
SENATE BILL 5104

State of Washington

69th Legislature

2025 Regular Session

By Senator Hasegawa

Prefiled 12/23/24.

1 AN ACT Relating to protecting employees from coercion in the
2 workplace based on immigration status; amending RCW 49.46.010; adding
3 a new section to chapter 49.46 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 49.46.010 and 2024 c 132 s 1 are each amended to
6 read as follows:

7 As used in this chapter:

8 (1) "Director" means the director of labor and industries;

9 (2) "Employ" includes to permit to work;

10 (3) "Employee" includes any individual employed by an employer
11 but shall not include:

12 (a) Any individual (i) employed as a hand harvest laborer and
13 paid on a piece rate basis in an operation which has been, and is
14 generally and customarily recognized as having been, paid on a piece
15 rate basis in the region of employment; (ii) who commutes daily from
16 his or her permanent residence to the farm on which he or she is
17 employed; and (iii) who has been employed in agriculture less than
18 thirteen weeks during the preceding calendar year;

19 (b) Any individual employed in casual labor in or about a private
20 home, unless performed in the course of the employer's trade,
21 business, or profession;

1 (c) Any individual employed in a bona fide executive,
2 administrative, or professional capacity or in the capacity of
3 outside salesperson as those terms are defined and delimited by rules
4 of the director. However, those terms shall be defined and delimited
5 by the human resources director pursuant to chapter 41.06 RCW for
6 employees employed under the director of personnel's jurisdiction;

7 (d) Any individual engaged in the activities of an educational,
8 charitable, religious, state or local governmental body or agency, or
9 nonprofit organization where the employer-employee relationship does
10 not in fact exist or where the services are rendered to such
11 organizations gratuitously. If the individual receives reimbursement
12 in lieu of compensation for normally incurred out-of-pocket expenses
13 or receives a nominal amount of compensation per unit of voluntary
14 service rendered, an employer-employee relationship is deemed not to
15 exist for the purpose of this section or for purposes of membership
16 or qualification in any state, local government, or publicly
17 supported retirement system other than that provided under chapter
18 41.24 RCW;

19 (e) Any individual employed full time by any state or local
20 governmental body or agency who provides voluntary services but only
21 with regard to the provision of the voluntary services. The voluntary
22 services and any compensation therefor shall not affect or add to
23 qualification, entitlement, or benefit rights under any state, local
24 government, or publicly supported retirement system other than that
25 provided under chapter 41.24 RCW;

26 (f) Any newspaper vendor, carrier, or delivery person selling or
27 distributing newspapers on the street, to offices, to businesses, or
28 from house to house and any freelance news correspondent or
29 "stringer" who, using his or her own equipment, chooses to submit
30 material for publication for free or a fee when such material is
31 published;

32 (g) Any carrier subject to regulation by Part 1 of the Interstate
33 Commerce Act;

34 (h) Any individual engaged in forest protection and fire
35 prevention activities;

36 (i) Any individual employed by any charitable institution charged
37 with child care responsibilities engaged primarily in the development
38 of character or citizenship or promoting health or physical fitness
39 or providing or sponsoring recreational opportunities or facilities
40 for young people or members of the armed forces of the United States;

1 (j) Any individual whose duties require that he or she reside or
2 sleep at the place of his or her employment or who otherwise spends a
3 substantial portion of his or her work time subject to call, and not
4 engaged in the performance of active duties;

5 (k) Any resident, inmate, or patient of a state, county, or
6 municipal correctional, detention, treatment or rehabilitative
7 institution;

8 (l) Any individual who holds a public elective or appointive
9 office of the state, any county, city, town, municipal corporation or
10 quasi municipal corporation, political subdivision, or any
11 instrumentality thereof, or any employee of the state legislature;

12 (m) All vessel operating crews of the Washington state ferries
13 operated by the department of transportation;

14 (n) Any individual employed as a seaman on a vessel other than an
15 American vessel;

16 (o) Any farm intern providing his or her services to a small farm
17 which has a special certificate issued under RCW 49.12.471;

18 (p) An individual who is at least 16 years old but under twenty-
19 one years old, in his or her capacity as a player for a junior ice
20 hockey team that is a member of a regional, national, or
21 international league and that contracts with an arena owned,
22 operated, or managed by a public facilities district created under
23 chapter 36.100 RCW; or

24 (q) Any individual who has entered into a contract to play
25 baseball at the minor league level and who is compensated pursuant to
26 the terms of a collective bargaining agreement that expressly
27 provides for wages and working conditions;

28 (4) "Employer" includes any individual, partnership, association,
29 corporation, business trust, or any person or group of persons acting
30 directly or indirectly in the interest of an employer in relation to
31 an employee;

32 (5) "Occupation" means any occupation, service, trade, business,
33 industry, or branch or group of industries or employment or class of
34 employment in which employees are gainfully employed;

35 (6) "Retail or service establishment" means an establishment
36 seventy-five percent of whose annual dollar volume of sales of goods
37 or services, or both, is not for resale and is recognized as retail
38 sales or services in the particular industry;

39 (7) "Wage" means compensation due to an employee by reason of
40 employment, payable in legal tender of the United States or checks on

1 banks convertible into cash on demand at full face value, subject to
2 such deductions, charges, or allowances as may be permitted by rules
3 of the director;

4 (8) "Coercion" means a threat to compel or induce a person to
5 engage in conduct which the person has a legal right to abstain from,
6 or to abstain from conduct in which the person has a legal right to
7 engage in;

8 (9) "Threat" means any implicit or explicit communication
9 specifically pertaining to an employee's or an employee's family
10 member's immigration status that is made by the employer to deter an
11 employee from engaging in protected activities or exercising a right
12 under state law.

13 NEW SECTION. Sec. 2. A new section is added to chapter 49.46
14 RCW to read as follows:

15 (1) Any employer that coerces an employee in furtherance of the
16 employer committing a violation of wage payment requirements, as
17 defined in chapter 49.48 RCW, or conditions of labor requirements, as
18 defined in chapter 49.12 RCW, is subject to a fine in addition to any
19 other penalty that may be imposed by the department of labor and
20 industries against an employer for those violations.

21 (2) A worker who believes the worker was subject to coercion by
22 the worker's employer based on the worker's immigration status may
23 file a complaint with the department within 180 days of the alleged
24 coercive action.

25 (3) The department must investigate complaints of coercion by
26 employers based on immigration status, and must assess a civil
27 penalty for each coercive act found to be a violation as follows:

28 (a) For the first violation, a civil penalty not to exceed
29 \$1,000;

30 (b) For the second violation, a civil penalty not to exceed
31 \$5,000; and

32 (c) For any subsequent violation, a civil penalty not to exceed
33 \$10,000.

34 (4) Each act of coercion against each affected employee
35 constitutes a separate violation of this act.

36 (5) The department shall deposit all civil penalties paid under
37 this section in the supplemental pension fund established under RCW
38 51.44.033.

1 (6) (a) The penalties payable pursuant to this section shall be
2 adjusted for inflation every three years, beginning July 1, 2028,
3 based upon changes in the consumer price index during that time
4 period.

5 (b) For purposes of this subsection, "consumer price index"
6 means, for any calendar year, that year's average consumer price
7 index for the Seattle, Washington area for urban wage earners and
8 clerical workers, all items, compiled by the bureau of labor
9 statistics, United States department of labor.

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