ENGAGE PEO

Client Alert
Washington State: Year End Legislative Updates

Sample policies for the topics covered in this Alert can be downloaded here.

Amendments to Domestic Violence Leave Act

WHAT'S NEW: Washington made amendments to its Domestic Violence Leave Act effective **January 1, 2026**.

WHY IT MATTERS: The law has been expanded to protect victims of hate crimes. The new amendments provide job protection to employees who have been the victim or have a family member who has been the victim of a hate crime and need time off work for any of the following:

- To seek legal or law enforcement assistance or remedies to ensure health and safety of themselves or their family member.
- To seek or attend health care treatment for physical or mental injuries caused to the employee or their family member.
- To obtain services or help a family member obtain services from a social services program for relief.
- To obtain or help a family member obtain mental health counseling.
- To participate in safety planning, temporary or permanent relocation or take other action to increase the safety of the employee or employee's family members.

Hate crime includes:

- Assault
- Physical damage or destruction of the property of another; or
- Threats towards a specific person or group of persons and placing that person or members of the specific group in reasonable fear of harm to person or property.

Offenses can be committed through online or internet-based communications.

WHAT EMPLOYERS SHOULD DO: Employers should review their domestic violence leave policies and revise as necessary. Clients should also ensure that managers are trained on the new requirements regarding job protection for victims of hate crimes.

Amendments to Paid Family and Medical Leave Act

WHAT'S NEW: Washington made significant changes to their Paid Family and Medical Leave (PFML) program effective **January 1, 2026**.

WHAT IT MEANS: Beginning in 2020, Washington began offering paid family and medical leave to employees. Some of the recent changes are as follows:

- Employees who have worked for at least 180 days will now be entitled to job restoration if their employer has 25 or more employees. The threshold will decrease to 15 employees in 2027 and to 8 employees in 2028.
- Employers will be required to maintain existing health coverage for employees on leave, provided that the employee qualified for job protection.
- Employees will have more flexibility in taking leave as the minimum amount of time that an employee can take was reduced from 8 hours to 4.
- Employers cannot force employees to take paid family medical leave. To address employees taking PFML and FMLA separately, and on top of one another, the new updates now permit the employer to extend PFML job protections to the employee's unpaid leave under FMLA. Basically, this allows the employer to exhaust the job protection provisions of the PFML program, even though the employee chose not to enroll. To do this, the employer must provide written notice within 5 business days of an FMLA request, and then monthly thereafter.
- Employers are required to display a notice of employee rights under the PFML program in a conspicuous place on the premises. A new notice is in the works. The notice should be available before January 1, 2026. Keep an eye out here: **https://paidleave.wa.gov/employer-roles-responsibilities**.

WHAT EMPLOYERS SHOULD DO: Employers should review their leave policies and revise as necessary. Companies should also review their notice and designation documentation, as well as their processes for administering job-protected leave. Clients should ensure Managers are trained on the new requirements pertaining to PFML.

Amendment to Sick Leave Law

WHAT'S NEW: Washington made updates to its paid sick leave laws, **effective July 27, 2025**.

WHAT IT MEANS: In addition to the existing permissible uses, employees are now permitted to take sick leave to participate in a judicial, administrative immigration proceeding involving the employee or their family member.

WHAT EMPLOYERS SHOULD DO: Employers should review their sick leave policy and revise as necessary. Clients should also ensure that managers are trained on the new requirements regarding the permissible uses of sick time.

Amendments to Ban the Box Law

WHAT'S NEW: Washington made changes to its existing ban-the-box law effective **July 1, 2026**.

WHAT IT MEANS: Many of the changes coincide with already existing best practices and federal guidance. A few key changes to note:

- An employer may not inquire about an applicant's criminal record until an offer of employment has been made.
- If the employer advises job applicants that the position will be subject to a post offer criminal background check, the employer must make a written disclosure to the applicant that summarizes certain aspects of the law and includes a copy of the Attorney General's Fair Chance Act guide which can be found here: **https://www.atg.wa.gov/fair-chance-act**
- An employer may only reject an applicant or discharge an employee because of a conviction record if there is a legitimate business reason and after an assessment has been performed.
- The employer is required to send notices to the employee (similar to those required by the FCRA).
- The first notice should notify the applicant or the employee of the record which the employer is relying on and provide the applicant or employee a reasonable opportunity to correct or explain the record.
- If taking adverse action, the employer should provide the employee "a written decision including specific documentation as to its reasoning and assessment of each of the relevant factors, including the impact of the conviction on the position or business operations, and its consideration of the applicant's or employee's rehabilitation, good conduct, work experience, education and training.

There are some exceptions to the law for positions requiring care for children or vulnerable adults and positions with contractual or regulatory mandates pertaining to criminal history.

WHAT EMPLOYERS SHOULD DO: Employers should review their hiring policies and procedures and revise as necessary. Clients should update internal processes outlining how decisions will be made in response to conviction records showing up on background checks and how employees will be notified.

Amendments to Access to Personnel File

WHAT'S NEW: Washington amended its laws pertaining to employee access to personnel files.

WHAT IT MEANS: Previously employers were required to provide access to personnel file within a "reasonable period of time." Now employers are required to provide a copy of personnel file within 21 days after the employee, former employee, or their designee requests the file.

A personnel file includes: "all job application records, all performance evaluations, all nonactive and closed disciplinary records, all leave and reasonable accommodation records, all payroll records, and all employment agreements," to the existent that the employer creates such documents.

In addition, there is now a requirement for employers to provide a discharge statement upon request. If a former employee submits a written request, the employer must provide a signed written statement that includes the effective date of discharge, whether the employer had a reason for discharge and the reason for discharge, if applicable. The written statement must be provided within 21 days of the request.20

The new law allows employees and former employees a private cause of action for violations.

WHAT EMPLOYERS SHOULD DO: Employers should review their policies and procedures and update as necessary.

Expansions to Healthy Starts Act

WHAT'S NEW: Washington expands the Healthy Starts Act, effective **January 1, 2027**, to provide greater protections to pregnant and breastfeeding employees.

WHY IT MATTERS: Under the existing law employers with 15 or more employees are required to provide reasonable accommodation to pregnant and breastfeeding employees and are prohibited from discriminating against pregnant and breastfeeding employees. Under the expanded law, employers with 1 or more employees are now covered.

Under the law it is an unfair practice for employers to:

- Refuse to make reasonable accommodations for an employee for pregnancy unless the employer can show undue hardship.
- Take adverse action against an employee who requests, declines or uses an accommodation under this section that affects the terms, conditions or privileges of employment.
- Deny opportunities to an otherwise qualified employee if such denial is based on employer's need to make reasonable accommodation
- Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy.

The existing law sets out various types of reasonable accommodations, such as providing more frequent or longer breaks, modifying a no food or drink policy, job restructuring, temporary transfer to a less strenuous position, among others. The expanded law adds "scheduling flexibility for prenatal visits" to the list of reasonable accommodations.

Providing reasonable break time for an employee to express breast milk is currently and continues to be a reasonable accommodation under the law. However, under the amended law, any break time and any time traveling to a location to express milk must be paid to the employee at the employee's regular compensation rate. An employee must not be required to use paid leave during break or travel time to express milk during work. Any break time to express milk is in addition to meal and rest periods.

WHAT EMPLOYERS SHOULD DO: Employers should review their reasonable accommodation policies as well as their lactation and break time policies and revise as necessary. Clients should also ensure that Mare trained on the new requirements pertaining to accommodations and paid break time for employees who are breastfeeding.

If you have any questions, please contact your HR Business Partner/Consultant.