



# Washington State Employment Law Update

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## AMENDMENT TO EQUAL PAY ACT

- Became effective July 27, 2025
- The legislature has defined a posting to exclude solicitations for recruiting job applicants that are digitally replicated and published without an employer's consent.
- There is also now a separate administrative enforcement mechanism through the DOL and a private right of action for job applicants and employees.
- Employers now have a limited right to cure noncompliant postings. For postings between July 2025 and July 2027, employers must be allowed an opportunity to correct a violation before a job applicant can seek administrative remedies or file a private right of action. Individuals may provide written notice to an employer alleging that the posting does not comply with the disclosure requirements. Employers have five business days of receiving the notice. This action will prevent L&I or a court from assessing penalties or awarding damages.
- BUT, after July 27, 2027, employers will lose the opportunity to correct noncompliant postings.
- Lastly, if an employer is offering a fixed wage amount for a job opening, then this must be disclosed rather than a scale or range.

# EMPLOYER DRIVING REQUIREMENTS

- Became effective July 27, 2025

Unless driving is an essential job function or related to a legitimate business purpose, it is unlawful to (a) require a valid driver's license as a condition of employment, or (b) include a statement in a job posting for an opening that an applicant must have a valid driver's license. A Complainant may recover a statutory \$5000 penalty per violation and the DOL may recover \$1000. Employers should carefully scrutinize job postings.

## FAIR CHANCE ACT

- Became effective July 27, 2025
- Resembles the protections under Seattle's Fair Chance Employment Ordinance
- Employers cannot categorically exclude applicants with criminal backgrounds, nor may an employer ask or obtain information about an applicant's criminal history until the employer determines that the candidate is otherwise qualified for the position **and** makes a conditional employment offer. Then an employer may conduct a background check. Employers cannot reject applicants for failing to disclose criminal records before receiving a conditional employment offer.
- Employers may not make tangible adverse employment actions based solely on an applicant or employee's adult conviction record, unless there is a legitimate business reason.
- Employers must hold a position open for two business days for the employee to respond before taking an adverse employment action. Employers who choose not to hire an employee must explain their decision in writing, including the specific legitimate business reason
  - There are exemptions for employees who have unsupervised access to children or vulnerable adults and law enforcement and criminal justice agencies

# PAID SICK LEAVE EXPANSION

- Became effective July 27, 2025
- Paid Sick leave is now expanded for employees to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or a family member.
- Rulemaking is currently occurring to draft the rules for this new expansion .



# PAID FAMILY LEAVE ACT EXPANSION

- Effective January 1, 2026
- **Grant Application expansion.** The ability for employers to apply to the DOL for grants to assist with economic burdens of employees taking leave has expanded to employers with 50-150 employees. Smaller employers with fewer than 50 employees may still also apply, but there will be separate considerations.

- **Tracking** – To prevent the stacking of leaves, Employers can now track leave that qualifies under FMLA with PFML for job restoration purposes. Employers cannot require that an employee take PFML, but if an employee starts taking FMLA when they could have taken PFML, then employers can start tracking PFML for job restoration purposes.
- **Expanded Job Restoration** –Beginning on January 1, 2026, PFML job restoration rights will apply to employees of covered employers if the employee began employment with their current employer at least 180 calendar days before taking leave. Now the FMLA timelines no longer apply to PFML job restoration. The Job restoration requirements phase on based on the size of the employer as follows:

• January 1, 2026	• 25 or more employees
• January 1, 2027	• 15 or more employees
• January 1, 2028	• 8 or more employees

## PREGNANCY-RELATED ACCOMMODATIONS EXPANSION

- Effective January 1, 2027
- Investigations for complaints will now be performed by L&I, and not the attorney general.
- The Pregnancy-Related Accommodations Act will be extended to apply to all employers who employ one or more persons and to any non-profit religious or sectarian organization.
- Reasonable accommodations now include flexibility for post-partum visits.
- Also, employers are **now required to pay for an employee's break time to express milk** for two years after a child's birth.
- If an employer does not provide a private place other than a bathroom to express milk, they must pay for the employee to travel to a private location.
- Breaks to express milk must be in addition to regular rest and meal breaks.

# DOMESTIC VIOLENCE LEAVE FOR HATE CRIMES

- Effective January 1, 2026

- The Domestic Violence law has expanded so that employees who are or with a family member who is a victim of a hate crime may take reasonable paid or unpaid leave from work or request a reasonable accommodation.
- Employers may not discriminate or retaliate against an employee who takes leave.
- “Hate Crime” is defined as “the commission, attempted commission, or alleged commission of an offense described in RCW 9A.36.080.
- Hate crimes also include internet or online based communications.

# ACCESS TO PERSONNEL RECORDS

- Became effective July 27, 2025

- Employers will now have a time limit of 21 calendar days in which to provide personnel records. Employers can file suit and seek statutory penalties if an employer fails to meet this deadline, but to do so, the employee must send an intent to sue. Personnel files are now defined as “all job applications, performance evaluations, disciplinary records, reasonable accommodation records, payroll records, and employment agreements.”
- Employees may file a private right of action in Superior Court if an employer fails to timely provide records. Prior to filing an employee must give a notice of intent to sue and may not begin legal action for 5 calendar days after providing the notice of intent.
- Statutory damages for each violation are:
  - \$250 if the complete personnel file or the statement of discharge is not provided within 21 calendar days;
  - \$500 if the complete personnel file or the statement of discharge is not provided within 28 calendar days;
  - \$1,000 if the complete personnel file or the statement of discharge is not provided within 35 calendar days;
  - \$500 for any other violations.

# UNEMPLOYMENT FOR STRIKING WORKERS

- Effective January 1, 2026
- Employees who are unemployed because of a strike or an employer-initiated lockout may receive up to six weeks of unemployment insurance.
- Weekly benefits received unrelated to unemployment due to a strike may not be counted toward the calendar weeks.
- Eligibility for unemployment begins between 15 and 21 days after the strike begins.
- This law expires on December 31, 2035.

# QUESTIONS?



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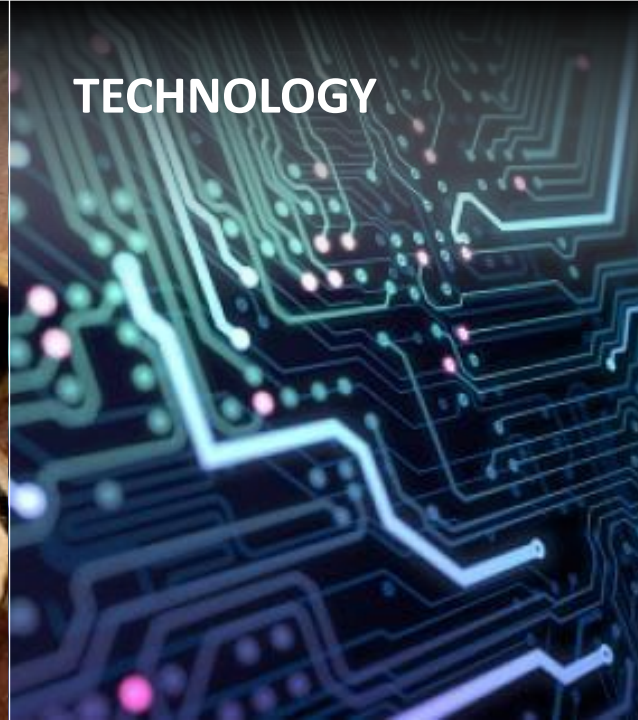
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