
HOUSE BILL 2849

State of Washington

65th Legislature

2018 Regular Session

By Representatives Doglio, Sells, Frame, Gregerson, Appleton, Valdez, Kloba, Pollet, and Goodman

Read first time 01/18/18. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to protecting temporary workers; adding a new
2 section to chapter 49.17 RCW; adding a new section to chapter 49.12
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17
6 RCW to read as follows:

7 (1) Before the assignment of an employee to a work site employer,
8 a staffing agency must:

9 (a) Provide training to the employee for industry specific
10 hazards the employee may encounter at the work site employer.
11 Industry specific training must be completed annually, in the
12 preferred language of the worker, and must occur during paid work
13 hours and at no expense to the employee. The training date and
14 training content must be maintained by the staffing agency and
15 provided to the employee; and

16 (b) Transmit training documentation to the work site employer.

17 (2) Before the employee engages in work for the work site
18 employer, the work site employer must:

19 (a) Document anticipated job hazards likely encountered by the
20 staffing agency employee;

1 (b) Review industry specific training provided by the staffing
2 agency to determine if the training is appropriate for hazards
3 encountered in the work site employer's job site location. If the
4 work site employer determines that the training is not appropriate,
5 the work site employer must provide all necessary supplemental
6 training; and

7 (c) Document if the determination is made that the training is
8 adequate for the expected hazards likely encountered by the staffing
9 agency employees and document and maintain records of supplemental
10 training and provide the training records to the staffing agency and
11 the employee.

12 (3) If the work site employer changes the job tasks, the work
13 site employer must:

14 (a) Inform both the staffing agency and the employee; and

15 (b) Provide a written job hazard analysis to both the staffing
16 agency and the employee before the employee undertakes the new tasks
17 and update personal protective equipment and training for the new job
18 tasks, if necessary.

19 (4) A staffing agency and employee may refuse a new job task.

20 (5) A work site employer must allow a staffing agency to visit
21 any work site where the staffing agency's employees are working to
22 observe and confirm the information related to job tasks and hazards.

23 (6) The definitions in this subsection apply throughout this
24 section unless the context clearly requires otherwise.

25 (a) "Staffing agency" means an individual, company, corporation,
26 or partnership, that procures or provides temporary employment to a
27 person who then works under the supervision or direction of a work
28 site employer. "Staffing agency" does not include a "farm labor
29 contractor" as defined in RCW 19.30.010.

30 (b) "Work site employer" means an individual, company,
31 corporation or partnership, with which a staffing agency contracts or
32 otherwise agrees to furnish persons for temporary employment.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12
34 RCW to read as follows:

35 (1)(a) A staffing agency must provide to each employee notice of
36 the following:

37 (i) The name, address, and telephone number of: (A) The staffing
38 agency or the staffing agency agent facilitating the placement; (B)
39 the work site employer; and (C) the department;

1 (ii) A description of the position and whether the position
2 requires any special clothing, equipment, training, or licenses, and
3 any costs charged to the employee for supplies or training;

4 (iii) The designated pay day, the hourly rate of pay, and whether
5 overtime pay may occur;

6 (iv) The daily starting time and anticipated end time and, when
7 known, the expected duration of employment;

8 (v) Whether any meals shall be provided by the staffing agency or
9 work site employer and the charge, if any, to the employee; and

10 (vi) Details of the means of transportation to the work site and
11 any fees charged to the employee by the staffing agency or work site
12 employer for any transportation services.

13 (b) The notice required by this section must be provided before
14 or at the same time the staffing agency directs the employee to a new
15 assignment or employment and may be provided by telephone. The
16 information must also be sent in writing to the employee, using a
17 method designated by the employee including facsimile, email, or
18 first-class mail, before the end of the first pay period. Any change
19 in the information provided must be immediately provided to the
20 employee using the same method designated by the employee and the
21 employee must acknowledge the change in terms.

22 (2) A staffing agency shall post in a conspicuous place in each
23 of its locations where it does business notice of an employee's
24 rights under this section and the name and telephone number of the
25 department. A staffing agency must also provide a copy of the notice
26 of rights to the employee in the language the employee prefers using
27 a method designed by the employee including facsimile, email, or
28 first-class mail. The department shall post on its website sample
29 notices that meet the requirements of this section in at least the
30 five languages the department reasonably determines are most likely
31 to be understood by employees.

32 (3) A staffing agency or worksite employer may not charge or
33 accept a fee from an employee for:

34 (a) The cost of registration with the staffing agency or the cost
35 of procuring employment;

36 (b) Any good or service unless under the terms of a written
37 contract with the employee, which clearly states in a language that
38 the employee understands, that the purchase is voluntary and that the
39 staffing agency will not gain a profit from any cost or fee charged
40 to the employee;

1 (c) The provision of any of the following that exceed the actual
2 cost per applicant or employee: Bank card, debit card, payroll card,
3 voucher, draft, money order, or similar form of payment of wages, or
4 any drug screen;

5 (d) A criminal history background check;

6 (e) Transportation, except as provided in subsection (4) of this
7 section; or

8 (f) Any good or service the payment of which would cause the
9 employee to earn less than the applicable minimum wage.

10 (4)(a) If a staffing agency or work site employer or a person
11 acting directly or indirectly in either's interest offers
12 transportation services to an employee and charges a fee for such
13 services, the staffing agency or work site employer may not charge
14 more than the actual cost to transport such employee to or from the
15 designated work site or three percent of the employee's total daily
16 wages, whichever is less. If the staffing agency or work site
17 employer requires the employee to use such transportation services,
18 the staffing agency or work site employer may not charge a fee to the
19 employee.

20 (b) Any staffing agency that sends an employee to a work site
21 employer for employment that day when no employment exists must fully
22 refund to the employee the cost of transportation and compensate the
23 employee for time spent traveling to the work site employer's
24 location.

25 (5) A staffing agency may not:

26 (a) Knowingly issue, distribute, circulate, or provide any false,
27 fraudulent, or misleading information, representation, promise,
28 notice, or advertisement to any applicant or employee;

29 (b) Assign or place an employee in employment by force or fraud,
30 for illegal purposes, or where the employment is in violation of
31 state or federal laws governing minimum wage, child labor, employment
32 of minors, or required licensure or certification;

33 (c) Assign or place an employee in employment at any location
34 that is on strike or lockout, without notifying the employee;

35 (d) Refuse to return on demand any personal property belonging to
36 an employee or any fee or cost that is charged or accepted by a
37 staffing agency or work site employer in excess of the amounts
38 allowed under this section; or

39 (e) Deduct any fees or costs from employee wages in violation of
40 RCW 49.48.010 or 49.52.060, or deduct any fees or costs from employee

1 wages unless expressly authorized in writing by the employee and the
2 staffing agency provides to the employee a copy of the signed
3 authorization in a language the employee can understand.

4 (6) If a work site employer changes the location of a job site,
5 the staffing agency and the employee may refuse the new location, and
6 a work site employer and staffing agency may not discriminate against
7 an employee for refusing work at a changed location.

8 (7) Upon complaint by an employee or an interested party, the
9 department may investigate to determine if there has been compliance
10 with this section by a staffing agency or work site employer. If the
11 director determines that a violation occurred, the director may order
12 payment to the department of a civil penalty of not more than two
13 hundred dollars per employee for a first violation and not more than
14 one thousand dollars per employee for a repeat violation, and payment
15 to the department of the costs of the investigation and enforcement
16 and reasonable attorneys' fees and costs. The department must deposit
17 civil penalties paid under this section in the supplemental pension
18 fund established under RCW 51.44.033.

19 (8) The department may adopt rules to implement this section.

20 (9) The definitions in this subsection apply throughout this
21 section unless the context clearly requires otherwise.

22 (a) "Employee" means a person employed directly by a staffing
23 agency to provide temporary or part-time employment services to a
24 work site employer or a person for whom a staffing agency procures or
25 arranges temporary or part-time employment with a work site employer.
26 "Employee" includes workers performing in an executive,
27 administrative, professional, or outside sales capacity, and domestic
28 or casual labor in or about private residences.

29 (b) "Staffing agency" means an individual, company, corporation,
30 or partnership, that procures or provides temporary or part-time
31 employment to a person who then works under the supervision or
32 direction of a work site employer. "Staffing agency" does not include
33 a "farm labor contractor" as defined in RCW 19.30.010.

34 (c) "Work site employer" means an individual, company,
35 corporation or partnership, with which a staffing agency contracts or
36 otherwise agrees to furnish persons for temporary or part-time
37 employment.

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