

ESSB 5258 - H COMM AMD

By Committee on Labor & Workplace Standards

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60
4 RCW to read as follows:

5 (1) Every hotel, motel, retail, or security guard entity, or
6 property services contractor, who employs an employee, must:

7 (a) Adopt a sexual harassment policy;

8 (b) Provide mandatory training to the employer's managers,
9 supervisors, and employees to:

10 (i) Prevent sexual assault and sexual harassment in the
11 workplace;

12 (ii) Prevent sexual discrimination in the workplace; and

13 (iii) Educate the employer's workforce regarding protection for
14 employees who report violations of a state or federal law, rule, or
15 regulation;

16 (c) Provide a list of resources for the employer's employees to
17 utilize. At a minimum, the resources must include contact information
18 of the equal employment opportunity commission, the Washington state
19 human rights commission, and local advocacy groups focused on
20 preventing sexual harassment and sexual assault; and

21 (d) Provide a panic button to each employee that spends a
22 majority of her or his working hours alone or whose primary work
23 responsibility involves working without another coworker present. The
24 department must publish advice and guidance for employers with fifty
25 or fewer employees relating to this subsection (1)(d). This
26 subsection (1)(d) does not apply to contracted security guard
27 companies licensed under chapter 18.170 RCW.

28 (2)(a) A property services contractor shall submit the following
29 to the department on a form or in a manner determined by the
30 department:

31 (i) The date of adoption of the sexual harassment policy required
32 in subsection (1)(a) of this section;

1 (ii) The number of managers, supervisors, and employees trained
2 as required by subsection (1)(b) of this section; and

3 (iii) The physical address of the work location or locations at
4 which janitorial services are provided by employees of the property
5 services contractor, and for each location: (A) The total number of
6 employees or contractors of the property services contractor who
7 perform janitorial services; and (B) the total hours worked.

8 (b) The department must make aggregate data submitted as required
9 in this subsection (2) available upon request.

10 (c) The department may adopt rules to implement this subsection
11 (2).

12 (3) For the purposes of this section:

13 (a) "Department" means the department of labor and industries.

14 (b) "Employee" means an individual employed by an employer as
15 a janitor, security guard, hotel or motel housekeeper, or room
16 service attendant.

17 (c) "Employer" means any person, association, partnership,
18 property services contractor, or public or private corporation,
19 whether for-profit or not, who employs one or more persons.

20 (d) "Panic button" means an emergency contact device carried by
21 an employee by which the employee may summon immediate on-scene
22 assistance from another worker, a security guard, or a representative
23 of the employer.

24 (e) "Property services contractor" means any person or entity
25 that employs workers: (i) To perform labor for another person to
26 provide commercial janitorial services; or (ii) on behalf of an
27 employer to provide commercial janitorial services. "Property
28 services contractor" does not mean the employment security department
29 or individuals who perform labor under an agreement for exchanging
30 their own labor or services with each other, provided the work is
31 performed on land owned or leased by the individuals.

32 (f) "Security guard" means an individual who is principally
33 employed as, or typically referred to as, a security officer or
34 guard, regardless of whether the individual is employed by a private
35 security company or a single employer or whether the individual is
36 required to be licensed under chapter 18.170 RCW.

37 (4)(a) Hotels and motels with sixty or more rooms must meet the
38 requirements of this section by January 1, 2020.

1 (b) All other employers identified in subsection (1) of this
2 section must meet the requirements of this section by January 1,
3 2021."

4 Correct the title.

EFFECT: (1) Strikes all provisions of the underlying bill.

(2) Requires a hotel, motel, retail, or security guard entity, or a property services contractor, who employs a janitor, security guard, hotel or motel housekeeper, or room service attendant (defined as "employees") to:

(a) Adopt a sexual harassment policy;

(b) Provide mandatory training to managers, supervisors, and employees to prevent sexual assault, harassment, and sexual discrimination, and educate the workforce regarding protection for employees who report violations;

(c) Provide a list of resources; and

(d) Provide a panic button to each employee who spends a majority of her or his working hours alone or whose primary work responsibility involves working without another coworker present. Exempts licensed contracted security guard companies. Requires the Department of Labor and Industries (Department) to publish advice and guidance for employers with 50 or fewer employees.

(3) Requires property services contractors to provide the following information to the Department:

(a) The date of adoption of the sexual harassment policy;

(b) The number of managers, supervisors, and employees trained;
and

(c) The physical address of the work location at which janitorial services are provided and for each location, the total number of employees or contractors performing janitorial services, and the total hours worked.

(4) Requires the Department to make aggregate data submitted available upon request.

(5) Defines terms:

(a) "Panic button" is an emergency contact device carried by an employee by which the employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

(b) "Property services contractor" is any person or entity that employs workers to perform labor for another person to provide commercial janitorial services or on behalf of an employer to provide commercial janitorial services. Excludes the Employment Security Department and certain individuals performing work on land they lease or own.

(c) "Security guard" is an individual principally employed as or typically referred to as a security officer or guard, regardless of whether the individual is employed by a private security company or single employer or whether the individual is required to be licensed.

(6) Provides that hotels and motels with 60 or more rooms must comply with the requirements by January 1, 2020, and that all other employers identified must comply by January 1, 2021.

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