
Labor & Workplace Standards Committee

HB 2239

Brief Description: Prohibiting unjustified employer searches of employee personal vehicles.

Sponsors: Representatives Blake, Walsh and Orcutt.

Brief Summary of Bill

- Prohibits certain searches of employee vehicles in employer parking areas.
- Specifies an employee right of possession of property within their vehicles in employer parking areas.
- Provides for investigations and potential civil penalties by the Department of Labor and Industries.

Hearing Date: 1/13/20

Staff: Lily Smith (786-7175).

Background:

The Department of Labor and Industries (Department) has general investigative and enforcement authority over conditions of labor, which are unlawful when detrimental to employee health. Conditions of labor include personal privacy. There are no specific statutes regarding workplace searches.

Government employers are subject to federal and state constitutional privacy restrictions. Generally, a government actor needs a warrant supported by probable cause to conduct a search of private property, unless an exception applies. In the employment setting, an exception may apply when the employer has a compelling interest and narrowly tailors the search to achieve that interest.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under common law, courts generally look to the circumstances, context and nature of a search to determine whether an invasion of privacy has occurred. In the workplace, these factors may include the business reasons for the search, the intrusiveness of the search, and the degree of privacy of the object searched.

Summary of Bill:

Employer searches of employee-owned vehicles within employer parking lots, garages, or access roads are prohibited. Employers may not condition employment on a waiver of this prohibition. Exceptions to the prohibition apply to:

- employer-leased vehicles;
- lawful searches by law enforcement;
- when necessary to prevent an immediate threat; and
- when an employee consents to a private security guard search based on probable cause of unlawful possession of employer property.

An employee has a right of possession to their private property within their vehicle on employer parking lots, garages and access roads.

The Department must investigate employee complaints and may impose a civil penalty of up to \$1,000 for a first violation and up to \$5,000 for subsequent violations.

Appropriation: None.

Fiscal Note: Requested on January 8, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.