Buchalter
CLIENT ALERT

June 18, 2025

Washington Employers: Prepare Now for Sweeping Changes to State Employment Laws Starting July 2025

By: Leah Lively and Alexandra Shulman

The Washington State Legislature has passed a sweeping package of labor and employment laws that will significantly impact businesses with employees working in the State of Washington. These new laws, several of which become effective in **July 2025**, expand existing obligations and introduce entirely new requirements for employers.

The new laws will require employers to review and update their policies and to train human resources personnel (and in many cases managers) on these changes.

Buchalter is offering a free webinar to employers to discuss the changes to the laws and related best practices on July 10, 2025, at 11:00 a.m. Pacific. You can register for the webinar HERE.

Effective July 27, 2025

1. Washington Mini-WARN Act. The federal Worker Adjustment and Retraining Notification (WARN) Act requires certain employers to provide 60 days' advance notice of plant closures or mass layoffs. Washington has now joined several others states in enacting its own **"Mini-WARN Act."**
Under the new law, **private employers with 50 or more full-time employees** in Washington (as opposed to 100 or more full-time employees under the federal WARN Act) must provide **at least 60 calendar days' written notice** before implementing a business closure or mass layoff. This notice must be provided to:

- The **Washington Employment Security Department**; and
- The **affected employees**, or if applicable, their **union representative**.

The notice must contain, among other things, a statement as to whether the plant closure or layoff is expected to be permanent or temporary, the expected date of the closure or mass layoff, and the expected date when the individual will be separated from employment.

Like under the federal WARN Act, an employer who violates the statute is liable to each affected employee for back pay and the amount of any lost benefits for up to 60 days. However, the Washington statute carries additional penalties—up to $500 for each day of the employer's violation.

Key Takeaway: Washington employers with 50 or more employees contemplating layoffs or closures must carefully review their obligations under this new law and should consult legal counsel to ensure compliance.

2. Modification of the Job Posting Provisions of the Equal Pay and Opportunities Act. Following a prior amendment to the Equal Pay and Opportunities Act (EPOA) requiring employers to disclose the wage scale or salary range and a description of benefits for all job postings, employers faced significant

class action exposure over technical job posting violations. Fortunately, the latest amendment provides some relief. Employers will have a **limited right to cure** any noncompliant job postings from **July 27, 2025, through July 27, 2027**. If an employer corrects the violation within **five business days** of receiving written notice—and, where applicable, contacts any third-party site to fix the posting—no penalties or damages may be imposed.

Other key changes include:

- "Posting" no longer includes digital ads replicated without the employer's consent.
- If offering a fixed wage, employers must post a fixed amount—not a range.
- Added parameters for statutory damages—instead of a blanket award of $5,000 per violation, a prevailing party is entitled to statutory damages of no less than $100 and no more than $5,000 per violation, plus reasonable attorneys' fees. In assessing the statutory damages, courts must consider, among other things, whether the violation was willful, whether the violation is a repeat violation, the size of the employer, and the amount necessary to deter future noncompliance.
- New administrative enforcement through the Department of Labor and Industries.

Key Takeaway: Washington employers must continue to disclose the wage scale or salary range for job postings; if a noncompliant posting is brought to the employer's attention, they should act promptly to rectify the problem to avoid liability.

3. Expansion of Paid Sick Time for Use for Immigration Proceedings. The legislature has amended the Paid Sick Leave Act to allow eligible employees to use their paid sick time to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member.

Under the amendment, employers and network transportation companies must accept certain documentation or the employee's written statement as certification that an employee is using paid sick time for an immigration proceeding.

Key Takeaway: Employers should update their paid sick time policies to include this additional qualifying reason for paid sick time.

4. Heightened Requirements Concerning Access to Personnel Files. Private employers must currently provide employees and former employees with access to their personnel files within a "reasonable period of time." The amended statute contains strict compliance timelines and associated penalties. Specifically, if an employer fails to produce a personnel file or a written statement of reasons for discharge **within 21 calendar days of a written request**, the employee or former employee may initiate legal action and seek statutory penalties of up to $1,000, plus reasonable attorneys' fees and costs.

The new law also clarifies that a "personnel file" includes, **at a minimum**, all job applications, performance evaluations, disciplinary records, records related to reasonable accommodations, payroll records, and employment agreements—provided such records exist.

Key Takeaway: Employers should treat *any written request for a personnel file or discharge statement as a potential precursor to litigation*. Prompt consultation with legal counsel is strongly advised to ensure compliance and mitigate risk.

5. Restrictions on Requiring Driver's Licenses. Unless driving is one of the essential functions of an employee's job or is related to a legitimate business purpose for a position, it is now unlawful for an employer to: (a) require a valid driver's license as a condition of employment; or (b) include a statement in a job posting for a job opening that an applicant must have a valid driver's license. Under the new law, a complainant may recover statutory damages of $5,000 per violation, and the Department of Labor and Industries may recover civil penalties of up to $1,000.

Key Takeaway: Employers should review their job descriptions and postings to ensure compliance.

Effective January 1, 2026

1. Key Changes to Paid Family and Medical Leave (PFML). Washington's Paid Family and Medical Leave (PFML) law will undergo key changes in 2026 that employers should begin preparing for now:

Concurrent Use of FMLA and PFML Leave. Employers will be able to run FMLA and PFML leave concurrently for job protection purposes. If an employee qualifies for both, employers may start the PFML job restoration "clock" when FMLA leave begins—**but only if they meet new technical notice requirements**.

Expanded Job Protection. Currently, job restoration under PFML applies only to employees who have worked 12 months and 1,250 hours for employers with 50+ employees. Starting January 1, 2026, this will change:

- Employees need only 180 calendar days of employment to qualify.
- The 1,250-hour requirement is eliminated.

Smaller employers will be phased into coverage starting in 2026 and each year as follows:

- January 1, 2026: 25+ employees
- January 1, 2027: 15+ employees
- January 1, 2028: 8+ employees

Key Takeaway: Employers should begin revising their PFML policies now to prepare for these changes.

2. Expansion of Domestic Violence Leave. Washington's Domestic Violence Leave Act will extend leave and safety accommodations to employees who are victims of hate crimes, as well as to those whose family members are victims. Employees may take reasonable paid or unpaid leave or request safety accommodations in such cases. Employers are prohibited from discriminating or retaliating against employees for being hate crime victims.

"Hate crime" includes acts or threats under RCW 9A.36.080 based on perceived characteristics such as race, gender, or religion—including those committed online.

Key Takeaway: Employers should incorporate this change into their domestic violence leave policies.

3. Unemployment Benefits for Striking Workers. This new legislation will make Washington the third state to offer unemployment insurance benefits to workers on strike or locked out by their employer.

Eligible individuals may receive up to six weeks of benefits, excluding any weeks of unemployment unrelated to the labor dispute.

Benefits will begin between 15 to 21 days after a strike starts, following the standard one-week waiting period. This expansion is temporary and will sunset on December 31, 2035, at which point current disqualification rules will resume.

Key Takeaway: Employers should assess potential implications for labor relations and workforce planning.

Effective July 1, 2026

1. Expansion of the Fair Chance Act ("Ban-the-Box"). HB 1747 significantly expands Washington's Fair Chance Act, aligning it more closely with Seattle's ordinance to prohibit Washington employers from inquiring about criminal history and/or conducting a background check until after extending a conditional job offer. Key changes include:

- *No Blanket Bans or Early Inquiries*: Employers cannot exclude applicants based on criminal history or ask about it until after a conditional job offer is made.
- *Limits on Use of Records*: Employers cannot take adverse action based on arrest records, juvenile records, or adult conviction records unless a legitimate business reason is identified.
- *Notice and Waiting Period*: Before taking adverse action, employers must notify the applicant in writing and hold the position open for **two business days** to allow a response.
- *Exemptions*: Applies only to private employers, with exceptions for law enforcement, criminal justice agencies, and jobs involving unsupervised access to vulnerable populations.
- *Administrative Penalties*: Administrative penalties may be imposed up to $1,500 for the first violation, $3,000 for the second violation, and $15,000 for each subsequent violation.

These changes go into effect **July 1, 2026** for Washington employers with **15 or more employees** and on **January 1, 2027** for Washington employers with **fewer than 15 employees**.

Key Takeaway: Employers should review their application forms and process to ensure compliance.

Effective January 1, 2027

1. Expanded Pregnancy-Related Accommodations. Amendments to Washington's Healthy Starts Act will broaden pregnancy-related workplace protections. The law will apply to **all employers with at least one employee**, including non-profit religious and sectarian organizations.

Key provisions include:

- ***Reasonable Accommodations:*** Employers will be required to provide scheduling flexibility for postpartum medical visits.
- ***Paid Lactation Breaks:*** Employers will be required to **pay employees** for breaks taken to express milk. If a private space (other than a bathroom) is unavailable, employers must also pay for any necessary **travel time** to a suitable location. Employees may not be required to use paid leave during these breaks or travel time.
- ***Additional Break Time:*** Lactation breaks will be **in addition to** standard meal and rest breaks.

- ***Jury Duty Exemption**:* Individuals nursing or expressing milk for a child under 24 months may now **delay or be excused** from jury service upon request.

Enforcement of pregnancy accommodations will be by the **Department of Labor & Industries (L&I)**, which will adopt implementing rules.

Key Takeaway: Employers should begin reviewing and modifying their pregnancy and lactation accommodation policies to prepare for these future changes.

Conclusion

These legislative changes reflect a broader shift toward worker protections and employer accountability in Washington. Failure to prepare for and comply with the new laws creates significant increased exposure risks to employers in the form of penalties, litigation, and reputational harm.

Action Items for Employers:

- Conduct a comprehensive review of existing handbooks and workplace policies;
- Update job descriptions, application forms, and hiring procedures;
- Train HR staff, managers, and supervisors on new compliance obligations; and
- Consult legal counsel to ensure your organization is prepared for phased implementation dates.

Leah Lively
Shareholder
(503) 226-8638
LLively@buchalter.com

Alexandra Shulman
Senior Counsel
(503) 226-8660
AShulman@buchalter.com