

SSB 5258 - S AMD 23
By Senator Keiser

ADOPTED 02/13/2019

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, behavioral health, or custodial
6 employer, or property services contractor, who employs a custodian,
7 security guard, hotel or motel housekeeper, or room service employee
8 who spends a majority of her or his working hours alone or whose
9 primary work responsibility involves working without another coworker
10 present, at a location that is not her or his home must:

11 (a) Adopt a sexual harassment policy;

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

14 (i) Prevent sexual assault and sexual harassment in the
15 workplace;

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

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

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

25 (d) Provide a panic button to each worker that spends a majority
26 of her or his working hours alone or whose primary work
27 responsibility involves working without another coworker present, at
28 a location that is not her or his home. The department of labor and
29 industries must publish advice and guidance for employers with fifty
30 or fewer employees relating to this subsection.

1 (2) (a) The director of the department of labor and industries
2 must establish, by rule, procedures for licensing property service
3 contractors.

4 (b) The rules adopted under this subsection (2) must require that
5 a property service contractor provide the following information to
6 the director:

7 (i) The total number of employees employed by the property
8 service contractor who perform janitorial services;

9 (ii) The physical address of the work location or locations at
10 which janitorial services are provided by an employee of the property
11 service contractor; and

12 (iii) Demographic data that is voluntarily provided by employees
13 relating to race, sex, sexual orientation, national origin, marital
14 status, and age.

15 (3) For the purposes of this section:

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

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

23 (c) "Property services contractor" does not mean the employment
24 security department or individuals who perform labor under an
25 agreement for exchanging their own labor or services with each other,
26 provided the work is performed on land owned or leased by the
27 individuals. "Property services contractor" means any person that for
28 an agreed remuneration or rate of pay, recruits, solicits, supplies,
29 or employs workers:

30 (i) To perform labor for another person to provide services that
31 include janitorial services;

32 (ii) On behalf of an employer to provide services that include
33 janitorial services; or

34 (iii) By a subcontract with another for any of the activities
35 described in (c) (i) or (ii) of this subsection.

36 (d) "Security guard" means an individual who is principally
37 employed as, or typically referred to as, a security officer or
38 guard, regardless of whether the individual is employed by private
39 security company or a single employer. An individual not licensed

1 under chapter 18.170 RCW may still be considered a security guard
2 under this section.

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

5 (b) All other businesses must meet the requirements of this
6 section by January 1, 2021."

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7 On page 1, line 2 of the title, after "workers;" strike the
8 remainder of the title and insert "and adding a new section to
9 chapter 49.60 RCW."

EFFECT: Changes a reference from hospitality employers to hotel and motel employers. Removes behavioral health caregivers and counselors from the list of occupations covered under the bill. Adds room service employees to the list of occupations covered under the bill. Includes employees whose primary work responsibility involves working without another coworker present in addition to employees who work alone. Removes references to construction labor contractors and farm labor contractors. Provides exceptions to the definition of property service contractors for the employment security department and individuals who perform labor pursuant to an agreement for exchanging their own labor or services with each other if the work is performed on land owned or leased by the individuals.

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