sound condition after damage,
36 and "private home" means a person's place of residence.~~

1 ~~(3)~~) A person whose employment is not in the course of the
2 trade, business, or profession of his or her employer and is not in
3 or about the private home of the employer.

4 ~~((4))~~ (2) Any person performing services in return for aid or
5 sustenance only, received from any religious or charitable
6 organization.

7 ~~((5))~~ (3) Sole proprietors or partners.

8 ~~((6))~~ (4) Any child under eighteen years of age employed by his
9 or her parent or parents in agricultural activities on the family
10 farm.

11 ~~((7))~~ (5) Jockeys while participating in or preparing horses
12 for race meets licensed by the Washington horse racing commission
13 pursuant to chapter 67.16 RCW.

14 ~~((8))~~ (6)(a) Except as otherwise provided in (b) of this
15 subsection, any bona fide officer of a corporation voluntarily
16 elected or voluntarily appointed in accordance with the articles of
17 incorporation or bylaws of the corporation, who at all times during
18 the period involved is also a bona fide director, and who is also a
19 shareholder of the corporation. Only such officers who exercise
20 substantial control in the daily management of the corporation and
21 whose primary responsibilities do not include the performance of
22 manual labor are included within this subsection.

23 (b) Alternatively, a corporation that is not a "public company"
24 as defined in RCW 23B.01.400 may exempt eight or fewer bona fide
25 officers, who are voluntarily elected or voluntarily appointed in
26 accordance with the articles of incorporation or bylaws of the
27 corporation and who exercise substantial control in the daily
28 management of the corporation, from coverage under this title without
29 regard to the officers' performance of manual labor if the exempted
30 officer is a shareholder of the corporation, or may exempt any number
31 of officers if all the exempted officers are related by blood within
32 the third degree or marriage. If a corporation that is not a "public
33 company" elects to be covered under (a) of this subsection, the
34 corporation's election must be made on a form prescribed by the
35 department and under such reasonable rules as the department may
36 adopt.

37 (c) Determinations respecting the status of persons performing
38 services for a corporation shall be made, in part, by reference to
39 Title 23B RCW and to compliance by the corporation with its own
40 articles of incorporation and bylaws. For the purpose of determining

1 coverage under this title, substance shall control over form, and
2 mandatory coverage under this title shall extend to all workers of
3 this state, regardless of honorary titles conferred upon those
4 actually serving as workers.

5 (d) A corporation may elect to cover officers who are exempted by
6 this subsection in the manner provided by RCW 51.12.110.

7 ~~((+9))~~ (7) Services rendered by a musician or entertainer under
8 a contract with a purchaser of the services, for a specific
9 engagement or engagements when such musician or entertainer performs
10 no other duties for the purchaser and is not regularly and
11 continuously employed by the purchaser. A purchaser does not include
12 the leader of a group or recognized entity who employs other than on
13 a casual basis musicians or entertainers.

14 ~~((+10))~~ (8) Services performed by a newspaper vendor, carrier,
15 or delivery person selling or distributing newspapers on the street,
16 to offices, to businesses, or from house to house and any freelance
17 news correspondent or "stringer" who, using his or her own equipment,
18 chooses to submit material for publication for free or a fee when
19 such material is published.

20 ~~((+11))~~ (9) Services performed by an insurance producer, as
21 defined in RCW 48.17.010, or a surplus line broker licensed under
22 chapter 48.15 RCW.

23 ~~((+12))~~ (10) Services performed by a booth renter. However, a
24 person exempted under this subsection may elect coverage under RCW
25 51.32.030.

26 ~~((+13))~~ (11) Members of a limited liability company, if either:

27 (a) Management of the company is vested in its members, and the
28 members for whom exemption is sought would qualify for exemption
29 under subsection ~~((+5))~~ (3) of this section were the company a sole
30 proprietorship or partnership; or

31 (b) Management of the company is vested in one or more managers,
32 and the members for whom the exemption is sought are managers who
33 would qualify for exemption under subsection ~~((+8))~~ (6) of this
34 section were the company a corporation.

35 ~~((+14))~~ (12) For hire vehicle operators under chapter 46.72 RCW
36 who own or lease the for hire vehicle, chauffeurs under chapter
37 46.72A RCW who own or lease the limousine, and operators of taxicabs
38 under chapter 81.72 RCW who own or lease the taxicab. An owner or
39 lessee may elect coverage in the manner provided by RCW 51.32.030.

1 NEW SECTION. **Sec. 23.** Sections 1 through 18 of this act
2 constitute a new chapter in Title 49 RCW.

3 NEW SECTION. **Sec. 24.** Sections 1 through 20 of this act take
4 effect July 1, 2026.

--- **END** ---