

SENATE BILL REPORT

SB 5110

As of January 9, 2023

Title: An act relating to adding penalties for certain prohibited practices in chapter 49.44 RCW.

Brief Description: Adding penalties for certain prohibited practices in chapter 49.44 RCW.

Sponsors: Senator Keiser.

Brief History:

Committee Activity: Labor & Commerce: 1/12/23.

Brief Summary of Bill

- Adds penalties for the provisions in the Revised Code of Washington, Chapter 49.44 that do not already have specified criminal or civil penalties.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

Background: The Revised Code of Washington (RCW), Chapter 49.44, contains various prohibited employment practices, such as:

- requiring lie detector tests as a condition of employment;
- public employers misclassifying an employee to avoid providing employment-based benefits;
- requiring genetic screening as a condition of employment;
- requesting, requiring, or coercing an employee to grant access to personal social media accounts;
- age discrimination; and
- obtaining individually identifiable information regarding an employee's participation in an employee assistance program.

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

Some provisions in RCW 49.44 have prescribed civil or criminal penalties while others do not.

Summary of Bill: A person may bring a civil action for a violation of a provision in RCW 49.44 unless a criminal or civil penalty is otherwise specified.

In a civil action brought under the bill, a court may:

- award any prevailing party bringing an action injunctive relief, actual damages, a penalty of no less than \$500 and no more than \$1,000, and reasonable attorneys' fees; and
- award any prevailing party against whom an action was brought reasonable expenses and attorneys' fees upon final judgment and a finding that the action was frivolous and advanced without reasonable cause.

Appropriation: None.

Fiscal Note: Requested on January 5, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.