
HOUSE BILL 2100

State of Washington

68th Legislature

2024 Regular Session

By Representatives Farivar and Fosse

Prefiled 01/03/24.

1 AN ACT Relating to reducing the impacts of mass layoffs by
2 identifying demographic disparities and educating employees of relief
3 options; adding new sections to chapter 50.12 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** While the legislature recognizes that
7 during difficult economic times employers may choose to conduct mass
8 layoffs, the legislature seeks to determine whether mass layoffs
9 result in a disproportionate dismissal of employees belonging to
10 protected classes and whether certain groups of employees are laid
11 off or terminated more than other groups. The legislature also
12 intends to reduce the impact that mass layoffs have on terminated
13 employees by increasing the ways in which those employees receive
14 information about benefits and programs they may be entitled to or
15 eligible for.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12
17 RCW to read as follows:

18 (1) By October 1, 2024, the department shall develop a mass
19 layoff survey that employers subject to 29 U.S.C. chapter 23 Sec.
20 2101, et al., the federal worker adjustment and retraining

1 notification act (WARN act), are required to distribute in accordance
2 with this section.

3 (2) At a minimum, the survey must:

4 (a) Contain a brief explanation of the purpose of the survey;

5 (b) Clearly indicate that completing the survey is voluntary;

6 (c) Clearly indicate that completing or not completing the survey
7 does not impact any unemployment benefits or other rights or programs
8 the employee may be entitled to or eligible for; and

9 (d) Be designed to collect demographic data, such as age, gender,
10 race, ethnicity, and other relevant data, anonymously without
11 collecting identifying information of the employee, for the purpose
12 of understanding how individuals from protected classes are impacted.

13 (3) (a) When an employer subject to the WARN act provides
14 employees with a termination notice under the WARN act, the employer
15 must also provide to each employee being terminated the survey
16 created under this section. The employer must provide the survey and
17 collect the survey at no cost to the employee.

18 (b) The employer must implement procedures to: (i) collect
19 surveys that have been returned to the employer; and (ii) submit the
20 surveys to the department. The employer must allow at least 30 days
21 for employees to complete and return the survey. The employer must
22 submit returned surveys to the department within 75 days of providing
23 the survey to employees.

24 (c) When the employer submits surveys to the department, the
25 employer must also submit to the department general demographic data,
26 as determined by the department, that the employer has of its entire
27 workforce, including employees who are not being terminated.

28 (4) The department shall compile the data received from employers
29 under this section and include demographic data of an employer's mass
30 layoff on the department's online WARN act website.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.12
32 RCW to read as follows:

33 (1) (a) An employer subject to 29 U.S.C. chapter 23 Sec. 2101, et
34 al., the federal worker adjustment and retraining notification act
35 (WARN act), shall provide a rapid response partner reasonable access
36 to employees who receive a notice of termination under the WARN act.
37 The purpose of providing access is to provide an in-person
38 presentation to employees to assist them in quickly maximizing public
39 and private resources to minimize the disruptions associated with job

1 losses. Resources include transitional services to employees affected
2 by the mass layoff, unemployment insurance information, dislocated
3 worker program services, job seeker services available at the local
4 work source, and retraining services, and other benefits and programs
5 the employee may be entitled to or eligible for.

6 (b) A rapid response partner must be a designee of the department
7 or a designee from the local work source program or similar workforce
8 development center.

9 (2) Reasonable access to employees means:

10 (a) The access occurs during the employees' regular working hours
11 at the employees' regular worksite, or at a location mutually agreed
12 to by the employer and the rapid response partner;

13 (b) The time for the in-person presentation is for no less than
14 two hours.

15 (3) No employee may be mandated to attend the rapid response
16 presentation.

17 (4) An employer may agree to longer or more frequent access, but
18 in no case may an employer agree to less access than required by this
19 section.

--- END ---