S-1233.2

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**SUBSTITUTE SENATE BILL 5336**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Orwall, Saldaña, Frame, Hasegawa, Lovick, Nobles, Stanford, Trudeau, Valdez, and C. Wilson)

AN ACT Relating to protections for isolated employees; amending RCW 49.60.515; adding a new section to chapter 49.60 RCW; prescribing penalties; and providing an effective date.

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

**Sec.**  RCW 49.60.515 and 2019 c 392 s 1 are each amended to read as follows:

(1) Every ((~~hotel, motel, retail, or security guard entity, or property services contractor,~~)) employer who employs an isolated employee, must:

(a) Adopt a sexual harassment policy;

(b) Provide mandatory training to the employer's managers((~~,~~)) and supervisors of isolated employees, and isolated employees to:

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

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

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

(iv) Inform isolated employees on how to use panic buttons, and inform managers and supervisors on the responsibility to respond to the use of panic buttons;

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

(d) Provide a panic button to each isolated employee. The department must publish advice and guidance for employers with ((~~fifty~~)) 50 or fewer employees relating to this subsection (1)(d). This subsection (1)(d) does not apply to contracted security guard companies licensed under chapter 18.170 RCW; and

(e) Document completion of the mandatory training required by this subsection and provide the documentation to the department upon request.

(2)(a) A property services contractor shall submit the following to the department on an annual basis and on a form or in a manner determined by the department:

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

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

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

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

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

(3) Employers who employ an isolated employee must maintain a record of the purchase and utilization of panic buttons provided to its isolated employees pursuant to this section. Records must be provided to the department upon request.

(4) For the purposes of this section and section 2 of this act:

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

(b) "((~~Employee~~)) Isolated employee" means an individual who ((~~spends~~)):

(a) Spends a majority of ((~~her or his~~)) the individual's working hours alone, or whose primary work responsibility involves working without another coworker present((~~,~~)); and ((~~who is~~))

(b) Is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

(c) "Employer" means any ((~~person, association, partnership,~~)) hotel, motel, retail entity, security guard entity, or property services contractor((~~, or public or private corporation, whether for-profit or not,~~)) who employs one or more persons.

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

(e) "Property services contractor" means any person or entity that employs workers: (i) To perform labor for another person to provide commercial janitorial services; or (ii) on behalf of an employer to provide commercial janitorial services. "Property services contractor" does not mean the employment security department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

(f) "Security guard" means an individual who is principally employed as, or typically referred to as, a security officer or guard, regardless of whether the individual is employed by a private security company or a single employer or whether the individual is required to be licensed under chapter 18.170 RCW.

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

~~(b) All other employers identified in subsection (1) of this section must meet the requirements of this section by January 1, 2021.~~))

NEW SECTION. **Sec.**  A new section is added to chapter 49.60 RCW to read as follows:

(1) If the department has reason to believe that an employer or property services contractor has failed to comply with the provisions of RCW 49.60.515 then the department may investigate under this section.

(a) The department must investigate violations and issue either a citation assessing a civil penalty or a closure letter after the date on which the department determined the violation, unless the violation is otherwise resolved.

(b) The department must send notice of a citation assessing a civil penalty or the closure letter to the employer by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address.

(2) If the department's investigation finds that the alleged violation cannot be substantiated, the department must issue a closure letter to the employer detailing such finding.

(3) If the department determines a violation of rights under RCW 49.60.515 has occurred, the department may order the employer to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation is $1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty must be at least $2,000 for each repeat willful violation, but no greater than $10,000 for each repeat willful violation.

(b) An employer who fails to comply with the department's investigation of records permitted under RCW 49.60.515 within a reasonable time period may not use such records in any appeal to challenge the correctness of any determination by the department.

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the employer has taken corrective action to resolve the violation.

(d) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Collection of unpaid citations assessing civil penalties by the department under this section must be made pursuant to RCW 49.48.086.

(5) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Repeat willful violator" means any employer that has been the subject of a final and binding citation for a willful violation of one or more rights under RCW 49.60.515 and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(6) The department may adopt and implement rules to carry out and enforce provisions of RCW 49.60.515 and this section.

NEW SECTION. **Sec.**  This act takes effect July 1, 2026.

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