
SUBSTITUTE SENATE BILL 5101

State of Washington

69th Legislature

2025 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Valdez, Hansen, Frame, Hasegawa, Liiias, Nobles, Orwall, Pedersen, Saldaña, Salomon, Stanford, Wellman, and C. Wilson)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to expanding access to leave and safety
2 accommodations to include workers who are victims of hate crimes;
3 amending RCW 49.76.010, 49.76.020, 49.76.030, 49.76.040, 49.76.060,
4 49.76.115, and 7.69.030; and providing an effective date.

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

6 **Sec. 1.** RCW 49.76.010 and 2018 c 47 s 1 are each amended to read
7 as follows:

8 (1) It is in the public interest to reduce domestic violence,
9 sexual assault, ~~((and))~~ stalking, and hate crime by enabling victims
10 to maintain the financial independence necessary to leave abusive
11 situations, achieve safety, and minimize physical and emotional
12 injuries, and to reduce the devastating economic consequences of
13 domestic violence, sexual assault, ~~((and))~~ stalking, and hate crime
14 to employers and employees. Victims of domestic violence, sexual
15 assault, ~~((and))~~ stalking, or hate crime should be able to recover
16 from and cope with the effects of such violence and participate in
17 criminal and civil justice processes without fear of adverse economic
18 consequences. Victims of domestic violence, sexual assault, ~~((or))~~
19 stalking, or hate crime should also be able to seek and maintain
20 employment without fear that they will face discrimination.

1 (2) One of the best predictors of whether a victim of domestic
2 violence, sexual assault, ~~((or))~~ stalking, or hate crime will be able
3 to stay away from an abuser is ~~((his or her))~~ the victim's degree of
4 economic independence. However, domestic violence, sexual assault,
5 ~~((and))~~ stalking, and hate crime often negatively impact victims'
6 ability to maintain employment.

7 (3) An employee who is a victim of domestic violence, sexual
8 assault, ~~((or))~~ stalking, or hate crime, or an employee whose family
9 member is a victim, must often take leave from work due to injuries,
10 court proceedings, or safety concerns requiring legal protection.

11 (4) Thus, it is in the public interest to provide reasonable
12 leave from employment for employees who are victims of domestic
13 violence, sexual assault, ~~((or))~~ stalking, or hate crime, or for
14 employees whose family members are victims, to participate in legal
15 proceedings, receive medical treatment, or obtain other necessary
16 services.

17 (5) It is also in the public interest to ensure that victims of
18 domestic violence, sexual assault, ~~((or))~~ stalking, or hate crime are
19 able to seek and maintain employment without fear of discrimination
20 and to have reasonable safety accommodations in the workplace.

21 **Sec. 2.** RCW 49.76.020 and 2021 c 215 s 152 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"
26 and "sick leave and other paid time off" have the same meanings as in
27 RCW 49.12.265.

28 (2) "Dating relationship" has the same meaning as in RCW
29 7.105.010.

30 (3) "Department," "director," "employer," and "employee" have the
31 same meanings as in RCW 49.12.005.

32 (4) "Domestic violence" has the same meaning as in RCW 7.105.010.

33 (5) "Family member" means any individual whose relationship to
34 the employee can be classified as a child, spouse, parent, parent-in-
35 law, grandparent, or person with whom the employee has a dating
36 relationship.

37 (6) "Intermittent leave" is leave taken in separate blocks of
38 time due to a single qualifying reason.

1 (7) "Reduced leave schedule" means a leave schedule that reduces
2 the usual number of hours per workweek, or hours per workday, of an
3 employee.

4 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

5 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

6 (10) "Hate crime" means the commission, attempted commission, or
7 alleged commission of an offense described in RCW 9A.36.080. "Hate
8 crime" includes, but is not limited to, offenses that are committed
9 through online or internet-based communication.

10 **Sec. 3.** RCW 49.76.030 and 2008 c 286 s 3 are each amended to
11 read as follows:

12 An employee may take reasonable leave from work, intermittent
13 leave, or leave on a reduced leave schedule, with or without pay, to:

14 (1) Seek legal or law enforcement assistance or remedies to
15 ensure the health and safety of the employee or employee's family
16 members including, but not limited to, preparing for, or
17 participating in, any civil or criminal legal proceeding related to
18 or derived from domestic violence, sexual assault, ~~((or))~~ stalking,
19 or hate crime;

20 (2) Seek treatment by a health care provider for physical or
21 mental injuries caused by domestic violence, sexual assault, ~~((or))~~
22 stalking, or hate crime, or to attend to health care treatment for a
23 victim who is the employee's family member;

24 (3) Obtain, or assist a family member in obtaining, services from
25 a domestic violence shelter, rape crisis center, or other social
26 services program for relief from domestic violence, sexual assault,
27 ~~((or))~~ stalking, or hate crime;

28 (4) Obtain, or assist a family member in obtaining, mental health
29 counseling related to an incident of domestic violence, sexual
30 assault, ~~((or))~~ stalking, or hate crime, in which the employee or the
31 employee's family member was a victim of domestic violence, sexual
32 assault, ~~((or))~~ stalking, or hate crime; or

33 (5) Participate in safety planning, temporarily or permanently
34 relocate, or take other actions to increase the safety of the
35 employee or employee's family members from future domestic violence,
36 sexual assault, ~~((or))~~ stalking, or hate crime.

37 **Sec. 4.** RCW 49.76.040 and 2018 c 47 s 3 are each amended to read
38 as follows:

1 (1) As a condition of taking leave for any purpose described in
2 RCW 49.76.030, an employee shall give an employer advance notice of
3 the employee's intention to take leave. The timing of the notice
4 shall be consistent with the employer's stated policy for requesting
5 such leave, if the employer has such a policy. When advance notice
6 cannot be given because of an emergency or unforeseen circumstances
7 due to domestic violence, sexual assault, ~~((\oplus))~~ stalking, or hate
8 crime, the employee or ~~((his or her))~~ the employee's designee must
9 give notice to the employer no later than the end of the first day
10 that the employee takes such leave.

11 (2) When an employee requests leave under RCW 49.76.030 or
12 requests a reasonable safety accommodation under RCW 49.76.115 the
13 employer may require that the request be supported by verification
14 that:

15 (a) The employee or employee's family member is a victim of
16 domestic violence, sexual assault, ~~((\oplus))~~ stalking, or hate crime;
17 and

18 (b) The leave taken was for one of the purposes described in RCW
19 49.76.030 or that the safety accommodation requested under RCW
20 49.76.115 is for the purpose of protecting the employee from domestic
21 violence, sexual assault, ~~((\oplus))~~ stalking, or hate crime.

22 (3) If an employer requires verification, verification must be
23 provided in a timely manner. In the event that advance notice of the
24 leave cannot be given because of an emergency or unforeseen
25 circumstances due to domestic violence, sexual assault, ~~((\oplus))~~
26 stalking, or hate crime, and the employer requires verification,
27 verification must be provided to the employer within a reasonable
28 time period during or after the leave.

29 (4) An employee may satisfy the verification requirement of this
30 section by providing the employer with one or more of the following:

31 (a) A police report indicating that the employee or employee's
32 family member was a victim of domestic violence, sexual assault,
33 ~~((\oplus))~~ stalking, or hate crime;

34 (b) A court order protecting or separating the employee or
35 employee's family member from the perpetrator of the act of domestic
36 violence, sexual assault, ~~((\oplus))~~ stalking, or hate crime, or other
37 evidence from the court or the prosecuting attorney that the employee
38 or employee's family member appeared, or is scheduled to appear, in
39 court in connection with ~~((an incident of))~~ a case involving domestic
40 violence, sexual assault, ~~((\oplus))~~ stalking, or hate crime;

1 (c) Documentation that the employee or the employee's family
2 member is a victim of domestic violence, sexual assault, ((~~or~~))
3 stalking, or hate crime, from any of the following persons from whom
4 the employee or employee's family member sought assistance in
5 addressing the domestic violence, sexual assault, ((~~or~~)) stalking, or
6 hate crime: An advocate for victims of domestic violence, sexual
7 assault, ((~~or~~)) stalking, or hate crimes; an attorney; a member of
8 the clergy; or a medical or other professional. The provision of
9 documentation under this section does not waive or diminish the
10 confidential or privileged nature of communications between a victim
11 of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime
12 with one or more of the individuals named in this subsection (4)(c)
13 pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or

14 (d) An employee's written statement that the employee or the
15 employee's family member is a victim of domestic violence, sexual
16 assault, ((~~or~~)) stalking, or hate crime and that the leave taken was
17 for one of the purposes described in RCW 49.76.030 or the safety
18 accommodation requested pursuant to RCW 49.76.115 is to protect the
19 employee from domestic violence, sexual assault, ((~~or~~)) stalking, or
20 hate crime.

21 (5) If the victim of domestic violence, sexual assault, ((~~or~~))
22 stalking, or hate crime is the employee's family member, verification
23 of the familial relationship between the employee and the victim may
24 include, but is not limited to, a statement from the employee, a
25 birth certificate, a court document, or other similar documentation.

26 (6) An employee who is absent from work pursuant to RCW 49.76.030
27 may elect to use the employee's sick leave and other paid time off,
28 compensatory time, or unpaid leave time.

29 (7) An employee is required to provide only the information
30 enumerated in subsection (2) of this section to establish that the
31 employee's leave is protected under this chapter or to establish that
32 the employee's request for a safety accommodation is protected under
33 this chapter. An employee is not required to produce or discuss any
34 information with the employer that is beyond the scope of subsection
35 (2) of this section, or that would compromise the employee's safety
36 or the safety of the employee's family member in any way, and an
37 employer is prohibited from requiring any such disclosure.

38 (8)(a) Except as provided in (b) of this subsection, an employer
39 shall maintain the confidentiality of all information provided by the
40 employee under this section, including the fact that the employee or

1 employee's family member is a victim of domestic violence, sexual
2 assault, ~~((~~or~~))~~ stalking, or hate crime, that the employee has
3 requested or obtained leave under this chapter, and any written or
4 oral statement, documentation, record, or corroborating evidence
5 provided by the employee.

6 (b) Information given by an employee may be disclosed by an
7 employer only if:

8 (i) Requested or consented to by the employee;

9 (ii) Ordered by a court or administrative agency; or

10 (iii) Otherwise required by applicable federal or state law.

11 **Sec. 5.** RCW 49.76.060 and 2018 c 47 s 4 are each amended to read
12 as follows:

13 (1) The rights provided in this chapter are in addition to any
14 other rights provided by state and federal law.

15 (2) Nothing in this chapter shall be construed to discourage
16 employers from adopting policies that provide greater leave rights or
17 greater safety accommodations to employees who are victims of
18 domestic violence, sexual assault, ~~((~~or~~))~~ stalking, or hate crime
19 than those required by this chapter.

20 (3) Nothing in this chapter shall be construed to diminish an
21 employer's obligation to comply with any collective bargaining
22 agreement, or any employment benefit program or plan, that provides
23 greater leave rights or greater safety accommodations to employees
24 than the rights provided by this chapter.

25 **Sec. 6.** RCW 49.76.115 and 2018 c 47 s 2 are each amended to read
26 as follows:

27 An employer may not:

28 (1) Refuse to hire an otherwise qualified individual because the
29 individual is an actual or perceived victim of domestic violence,
30 sexual assault, ~~((~~or~~))~~ stalking, or hate crime;

31 (2) Discharge, threaten to discharge, demote, suspend or in any
32 manner discriminate or retaliate against an individual with regard to
33 promotion, compensation, or other terms, conditions, or privileges of
34 employment because the individual is an actual or perceived victim of
35 domestic violence, sexual assault, ~~((~~or~~))~~ stalking, or hate crime;

36 (3) Refuse to make a reasonable safety accommodation requested by
37 an individual who is a victim of domestic violence, sexual assault,
38 ~~((~~or~~))~~ stalking, or hate crime, unless the employer can demonstrate

1 that the accommodation would impose an undue hardship on the
2 operation of the business of the employer. For the purposes of this
3 section, an "undue hardship" means an action requiring significant
4 difficulty or expense. A reasonable safety accommodation may include,
5 but is not limited to, a transfer, reassignment, modified schedule,
6 changed work telephone number, changed work email address, changed
7 workstation, installed lock, implemented safety procedure, or any
8 other adjustment to a job structure, workplace facility, or work
9 requirement in response to actual or threatened domestic violence,
10 sexual assault, ~~((or))~~ stalking, or hate crime.

11 **Sec. 7.** RCW 7.69.030 and 2024 c 297 s 10 are each amended to
12 read as follows:

13 (1) There shall be a reasonable effort made to ensure that
14 victims, survivors of victims, and witnesses of crimes have the
15 following rights, which apply to any adult or juvenile criminal
16 proceeding and any civil commitment proceeding under chapter 10.77 or
17 71.09 RCW:

18 (a) With respect to victims of violent or sex crimes, to receive,
19 at the time of reporting the crime to law enforcement officials, a
20 written statement of the rights of crime victims as provided in this
21 chapter. The written statement shall include the name, address, and
22 telephone number of a county or local crime victim/witness program,
23 if such a crime victim/witness program exists in the county;

24 (b) To be informed by local law enforcement agencies or the
25 prosecuting attorney of the final disposition of the case in which
26 the victim, survivor, or witness is involved;

27 (c) With respect to victims of violent offenses, domestic
28 violence, or sex offenses, to be informed by local law enforcement
29 agencies or the prosecuting attorney that charges have been filed and
30 when the defendant has been found not competent to stand trial and
31 referred for restoration services;

32 (d) To be notified by the party who issued the subpoena that a
33 court proceeding to which they have been subpoenaed will not occur as
34 scheduled, in order to save the person an unnecessary trip to court;

35 (e) To receive protection from harm and threats of harm arising
36 out of cooperation with law enforcement and prosecution efforts, and
37 to be provided with information as to the level of protection
38 available;

1 (f) To be informed of the procedure to be followed to apply for
2 and receive any witness fees to which they are entitled;

3 (g) To be provided, whenever practical, a secure waiting area
4 during court proceedings that does not require them to be in close
5 proximity to defendants and families or friends of defendants;

6 (h) To have any stolen or other personal property expeditiously
7 returned by law enforcement agencies or the superior court when no
8 longer needed as evidence. When feasible, all such property, except
9 weapons, currency, contraband, property subject to evidentiary
10 analysis, and property of which ownership is disputed, shall be
11 photographed and returned to the owner within ten days of being
12 taken;

13 (i) To be provided with appropriate employer intercession
14 services to ensure that employers of victims, survivors of victims,
15 and witnesses of crime will cooperate with the criminal justice
16 process or the civil commitment process under chapter 10.77 or 71.09
17 RCW in order to minimize an employee's loss of pay and other benefits
18 resulting from court appearance;

19 (j) To have access to immediate medical assistance and not to be
20 detained for an unreasonable length of time by a law enforcement
21 agency before having such assistance administered. However, an
22 employee of the law enforcement agency may, if necessary, accompany
23 the person to a medical facility to question the person about the
24 criminal incident if the questioning does not hinder the
25 administration of medical assistance. Victims of domestic violence,
26 sexual assault, ~~((\oplus))~~ stalking, or hate crime, as defined in RCW
27 49.76.020, shall be notified of their right to reasonable leave from
28 employment under chapter 49.76 RCW;

29 (k) With respect to victims of violent and sex crimes, to have a
30 crime victim advocate from a crime victim/witness program, or any
31 other support person of the victim's choosing, present at any
32 prosecutorial or defense interviews with the victim, and at any
33 judicial proceedings related to criminal acts committed against the
34 victim. This subsection applies if practical and if the presence of
35 the crime victim advocate or support person does not cause any
36 unnecessary delay in the investigation or prosecution of the case.
37 The role of the crime victim advocate is to provide emotional support
38 to the crime victim;

39 (l) With respect to victims of violent offenses, domestic
40 violence, or sex offenses, such victims may attend court proceedings

1 or required interviews in person or remotely, including by video or
2 other electronic means, as available in the local jurisdiction, to
3 ensure access to justice to participate in criminal justice
4 proceedings;

5 (m) With respect to victims and survivors of victims, to be
6 physically present in court during trial, or if subpoenaed to
7 testify, to be scheduled as early as practical in the proceedings in
8 order to be physically present during trial after testifying and not
9 to be excluded solely because they have testified;

10 (n) With respect to victims and survivors of victims in any
11 felony case, any case involving domestic violence, or any final
12 determination under chapter 10.77 or 71.09 RCW, to be informed by the
13 prosecuting attorney of the date, time, and place of the trial and of
14 the sentencing hearing or disposition hearing upon request by a
15 victim or survivor;

16 (o) To submit a victim impact statement or report to the court,
17 with the assistance of the prosecuting attorney if requested, which
18 shall be included in all presentence reports and permanently included
19 in the files and records accompanying the offender committed to the
20 custody of a state agency or institution;

21 (p) With respect to victims and survivors of victims in any
22 felony case or any case involving domestic violence, to present a
23 statement, personally or by representation, at the sentencing
24 hearing; and

25 (q) With respect to victims and survivors of victims, to entry of
26 an order of restitution by the court in all felony cases, even when
27 the offender is sentenced to confinement, unless extraordinary
28 circumstances exist which make restitution inappropriate in the
29 court's judgment.

30 (2) If a victim, survivor of a victim, or witness of a crime is
31 denied a right under this section, the person may seek an order
32 directing compliance by the relevant party or parties by filing a
33 petition in the superior court in the county in which the crime
34 occurred and providing notice of the petition to the relevant party
35 or parties. Compliance with the right is the sole available remedy.
36 The court shall expedite consideration of a petition filed under this
37 subsection.

1 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2026.

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