CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 2105

Chapter 240, Laws of 2026

69th Legislature
2026 Regular Session

IMMIGRANT WORKER PROTECTIONS

EFFECTIVE DATE: June 11, 2026—Except for sections 4 through 10, which take effect October 1, 2026.

Passed by the House March 11, 2026
Yeas 58 Nays 38

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate March 5, 2026
Yeas 27 Nays 21

DENNY HECK

President of the Senate

Approved March 30, 2026 1:42 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2105** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2026

Secretary of State
State of Washington

SECOND SUBSTITUTE HOUSE BILL 2105

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

State of Washington 69th Legislature 2026 Regular Session

By House Appropriations (originally sponsored by Representatives Ortiz-Self, Mena, Farivar, Cortes, Berry, Ramel, Fosse, Parshley, Ryu, Stearns, Doglio, Simmons, Peterson, Reed, Obras, Santos, Zahn, Fitzgibbon, Street, Wylie, Scott, Thomas, Duerr, Stonier, Gregerson, Ormsby, Callan, Goodman, Reeves, Thai, Macri, Bergquist, Salahuddin, Hill, Davis, and Pollet; by request of Attorney General)

READ FIRST TIME 02/09/26.

AN ACT Relating to protecting immigrant workers; adding a new chapter to Title 49 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that immigrant workers contribute to Washington state's strong economy. According to research from the immigration research initiative, immigrants account for 15 percent of the population in Washington state, yet contribute 21 percent of economic output, or gross domestic product (GDP). Immigrant workers contribute an estimated $145,000,000,000 to Washington state's GDP per year.

(2) The legislature finds that civil immigration enforcement through workplace raids conducted by the federal government is disruptive to families and communities, reduces community safety, and is ineffective at deterring illegal conduct by employers or raising standards for workers.

(3) The legislature finds that employers could benefit from clarity about their rights and responsibilities when engaging with federal agencies that conduct form I-9 inspections. The legislature seeks to provide resources and support to employers about their rights and the rights of their workers.

(4) The legislature finds that protecting Washingtonians who are abiding by our state laws and keeping families together is an urgent statewide priority.

(5) The legislature therefore intends to require Washington employers to provide notice to workers in the event of a form I-9 inspection and provide additional protections and support for workers and employers.

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

(1) "Affected worker" means a worker identified by the federal agency inspection results to be a worker who may lack federal work authorization, or a worker whose federal work authorization documents or form I-9 have been identified by the federal agency inspection results to have deficiencies.

(2) "Employ" means to suffer or permit to work.

(3) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more workers, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(4) "Federal agency" means an agency of the United States government that enforces or aids in enforcing United States federal civil immigration laws or employment eligibility inspections, including but not limited to any person or class of persons authorized to perform the functions of an immigration officer as defined in the immigration and nationality act, without regard to the agency for whom the person is employed. Officials from the United States department of homeland security, department of justice immigrant and employee rights section or its successor, and department of labor are included in this definition when on duty.

(5) "Form I-9" refers to the United States citizenship and immigration services employment eligibility verification form used by employers to comply with 8 U.S.C. Sec. 1324a(b) to verify the identity and work authorization of employees or any successor form used by employers for the same purposes under federal law.

(6) "Worker" means any person employed by an employer.

(7) "Worker records" means documentation that includes a worker's first name or first initial and last name in combination with any one or more of the following data elements: (a) Social security number; (b) driver's license number or Washington identification card number; (c) residential address; (d) student, military, or passport identification number; (e) biometric data generated by automatic measurements of an individual's biological characteristics such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual; (f) information that includes a geolocation component that could be used to identify a worker's location. "Worker records" also includes documentation that includes the first name or first initial and last name of a family member of a worker in combination with the data elements outlined in this subsection.

(8) "Worker's authorized representative" means an exclusive collective bargaining representative.

NEW SECTION. **Sec. 3.** (1) By September 1, 2026, the attorney general shall develop and make available on its website the following:

(a) A poster for employers to inform workers of the notice requirements in sections 5 and 6 of this act in English and the five most commonly used non-English languages in the state. The poster must include space for an employer to provide information on where they will post notices and otherwise communicate notices required under sections 5 and 6 of this act; and

(b) A model notice for employers to use for complying with the notice requirement under section 5 of this act in English and the five most commonly used non-English languages in the state. The model notice must:

(i) Include either a template or itemized options, or both, for the employer to identify the following elements without requiring the use of translation services: (A) The name of the federal agency that will be conducting the inspection; (B) the date that the employer received notice of the inspection; and (C) the types of records sought and any other identified purposes of the inspection;

(ii) Allow for the employer to include, attach, or otherwise provide a link to a copy of the notice of inspection; and

(iii) Include contact information for a statewide organization that provides information and advocacy related to immigrant and refugee rights; and

(c) Guidance describing employers' rights to restrict a federal agency from accessing nonpublic areas in a place of labor and from accessing or obtaining certain worker records without a subpoena or judicial warrant, which must be in English and the five most commonly used non-English languages in the state.

(2) Through October 1, 2027, the attorney general shall conduct outreach to businesses, employers, and community members to provide information and guidance on the requirements of this chapter.

NEW SECTION. **Sec. 4.** Every employer shall post and keep posted, in a conspicuous place or places on the premises of the employer where notices to workers are customarily posted, the poster required under section 3(1)(a) of this act.

NEW SECTION. **Sec. 5.** (1) Within five business days of receiving notification from a federal agency of any inspection of I-9 forms and any related worker records, an employer shall provide a written notice to each worker and the worker's authorized representative, if any.

(2) The notice under this section must include:

(a) A copy of the notice of inspection from the federal agency; and

(b) The following information in English and the five most commonly used non-English languages in the state:

(i) The name of the federal agency which will be conducting the inspection;

(ii) The date that the employer received notice of the inspection;

(iii) The types of records sought and the other identified purposes of the inspection to the extent known by the employer; and

(iv) Contact information for a statewide organization that provides information and advocacy related to immigrant and refugee rights, which must be identified and approved by the attorney general for purposes of this requirement.

(3) An employer may use the model notice under section 3(1)(b) of this act for purposes of subsection (2) of this section. If an employer uses the model notice in accordance with the instructions

provided by the attorney general, then the employer has satisfied the requirements of subsection (2) of this section for purposes of any action under section 9 or 10 of this act.

(4) The employer shall provide the notice required under this section by:

(a) Posting and maintaining the posting through the completion of the inspection in conspicuous places on the premises of the employer where notices to workers are customarily posted; and

(b) Transmitting the notice directly to workers using the primary method of communication typically used by the employer, which must include at least one of the following: Hand delivery to the worker; mail with proof of delivery; email with proof of transmission; or text message sent telephonically, which may include a link to a notice maintained on a web page, with proof of transmission. Acceptable forms of proof of transmission or delivery, which are rebuttable include, but are not limited to: Mail with proof of sending; dated electronic transmission; posting with time-stamped photographs; or other reasonable records maintained in the ordinary course of business to demonstrate notice to workers of employment related matters.

NEW SECTION. **Sec. 6.** (1) Within five business days of its receipt of a written notice of results of an inspection of I-9 forms and any related worker records by a federal agency, an employer shall:

(a) Provide to each affected worker and the worker's authorized representative, if any, a copy of the written notice from the federal agency;

(b) Provide to each affected worker and the worker's authorized representative, if any, a written notice of the obligations of the employer and the affected worker arising from the results of the inspection of I-9 forms and any related worker records, which must be written in the language most regularly used to communicate between the employer and the affected worker; and

(c) Provide to each affected worker and the worker's authorized representative, if any, the following information, which must be written in the language most regularly used to communicate between the employer and the affected worker:

(i) A description of any deficiencies or other items identified in the written immigration inspection results notice related to the affected worker;

(ii) The time period for correcting any potential deficiencies identified by the federal agency;

(iii) A mutually agreed upon time and date, or options for times and dates, within the allotted correction period, for a meeting with the employer to correct any identified deficiencies; and

(iv) Notice that the worker has the right to representation during any meeting scheduled with the employer.

(2) The information provided to the worker under this section must relate to the affected worker only. The employer must redact any other workers' personal information as defined in RCW 19.255.005.

(3) The employer shall transmit the information required by this section to the affected worker and the worker's authorized representative using the primary method of communication typically used by the employer, which must include at least one of the methods identified under section 5(4)(b) of this act.

(4) This section does not modify or limit a collective bargaining agreement requiring shorter time frames for a notice than those provided under this section.

NEW SECTION. **Sec. 7.** (1) Employers are not required by law to perform form I-9 self-audits. Any form I-9 self-audit must comply with all applicable federal, state, and local antidiscrimination and antiretaliation laws including, but not limited to: 8 U.S.C. Sec. 1324b, 29 U.S.C. Secs. 201–219, 29 U.S.C. Secs. 151–169, 42 U.S.C. Sec. 2000e *et seq.*, chapter 49.60 RCW, and chapter 49.46 RCW. Any form I-9 self-audit must also comply with applicable collective bargaining agreements.

(2) An employer may not impose work authorization verification or reverification requirements greater than those required by federal law.

NEW SECTION. **Sec. 8.** (1) It is unlawful for an employer to interfere with, restrain, or deny the exercise of any worker's rights provided under or in connection with this chapter. This means an employer may not use a worker's exercise of any of the rights provided under this chapter as a negative factor in any employment action such as evaluation, promotion, or termination, or otherwise

subject a worker to discipline for the exercise of any rights provided under this chapter, except that an employer is not prohibited from taking actions required by state or federal law.

(2) It is unlawful for an employer to take any adverse action against a worker because the worker has exercised their rights provided under this chapter. Such rights include, but are not limited to: Filing a complaint or action, or instituting or causing to be instituted any proceeding under or related to this chapter; participating in any investigation or proceeding regarding any rights provided under this chapter; or testifying or intending to testify in any such proceeding related to any rights provided under this chapter.

(3) "Adverse action" means any action taken or threatened by an employer against a worker for their exercise of rights under this chapter, which may include, but is not limited to:

(a) Denying access to, or delaying payment for, minimum wages, agreed or obligated wages, overtime wages, paid sick leave, piece rate compensation, commissions, nondiscretionary compensation or bonuses, all tips and gratuities, and all service charges, except those service charges itemized as not being payable to the worker or workers servicing the customer;

(b) Terminating, suspending, demoting, or denying a promotion;

(c) Reducing the number of work hours for which the worker is scheduled;

(d) Altering the worker's preexisting work schedule;

(e) Reducing the worker's rate of pay; or

(f) Threatening to take, or taking action, based upon the immigration status of a worker or a worker's family member.

NEW SECTION. **Sec. 9.** (1) The attorney general has the authority to:

(a) Resolve alleged violations of this chapter through conference and conciliation;

(b) Investigate potential violations of this chapter on its own initiative or in response to complaints; and

(c) Issue written civil investigative demands for documents, oral testimony, and answers to written interrogatories.

(2) Any personal information about a worker or a worker's family member, including names, in a complaint or investigation is

confidential and exempt from public inspection, copying, or disclosure under chapter 42.56 RCW.

(3) The attorney general may pursue legal action in the name of the state to enjoin violations of this chapter, and obtain actual damages, statutory damages, and any other appropriate relief at law or equity, plus reasonable attorneys' fees and costs.

(a) For each violation of a notice requirement in section 5 or 6 of this act, the court shall order the employer to pay statutory damages to the attorney general in the amount of $500 for each instance where the employer failed to provide a notice satisfying the requirements of section 5 or 6 of this act to a worker. The court shall double the statutory damages if it finds that the violation was willful.

(b) The court may waive or reduce the statutory damages under this section if the employer's violation was inadvertent, if the violation did not result in actual harm, and if the employer made prompt and good faith efforts to correct the violation.

NEW SECTION. **Sec. 10.** (1) A worker, former worker, or a person injured by a violation of this chapter or an organization whose membership includes any such person may bring a private cause of action in superior court to enjoin further violations, recover damages, and seek any other equitable relief or appropriate remedy authorized by state or federal law, plus reasonable attorneys' fees and costs. If the court finds that an employer has violated this chapter, it shall award damages up to and including an amount equal to actual damages, or statutory damages equivalent to 40 times the hourly Washington state minimum wage as defined in RCW 49.46.020 per plaintiff per violation, whichever is greater.

(2) In determining the amount of statutory damages to award under this section, the court shall consider all relevant factors including, but not limited to:

(a) Whether the violation was committed willfully, knowingly, or intentionally, or whether the violation was inadvertent;

(b) Whether the employer made prompt and good faith efforts to correct the violation after learning of it;

(c) Whether the violation resulted in actual harm to the plaintiff;

(d) Whether the violation is a repeat violation;

(e) The size of the employer;

(f) The amount necessary to deter future noncompliance;

(g) The purposes of this chapter; and

(h) Any other factor deemed appropriate by the court.

NEW SECTION. **Sec. 11.** This chapter may not be interpreted, construed, or applied to restrict or limit an employer's compliance with a memorandum of understanding governing the use of the federal E-Verify system or with federal law and regulations regarding employers' verification of workers' authorization.

NEW SECTION. **Sec. 12.** If any provision of this chapter or its application to any person or circumstance is found to be in conflict with any other federal or state law or otherwise held invalid, the conflicting or invalid provision is inoperative solely to the extent of such conflict or holding and the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. This chapter is not intended to limit or prohibit any employer from complying with any other state or federal law.

NEW SECTION. **Sec. 13.** Nothing in this chapter may be construed to limit or affect: (1) The right of any worker to pursue any judicial, administrative, or other action available with respect to an employer; (2) the department of labor and industries' authority to pursue any judicial, administrative, or other action available with respect to a worker; or (3) the department of labor and industries' authority to pursue any judicial, administrative, or other action available with respect to an employer.

NEW SECTION. **Sec. 14.** This act may be known and cited as the immigrant worker protection act.

NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 16.** Sections 4 through 10 of this act take effect October 1, 2026.

NEW SECTION. **Sec. 17.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not

provided by June 30, 2026, in the omnibus appropriations act, this act is null and void.

Passed by the House March 11, 2026.
Passed by the Senate March 5, 2026.
Approved by the Governor March 30, 2026.
Filed in Office of Secretary of State March 31, 2026.

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