
SENATE BILL 5336

State of Washington

69th Legislature

2025 Regular Session

By Senators Orwall, Saldaña, Frame, Hasegawa, Lovick, Nobles, Stanford, Trudeau, Valdez, and C. Wilson

Read first time 01/17/25. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to protections for isolated employees; amending
2 RCW 49.60.515; adding a new section to chapter 49.60 RCW; and
3 prescribing penalties.

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

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

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

10 (a) Adopt a sexual harassment policy;

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

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

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

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

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

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

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

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

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

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

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

22 (iii) The physical address of the work location or locations at
23 which janitorial services are provided by (~~workers~~) isolated
24 employees of the property services contractor, and for each location:

25 (A) The total number of (~~workers or contractors~~) isolated employees
26 of the property services contractor who perform janitorial services;
27 and (B) the total hours worked.

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

30 (~~(c) The department may adopt rules to implement this subsection~~
31 ~~(2).)~~)

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

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

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

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

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

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

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

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

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

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

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

29 (~~(b) All other employers identified in subsection (1) of this~~
30 ~~section must meet the requirements of this section by January 1,~~
31 ~~2021.)~~)

32 NEW SECTION. Sec. 2. A new section is added to chapter 49.60
33 RCW to read as follows:

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

38 (a) The department must investigate violations and issue either
39 a citation assessing a civil penalty or a closure letter after the

1 date on which the department determined the violation, unless the
2 violation is otherwise resolved.

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

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

10 (3) If the department determines a violation of rights under RCW
11 49.60.515 has occurred, the department may order the employer to pay
12 the department a civil penalty as specified in (a) of this
13 subsection.

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

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

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

26 (d) The department must deposit civil penalties paid under this
27 section in the supplemental pension fund established under RCW
28 51.44.033.

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

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

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

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

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