CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5101

69th Legislature
2025 Regular Session

Passed by the Senate February 28, 2025
Yeas 40 Nays 8

President of the Senate

Passed by the House April 15, 2025
Yeas 59 Nays 38

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5101** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5101

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

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

READ FIRST TIME 02/03/25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Requested or consented to by the employee;

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

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

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

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

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

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

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

An employer may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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