



WASHINGTON

QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

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Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.

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At-Will Employment

Washington is an at-will employment state, which means that the employer or employee may end the employment relationship for any reason or no reason as long as it is not in violation of another law (such as discrimination, retaliation, etc.).

Right-to-Work Laws

Washington is *not* a right-to-work state. Employees who work for an employer with a union contract may be required to pay their share for union representation even if they opt out of the union.

Immigration Verification

Washington places no additional employment verification procedures on employers beyond Federal I-9 compliance. There is no requirement to use E-Verify under Washington state laws.

Drug Testing

Washington does not have a drug and alcohol testing law that applies generally to private employers. Therefore, employers can implement drug and alcohol testing programs without restriction as long as they do not discriminate against a certain class of individuals or otherwise violate other law.

Jury Duty Leave

Employers must provide employees with sufficient leave when they are summoned to serve as a juror. [Wash. Rev. Code § 2.36.165](#)

Employers cannot discharge, threaten, coerce, harass or deny promotional opportunities to employees because they receive or respond to a jury summons, serve as jurors or attend court for prospective jury service.

Voting Leave

Employers are not required to provide leave for voting.

Employers cannot discriminate against employees based on their support or opposition of any candidate, ballot proposition, political party or political committee. [Wash. Rev. Code § 42.17A.495](#)

Parental Leave

The state's parental leave provisions do not require employers to create a policy that provides leave to care for a newborn or newly adopted child if they do not have such a policy for any of their employees. [Wash. Rev. Code § 49.12.360](#)

If employers offer leave to employees who are biological parents to care for their newborn child, this leave also must be offered under the same terms to male and female employees who are stepparents or adoptive parents. Employers may restrict the use of this leave to stepparents who live with their stepchild at the time the child is born and adoptive parents who live with their adopted child at the time the child is initially placed with them for adoption. Leave means any leave to care for a newborn or newly adopted child who is under age six.

Other Leave

Earned Paid Leave

Employers must allow eligible employees to accrue at least one hour of paid sick leave for every 40 hours worked. They can use this leave to care for themselves or their family members, when their workplace or their child's school or place of care is closed for health-related reasons, and for absences that qualify for crime victim leave. [Wash. Rev. Code §§ 49.12.005, 49.46.210](#)

Crime Victim Leave

Employers must allow employees to take a reasonable amount of crime victim leave for certain permitted reasons if they or their family members are victims of domestic violence, sexual assault or stalking. [Wash. Rev. Code §§ 49.12.005, 49.76.020](#)

Emergency Response Leave

Employers must allow employees who are members of the Washington Civil Air Patrol to take leave related to an emergency service operation. They also must allow employees who are volunteer firefighters or reserve officers to take leave related to a fire alarm or emergency call. [Wash. Rev. Code § 49.12.460](#)

Family and Medical Leave

If employees are entitled to sick leave or other paid time off under the terms of a collective bargaining agreement or employer policy, employers must allow them to use any of this leave to care for their child who has a health condition or other family members who have a serious health condition or emergency condition. [Wash. Rev. Code § 49.12.005](#).

Military Leave

Employers must reinstate qualified employees returning from military leave to their position or another position with similar seniority, status and pay, except under certain conditions. Eligible employees are entitled to 15 days of unpaid leave each time their military spouse is deployed during a period of military conflict. [Wash. Rev. Code §§ 73.16.031, 73.16.033](#)

Smoking Laws

Employers must prohibit smoking in enclosed office spaces or restrict it to designated smoking areas. Employers also must prohibit smoking in and around enclosed indoor workplaces open to the public. [Wash. Rev. Code § 70.160.020](#).

Exceptions: Certain private enclosed workplaces within public places are not covered by the smoking provisions. [Wash. Rev. Code § 70.160.020](#).

Employers and owner-operators of workplaces and public places that are covered by the smoking provisions must post "No Smoking" signs at building entrances and other prominent locations throughout the establishment. [Wash. Rev. Code § 70.160.050](#)

Break Time to Express Milk

Employers may not fail or refuse to make reasonable accommodations for employees' need to express breast milk, unless employers can show that these accommodations would impose undue hardship on their business. Reasonable accommodations include reasonable break time for employees to express breast milk for two years after the child's birth, and a private location for employees to express breast milk that is not a bathroom. If an employer does not have a space for an employee to express breast milk, the employer must work with the employee to identify a convenient location and work schedule to accommodate the employee's needs. [Wash. Rev. Code § 43.10.005](#).

Meal Breaks

Employers must provide all covered employees working more than five hours a meal period of at least 30 minutes. Meal periods must be taken after the second hour of work but before completing the fifth hour of work. [Wash. Admin. Code § 296-126-092](#).

Meal periods may be unpaid unless the employee is not relieved of work-related duties, remains on-call during the meal period or is called back to work early. [Wash. Admin. Code § 296-126-092](#).

Employees working three or more hours of overtime a day must take the required meal period before beginning work during the overtime hours. [Wash. Admin. Code § 296-126-092](#).

Piece-rate employees: Meal breaks must be compensated by calculating the pieceworker's hourly rate. [Wash. Admin. Code § 296-126-092](#).

Minimum Wage, Overtime and Wage Recordkeeping

The state's hourly minimum wage increases incrementally over several years and then establishes annual inflation-related adjustments beginning in 2021. [Wash. Rev. Code § 49.46.020](#)
Washington does not allow a tip credit. [Wash. Rev. Code § 49.46.020](#).

Employers with workers in certain localities, such as Seattle and SeaTac, may be subject to a higher minimum wage than the state minimum wage rate. Washington cities, towns and other political subdivisions can establish minimum wage requirements for private employers.

All employees are covered except those specifically exempt by statute.

Overtime

Employees covered by Washington's overtime law must be paid one and one-half times their regular rates for hours worked in excess of 40 hours per week.

An updated state salary threshold and job duties test may affect which workers qualify as exempt from overtime. The minimum salary that white-collar workers must receive to be exempt from minimum wage and overtime requirements is to incrementally rise, based on employer size and multipliers, until 2028. [Wash. Admin Code § 296-128-500](#).

After 2028, the salary threshold is to rise when the minimum wage is increased for inflation.

Recordkeeping

Employers must keep a record of the name, address and occupation of all employees; the rate of pay and the amount paid each pay period to all employees; and the hours worked each day and each work week by all employees. The records must be open for inspection or transcription by the Department of Labor at any reasonable time. [Wash. Rev. Code § 49.46.070](#)

Employers who employ minors during the school year must sign a [Parent/School Authorization](#) form, which must be renewed annually by September 30. Employers also must have a minor work permit.

Final Payments

Employers must pay final wages on the next regularly scheduled payday to discharged employees or employees who quit. Washington's Department of Labor and Industries has established this policy for final wage payments. For discharged employees see [Wash. Rev. Code §§ 49.48.010, 49.48.160](#). For employees who quit see [Wash. Rev. Code § 49.48.010](#).

Effective July 28, 2019, the amount of wages and other compensation owed to a deceased employee that may, on request, be paid to the employee's spouse increased to \$10,000 from \$2,500. [Wash. Rev. Code § 49.48.120](#).

Unemployment Insurance

Washington's Employment Security Law requires most Washington employers to contribute to the state unemployment insurance fund. The tax is administered by [Washington's Employment Security Department](#).

Workers' Compensation

Washington requires all covered employers to obtain and maintain insurance for on-the-job injuries and occupational diseases that result in total or partial incapacity or death. The state's law also establishes criteria for safety workplace programs that qualify employers for premium discounts. [Wash. Rev. Code § 51.32.030, 51.32.180](#)

Injured employees must notify their employer immediately of an injury. Upon receipt of such notification, employers are required to inform injured workers of their rights under the law. [Wash. Rev. Code § 51.28.010](#)

For more information visit the website of Washington State Department of Labor & Industries: lni.wa.gov/

Child Labor

Employees younger than 18 years are considered child labor and subject to additional regulations. [Wash. Rev. Code § 49.12.005](#)

Minor employees age 14 to 17 are subject to daily and weekly work-hour limits, consecutive workday limits and limits on the time of day they start and stop work. They must receive a meal period of at least 30 minutes when they work more than a certain number of hours in a day, plus a ten-minute rest period as required. Employers must obtain a work permit to hire those employees and obtain a parent/school authorization from them annually. [Wash. Rev. Code § 49.12.005](#); [Wash. Rev. Code § 49.12.121](#)

Minors age 16 to 17 cannot be employed as follows:

- When school is in session, they cannot work more than four hours in a day preceding a school day, more than eight hours in a day preceding a non-school day, more than 20 hours in a week or more than six consecutive days. They cannot begin work earlier than 7:00 a.m., continue working later than 10:00 p.m. on a day preceding a school day or continue working later than midnight on a day preceding a non-school day.
- When school is not in session, they cannot work more than eight hours in a day, more than 48 hours in a week or more than six consecutive days. They cannot begin work earlier than 5:00 a.m. or continue working later than midnight.

Minors age 14 to 15 cannot be employed as follows:

- When school is in session, they cannot work more than three hours in a day preceding a school day, more than eight hours in a day preceding a non-school day, more than 16 hours in a week or more than six consecutive days. They can't begin work earlier than 7 a.m. or continue working later than 7:00 p.m.
- When school is not in session, they cannot work more than eight hours in a day, more than 40 hours in a week or more than six consecutive days. From June 1 through Labor Day, they cannot begin work earlier than 7:00 a.m. or continue working later than 9:00 p.m.

Employers must provide minor employees age 16 to 17 with a meal period of at least 30 minutes when they work more than five hours in a day, plus a ten-minute rest period at least once every three hours. Employers must provide minor employees age 14 to 15 with a meal period of at least 30 minutes when they work more than four hours in a day, plus a ten-minute rest period at least once every two hours. [Wash. Rev. Code § 49.12.121](#)

Employers desiring to hire minors must obtain a Minor Work Permit from the Washington State Department of Labor Industries. Employers can apply for a permit to hire minors simultaneously with a business license. [Wash. Rev. Code §§ 49.12.121, 49.12.123](#).

Gun Laws

Washington does not have any statutory or regulatory provisions that directly apply to guns in the workplace or employee parking lot.

Additional Laws and Regulations

Genetic Testing

Employers cannot require employees and applicants to submit to genetic screening or provide genetic information as a condition of employment. [Wash. Rev. Code § 49.44.180](#)

Wage Disclosure

See [Wash. Rev. Code § 49.58.040](#)

Employers cannot require employees, as a condition of employment, to refrain from disclosing their wages. Employers also cannot require employees to sign waivers or other documents that prevent them from disclosing the amount of their wages.

Employers can prohibit employees who have access to compensation information, as part of their essential job functions, from disclosing other employees' and applicants' wages to anyone who does not otherwise have access to this information. However, employees are permitted to make these disclosures in response to complaints, charges, or investigations or in accordance with employers' legal duty to provide the information if doing so is part of their essential job functions. These employees are otherwise protected by the wage disclosure provisions, including the protection against retaliation for disclosing their own wages.

Salary History

See [Wash Rev. Code § 49.58-100](#)

Employers cannot seek the wage or salary history of any job applicant, from the applicant or his or her current or former employer, or require that an applicant's prior wage or salary history meet certain criteria. However, they can confirm an applicant's wage or salary history if:

- The applicant has voluntarily disclosed his or her wage or salary history; or
- The employer has already negotiated and made an employment offer with compensation to the applicant.

Personal Information Protection

See Wash. Rev. Code [§ 19.255](#) and [§ 42.56](#)

Employers must notify state residents, including employees and applicants, about a security breach of their unsecured personal information if the information is or likely was acquired by unauthorized people. Employers also must notify state residents about a security breach of their secured personal information if the confidential process, encryption key or other means for deciphering the information is acquired by unauthorized people. Security breaches don't include good-faith acquisition of personal information by employers' employees or agents for employer purposes if the information isn't used or subject to further unauthorized disclosures.

- Personal information consists of residents' first name/initial and last name in combination with data such as their Social Security number, medical information or biometric data. The data alone are considered personal information if they are not encrypted, redacted, or otherwise made unusable and if their exposure would enable identity theft. Personal information also includes a username or email address in combination with a password or security questions/answers that permit access to an online account. It doesn't include information lawfully made available to the public from government records.

Social Media

See [Wash. Rev. Code § 49.44.200](#) for more information.

Marijuana

Washington allows for recreational use of marijuana. It also allows for medical use of marijuana to treat certain medical conditions; however, employers are not required to accommodate such use in the workplace.

Employers are required to prohibit alcohol and narcotics in the workplace, except in industries and businesses that produce, distribute, or sell alcohol and narcotic drugs.

Personal use of marijuana: Employers are covered by the personal use of marijuana provisions. [Wash. Rev. Code §§ 69.50.101 to 69.50.608](#) Medical use of marijuana: Employers are covered by the medical use of marijuana provisions. [Wash. Rev. Code § 69.51A.060](#)

Hiring and Conviction Records

Employers cannot inquire into or obtain information about applicants' criminal records until after making an initial determination that they are otherwise qualified for a position. Employers may request state criminal background checks through Washington criminal justice agencies that disseminate criminal history record information. Employers cannot be sued for damages based on whether or not they considered employees' and applicants' restoration of opportunity certificates in employment decisions. [Wash. Rev. Code §§ 49.94.005 to 49.94.010, 49.94.901](#)