

ESSB 5258 - CONF REPT  
By Conference Committee

HOUSE ADOPTED 04/25/2019; SENATE ADOPTED 04/26/2019

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. The department must  
22 publish advice and guidance for employers with fifty or fewer  
23 employees relating to this subsection (1)(d). This subsection (1)(d)  
24 does not apply to contracted security guard companies licensed under  
25 chapter 18.170 RCW.

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

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

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

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

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

8 (c) The department may adopt rules to implement this subsection  
9 (2).

10 (3) For the purposes of this section:

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

12 (b) "Employee" means an individual who spends a majority of her  
13 or his working hours alone, or whose primary work responsibility  
14 involves working without another coworker present, and who is  
15 employed by an employer as a janitor, security guard, hotel or motel  
16 housekeeper, or room 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."

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

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