H-2854.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 2100**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2024 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Farivar, Fosse, Berry, Reed, Ormsby, Nance, Reeves, and Pollet)

AN ACT Relating to reducing the impacts of mass layoffs by identifying demographic disparities and educating employees of relief options; adding new sections to chapter 50.12 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature seeks to determine whether mass layoffs result in a disproportionate dismissal of employees belonging to protected classes and whether certain groups of employees are laid off or terminated more than other groups. The legislature also intends to reduce the impact that mass layoffs have on terminated employees by increasing the ways in which those employees receive information about benefits and programs they may be entitled to or eligible for.

NEW SECTION. **Sec.**  A new section is added to chapter 50.12 RCW to read as follows:

(1) By October 1, 2024, the department shall develop a mass layoff survey and data collection system that employers subject to 29 U.S.C. chapter 23 Sec. 2101, et al., the federal worker adjustment and retraining notification act (WARN act), are required to distribute in accordance with this section.

(2) When the department receives a notice under the WARN act from an employer, the department shall inform the employer of the employer's responsibility to provide the survey to impacted employees.

(3) At a minimum, the survey must:

(a) Contain a brief explanation of the purpose of the survey;

(b) Clearly indicate that completing the survey is voluntary;

(c) Clearly indicate that completing or not completing the survey does not impact any unemployment benefits or other rights or programs the employee may be entitled to or eligible for; and

(d) Be designed to collect demographic data, such as age, gender, race, ethnicity, and other relevant data, anonymously without collecting identifying information of the employee, for the purpose of understanding how individuals from protected classes are impacted.

(4)(a) When an employer subject to the WARN act provides employees with a termination notice under the WARN act, the employer must also provide to each employee being terminated the survey created under this section. The employer must provide the survey at no cost to the employee.

(b) Employees must be provided at least 30 days to complete and submit the survey. Within 45 days after the employer has provided surveys to impacted employees, the employer must also submit to the department general demographic data, as determined by the department, that the employer has of its entire workforce at the site of the layoff, including employees who are not being terminated.

(5) The department shall compile the data received under this section and include demographic data of an employer's mass layoff on the department's online WARN act website.

NEW SECTION. **Sec.**  A new section is added to chapter 50.12 RCW to read as follows:

(1)(a) An employer subject to 29 U.S.C. chapter 23 Sec. 2101, et al., the federal worker adjustment and retraining notification act (WARN act), shall provide a rapid response partner reasonable access to employees who receive a notice of termination under the WARN act. The purpose of providing access is to provide a presentation, preferably in person, to employees to assist them in quickly maximizing public and private resources to minimize the disruptions associated with job losses. Resources include transitional services to employees affected by the mass layoff, unemployment insurance information, dislocated worker program services, job seeker services available at the local work source, and retraining services, and other benefits and programs the employee may be entitled to or eligible for.

(b) A rapid response partner must be a designee of a local workforce development board established under P.L. 113-128, the workforce innovation and opportunity act.

(2) Reasonable access to employees means:

(a) The access occurs during the employees' regular working hours at the employees' regular worksite or the employee's customary work location, or at a location mutually agreed to by the employer, the employees' exclusive bargaining representative, if applicable, and the rapid response partner;

(b) The time for the presentation is for no less than 90 minutes.

(3) No employee may be mandated to attend the rapid response presentation.

(4) An employer may agree to longer or more frequent access, but in no case may an employer agree to less access than required by this section.

**--- END ---**