

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5408

Chapter 383, Laws of 2025

69th Legislature
2025 Regular Session

EMPLOYER WAGE AND SALARY DISCLOSURES—CORRECTIONS

EFFECTIVE DATE: July 27, 2025

Passed by the Senate April 22, 2025
Yeas 47 Nays 1

DENNY HECK

President of the Senate

Passed by the House April 15, 2025
Yeas 94 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 20, 2025 10:42 AM

BOB FERGUSON

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 5408** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 21, 2025

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5408

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Senate Labor & Commerce (originally sponsored by Senator King)

READ FIRST TIME 02/10/25.

1 AN ACT Relating to allowing for corrections to wage and salary
2 disclosures; amending RCW 49.58.110; and prescribing penalties.

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

4 **Sec. 1.** RCW 49.58.110 and 2022 c 242 s 1 are each amended to
5 read as follows:

6 (1) Required disclosures in postings.

7 (a) The employer must disclose in each posting for each job
8 opening ((the)): (i) The wage scale or salary range, except where the
9 employer is offering only a fixed wage amount for the opening, the
10 employer must disclose the fixed wage amount rather than a scale or
11 range; and (ii) a general description of all of the benefits and
12 other compensation to be offered to the hired applicant. For the
13 purposes of this section, "posting" means any solicitation intended
14 to recruit job applicants for a specific available position,
15 including recruitment done directly by an employer or indirectly
16 through a third party, and includes any postings done electronically,
17 or with a printed hard copy, that includes qualifications for desired
18 applicants. "Posting" does not include a solicitation for recruiting
19 job applicants that is digitally replicated and published without an
20 employer's consent.

1 (b) For any postings from the effective date of this section
2 through July 27, 2027, an employer must be afforded an opportunity to
3 correct a violation of this subsection (1) before a job applicant may
4 seek remedies under subsection (4) or (5) of this section. Any person
5 may provide written notice to an employer alleging that the
6 employer's posting does not comply with this subsection (1). If an
7 employer receives notice from any person as to a particular posting,
8 this constitutes adequate notice for the duration of that posting for
9 any job applicant seeking remedies under subsection (4) or (5) of
10 this section. If the employer corrects the posting within five
11 business days of receiving the written notice and, where applicable,
12 contacts any applicable third-party posting entity with a demand to
13 correct the posting, then neither the department nor the court may
14 assess or award penalties, damages, or other relief under this
15 section for the violation. This subsection (1)(b) does not apply
16 after July 27, 2027.

17 (2) Required disclosures for internal transfers and promotions.

18 Upon request of an employee offered an internal transfer to a new
19 position or promotion, the employer must provide the wage scale or
20 salary range for the employee's new position, except where the
21 employer is offering only a fixed wage amount for the new position or
22 promotion, the employer must disclose the fixed wage amount rather
23 than a scale or range.

24 (3) Application.

25 This section only applies to employers with 15 or more employees.

26 ~~(4) ((A job applicant or an employee is entitled to the remedies~~
27 ~~in RCW 49.58.060 and 49.58.070 for violations of this section.~~
28 ~~Recovery of any wages and interest must be calculated from the first~~
29 ~~date wages were owed to the employee.)) Administrative remedies.~~

30 (a) The director shall investigate if a job applicant or employee
31 files a complaint with the department alleging a violation of this
32 section. If the director determines that a violation occurred, the
33 director shall attempt to resolve the violation by conference and
34 conciliation. If no agreement is reached to resolve the violation,
35 the director may issue a citation and notice of assessment and may
36 order the employer to pay each affected job applicant or employee
37 statutory damages of no less than \$100 and no more than \$5,000 per
38 violation. If ordering statutory damages, the department shall
39 consider the following when determining the amount of those damages:
40 Whether the violation was committed willfully or the violation is a

1 repeat violation; the size of the employer; the amount necessary to
2 deter future noncompliance; the purposes of this chapter; and any
3 other factor deemed appropriate by the department. In addition to
4 statutory damages, the director may:

5 (i) Order payment of the department's costs of investigation and
6 enforcement to the department;

7 (ii) Assess a civil penalty of up to \$500 for a first violation
8 or up to \$1,000 for a repeat violation; and

9 (iii) Order actual damages, reinstatement, injunctive relief, or
10 other appropriate relief for an employee injured by a violation of
11 subsection (2) of this section.

12 (b) An appeal from the director's finding or determination may be
13 made in accordance with chapter 34.05 RCW. An employee or job
14 applicant who prevails is entitled to costs and reasonable attorneys'
15 fees.

16 (c) The department shall deposit civil penalties paid under this
17 section in the supplemental pension fund established under RCW
18 51.44.033.

19 (5) Private civil action.

20 (a) A job applicant or employee may bring a civil action against
21 an employer for a violation of this section. A prevailing job
22 applicant or employee is entitled to statutory damages of no less
23 than \$100 and no more than \$5,000 per violation, plus reasonable
24 attorneys' fees and costs. In determining the amount of statutory
25 damages, the court shall consider the following: Whether the
26 violation was committed willfully or the violation is a repeat
27 violation; the size of the employer; the amount necessary to deter
28 future noncompliance; the purposes of this chapter; and any other
29 factor deemed appropriate by the court. The court may also order
30 actual damages, reinstatement, injunctive relief, and other
31 appropriate remedies for an employee injured by a violation of
32 subsection (2) of this section.

33 (b) The job applicant or employee shall bring a civil action
34 within three years of the date of the alleged violation of this
35 section regardless of whether the job applicant or employee pursued
36 an administrative complaint. Filing a civil action under this
37 subsection terminates the director's processing of the complaint
38 under subsection (4) of this section. A job applicant or employee may
39 be awarded damages by the department under subsection (4) of this

1 section or the court under subsection (5) of this section, but not
2 both.

3 (6) Exclusive remedies.

4 The administrative remedies and private right of action under
5 this section constitute the exclusive remedies for violations of this
6 section. The remedies under RCW 49.58.060 and 49.58.070 are not
7 available for violations of this section.

8 (7) Rules.

9 The department may adopt rules for purposes of implementing and
10 enforcing this section.

Passed by the Senate April 22, 2025.

Passed by the House April 15, 2025.

Approved by the Governor May 20, 2025.

Filed in Office of Secretary of State May 21, 2025.

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