



# 2020 Session Wrap-Up

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*Bills that passed the Legislature and impact the  
Department of Labor & Industries*

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## **Agency-request legislation**

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Labor & Industries did not have any agency request legislation during the 2020 session.

# 1. Requires Implementation Efforts

## *Admin Services-related bills that passed the legislature:*

2020 Session – 1		
Bill Number	Bill Title	Short bill description
<a href="#">E2SHB 1521</a> (Dolan)  Effective: June 11, 2020	Providing for accountability and transparency in government contracting	This bill establishes new requirements for services contracted out since July 1, 2005 are customarily and historically provided by certain state employees, including comprehensive impact assessments, written records of decisions, reports of performance, and additional terms in agreements. This bill modifies uniform policies and procedures on contract management, including requirements for minority and women-owned business participation, cost recovery, performance monitoring, and contract termination.
Bill Number	Bill Title	Short bill description
<a href="#">2SHB 1888</a> (Hudgins)  Effective: June 11, 2020	Protecting employee information from public disclosure	The bill amends current law so that payroll deductions are exempt from disclosure. It also expands the current law to include the photographs, month and year of birth as exempt for employees or volunteers of a public agency, except for news media. The bill also exempts voluntarily submitting information collected and maintained by a state agency that identifies an individual state employee's personal demographic details. The bill does not prevent the release of state employee demographic information in a deidentified or aggregate format. The bill requires the agency not notify the employee, any union representing the employee and the requestor if there is a request for an employee's personnel, payroll, supervisor, or training file. The agency cannot release any information in the record which is not exempt for at least ten days from the date the notice is sent.
Bill Number	Bill Title	Short bill description
<a href="#">ESSB 6028</a> (Pedersen)  Effective: June 11, 2020	Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents	This bill standardizes, codifies, and aligns statutory provisions to authorize (NOT REQUIRE) use of electronic records and signatures on declarations/documents. The intent of this bill is to standardize language, reference, requirements, etc. to leverage convenience and efficiencies related to technology – specifically electronic records and signatures. This bill adopts the Uniform Electronic Transaction Act aligns statutory provisions relating to signatures, declarations, and documents. The UETA does not require records or signatures be generated or stored electronically, but rather addresses the legal effect when parties have agreed to conduct transactions by electronic means.
Bill Number	Bill Title	Description

<a href="#">SSB 6181</a> (Padden)  Effective: June 11, 2020  <b>Report required by budget</b>	Concerning compensation for parents of minor victims of crime	This bill extends the period for timely filing from two years from police report date to three years. It also disqualifies parents/guardians from accessing CVCP benefits if they caused the injury or death to their minor child victim or if the injury or death was a consequence of the beneficiary being engaged in attempting to commit or committing a felony crime. The intent of new bill language is to specifically ensure that at fault parents are not eligible for the new wage loss benefits added to the CVCP benefit package. This bill also allows for parents/guardians to receive wage loss benefits for taking their minor child to medical/mental health appointment and to criminal justice proceedings. It is limited to 30 days of wage loss for these appointments. This type of wage loss is not paid to adult victims who lose time from work for the same reasons.
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Bill Number	Bill Title	Description
<a href="#">SB 6187</a> (Zeiger)  Effective: June 11, 2020	Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system	This bill will make all of the SSN including the last four digits protected and not open for disclosure to the public.

***DOSH-related bills that passed the legislature:***

2020 Session – 1		
Bill Number	Bill Title	Description
<a href="#">ESSB 6473</a> (Stanford)  Effective: June 11, 2020	Concerning asbestos-containing building materials	This bill proposes to ban asbestos in non-residential buildings starting with materials with more than 1% or greater asbestos, and in 2025, lowering the threshold to 0.1% asbestos. It also requires facilities in certain manufacturing NAICS codes to test for asbestos, and create an asbestos management plan.

***FSPS-related bills that passed the legislature:***

2020 Session – 1		
Bill Number	Bill Title	Description
<a href="#">HB 2242</a> (Wylie)  Effective: June 11, 2020	Concerning travel trailers	This bill amends the length limits in the state motor vehicle law to allow for RV travel trailers up to 46' in length. The current limit is 40'.
Bill Number	Bill Title	Description
<a href="#">SSB 6409</a> (King)  Effective: June 11, 2020	Providing an exemption from electrical licensing, certification, and inspection for industrial equipment	Without compromising safety to life and property, this legislation provides a well-defined exemption for employers and their manufacturer's authorized engineers or factory-trained service technicians from electrical licensing, certification, and inspection so they can maintain, repair, or replace components within the confines industrial equipment.

***FPLS-related bills that passed the legislature:***

2020 Session – 1		
Bill Number	Bill Title	Short bill description

<a href="#">HB 2474</a> (Sells)  Effective: June 11, 2020	Concerning sales commissions	This bill amends current law so that sales representatives must still receive earned commission payments, regardless of whether they are still employed or not, when their efforts prior to separating employment result in a sale. The bill also clarifies that the failure to pay a commission is a wage payment violation via RCW 49.52.050.
<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
<a href="#">HB 2602</a> (Morgan)  Effective: June 11, 2020	Concerning hair discrimination	This bill amends the Washington Law Against Discrimination so the term "race" includes traits historically associated or perceived to be associated with race. This bill also prohibits discrimination on the basis of hairstyle or texture.
<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
<a href="#">ESB 5457</a> (Keiser)  Effective: June 11, 2020	Naming of subcontractors by prime contract bidders on public works contracts	This bill Expands the anti-bid shopping law to cover listing of structural steel installation and rebar installation subcontractors on public works over one million dollars rather than the present RCW 39.30.060 requirement to list only the HVAC, plumbing and electrical subcontractors.
<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
<a href="#">ESB 6239</a> (Conway)  Effective: June 11, 2020	Addressing compliance with apprenticeship utilization requirements and bidding on public works projects	This bill adds a new requirement centered on apprentice utilization to RCW 39.04.350. If a bidder has a history of receiving monetary penalties for not achieving the AURs, or is habitual in using the good faith effort process, the bidder must submit an apprenticeship utilization plan within 10 business days following the notice to proceed date. The apprenticeship utilization plan is to detail verifiable efforts to meet the AURs.
<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
<a href="#">ESSB 6261</a> (McCoy)  Effective: June 11, 2020	Strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations	This bill amends the Farm Labor Contractor Act (FLCA) by modifying the definition of agricultural employee to include a person who has rendered personal services in connection with an employer's agricultural activities and removing the nonprofit organization exemption from the application of FLCA laws.
<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
<a href="#">ESB 6690</a> (Liias)  Effective: Immediately	Concerning aerospace business and occupation taxes and world trade organization compliance	This bill establishes that beginning April 1, 2020, the preferential B&O tax rate for the manufacturing, wholesaling, and retailing of commercial airplanes, airplane components, and tooling is eliminated. After March 31, 2021, a preferential rate of 0.357 percent could be implemented if certain conditions are met. This bill provides for an apprentice utilization requirement in the aircraft manufacturing industry in WA state in order to access a tax break incentive. It also establishes an Aerospace Workforce Council at the department of L&I with immediate staffing needs and reporting requirements to the legislature by December 1, 2023.

***Insurance Services-related bills that passed the legislature:***

**2019 Session – 1**

<b>Bill Number</b>	<b>Bill Title</b>	<b>Short bill description</b>
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<a href="#">2SHB 2457</a> (Cody)  Effective: June 11, 2020	Establishing the health care cost transparency board	This bill establishes a Board for the evaluation and containment of health care expenditures charged with three primary responsibilities:  1) Analysis of total health care expenditures in WA, 2) Establishment of a health care cost growth benchmark, and 3) Identification of providers and payers that are exceeding the benchmark. The board will also submit reports to the governor and legislature on these matters.  The Board shall establish an advisory committee on data issues and an advisory committee of health care providers and carriers. The Board may establish other advisory committees as it finds necessary.
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Bill Number	Bill Title	Short bill description
<a href="#">HB 2691</a> (Valdez)  Effective: June 11, 2020  <b>Report</b>	Concerning the scope of collective bargaining for language access providers	The bill expands the scope of collective bargaining agreements (CBA) for language access providers. Currently L&I does not have a CBA, though we may have one in the future, per SSB 6245. This bill adds tiered payments, health and welfare benefits, and undefined economic benefits to the topics that can be bargained between the state and interpreters. The bill also requires L&I to report to the Legislature by December 1, 2020 on our interpreter procurement.

Bill Number	Bill Title	Short bill description
<a href="#">SHB 2758</a> (Corry)  Effective: June 11, 2020	Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel	The bill amends RCW 51.08.142 that excludes mental health condition caused by stress. It provides a definition of public safety telecommunicators who receive calls for emergency assistance and dispatch appropriate emergency responders. The amendment expands the exception to include these individuals for coverage of PTSD as an occupational disease.

Bill Number	Bill Title	Short bill description
<a href="#">ESSB 6440</a> (Stanford)  Effective: Various  <b>Work Group Report</b>	Concerning industrial insurance medical examinations	This bill defines “new medical issue” and includes this in the list of reasons an exam can be requested, defines “reasonably convenient” for purposes of where an IME is to occur, and defines “examination” including the types of providers who may perform. This bill also limits when and why the department or self-insurer can request IMEs, requires a rendition of the report to the attending physician and injured worker, expands the IMEs to include telemedicine options, and eliminates the ability to charge IME no-show fees when the worker gives 5 day notice. This bill establishes a work group to develop strategies and recommend changes to the legislature and authorizes the department to adopt rules, policies, and processes governing the use of telemedicine for independent medical examinations.

***Office of Human Resources-related bills that passed the legislature:***

2019 Session – 1		
Bill Number	Bill Title	Short bill description



<a href="#">SB 6034</a> (Keiser)  Effective: June 11, 2020	Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination	This bill establishes that pregnancy discrimination in the workplace is considered an unfair practice by the employer. Complaints of pregnancy discrimination must be filed within six months in order for the filing of the complaint to be considered timely.
Bill Number	Bill Title	Short bill description
<a href="#">SB 6123</a> (Hunt)  Effective: June 11, 2020	Allowing state employee leave for organ donation	This bill allows 30 days of paid leave off and prior bill only allowed 5 days off after donation of a body component or organ.

## 2. Director's Office - Enterprise-wide Efforts

2019 Session – 2		
Bill Number	Bill Title	Description
<a href="#">E2SHB 1783</a> (Gregerson)  Effective: June 11, 2020 (July 1, 2020)	Creating the Washington state office of equity	This bill creates the Office of Equity, which will oversee Diversity, Equity and Inclusion planning for all state agencies. The Office will work with all state agencies to track DEI efforts and create new procedures for measuring the DEI impact of various policies.
Bill Number	Bill Title	Short bill description
<a href="#">SHB 2409</a> (Kilduff)  Effective: September 1, 2020 (July 1, 2021)	Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators	This bill adds new sections and amends existing law to increase the dollar amount for penalties assessed by the department under RCW's 51.48.010, 51.48.030, 51.48.040, 51.48.080. It adjusts penalties for inflation every three (3) years based on the consumer price index for urban wage earners and clerical workers in the Seattle, WA area, which is compiled by the Bureau of Labor Statistics, United States Department of Labor. The first adjustment is effective July 1, 2023. Requires all self-insured employer claims administrators maintain their certification, and it requires that all TPAs be licensed. It includes criteria for the licensing and provides for penalties for violations.
Bill Number	Bill Title	Short bill description
<a href="#">HB 2739</a> (Kloba)  Effective: June 11, 2020 (emergency clause for COVID-19 shared leave)	Adjusting certain requirements of the shared leave program	This bill provides that state employees seeking shared leave due to illness, injury, impairment, or physical or mental condition are not required to deplete all of their annual and sick leave before receiving shared leave. It allows intermittent and non-consecutive use of shared leave.



Bill Number	Bill Title	Short bill description
<a href="#">EHB 2965</a> (Cody)  Effective: Immediately	Concerning the state's response to the novel coronavirus	Appropriates \$50 million from the Budget Stabilization Account, via the Disaster Response Account, to be allotted to state agencies and distributed to local governments for response to the Coronavirus Disease 2019 (COVID-19). Authorizes the Department of Social and Health Services to determine nursing facility payments to adequately resource facilities responding to the COVID-19 outbreak.
Bill Number	Bill Title	Short bill description
<a href="#">SB 6170</a> (Keiser)  Effective: Various	Concerning plumbing	Establishes requirements for contractors to receive and maintain a plumbing contractor license. Creates a residential service plumbing certificate. Modifies the acceptable supervisory ratios of plumber trainees to certified plumbers and authorizes remote supervision in certain circumstances. Increases the number of members on the Advisory Board of Plumbers.
Bill Number	Bill Title	Short bill description
<a href="#">E2SSB 6205</a> (Cleveland)  Effective: June 11, 2020	Preventing harassment, abuse, and discrimination experienced by long-term care workers	This bill creates a new chapter in RCW 49 and requires consumer directed employers and home care agencies to create written policies and prevention plans related to discrimination, harassment, and abusive conduct. Covered employers must notify employees when they will work with clients who have engaged in such conduct in the past. Covered employers are required to maintain records related to abusive conduct and discrimination and must submit aggregate data to DSHS. DSHS must convene a workgroup to recommend best practices in the prevention of workplace discrimination and harassment. L&I is charged with the enforcement provisions of the bill and may issue citations under RCW 49.17 (WISHA).
Bill Number	Bill Title	Short bill description
<a href="#">ESB 6421</a> (Muzzall)  Effective: Immediately  <b>Report</b>	Extending the farm internship program	This bill extends the Farm Internship Pilot Project expiration date to December 31, 2025. It also requires L&I to report to the Legislature by December 31, 2024. The bill takes effect immediately with an emergency clause justifying this immediate preservation of public peace, health, or safety, or support of the state government and its existing public institutions.

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## L&I reports/studies due to the Legislature/Governor

Date	Submittal Due Date	Report Description	Statute	Submitted to	Division	Assigned Staff
Quarterly	Quarterly – Ongoing (not going thru GAPD)	Results WA	<a href="#">RCW 43.17.385(5)</a>	Governor	Financial Management	Office of Strategy & Performance – submitted through online system  (Jessica Nau)
Quarterly	Quarterly	Progress on Lead rules	House LAWS request	Appropriate legislative committees	DOSH	Alan Lundeen
12/31/19	In calendar years 2015, 2019 & 2023  (not going thru GAPD)	Independent study of Claim Resolution Structured Settlement Agreements Approved by the Board	<a href="#">RCW 51.04.069</a>	Appropriate legislative committees	Insurance Services	Debra Hatzialexiou
7/1/19	Annually, July 1	Specific metrics identified in bill to be reported re: public record requests	<a href="#">RCW 40.14.026</a>	Joint Legislative Audit & Review committee	Financial Management	Jessica Ward
11/1/19	November 1, annually	Provide a list of each business license issued by the agency, description of the persons and specific activities for which the license is required, the time period for which the license is issued and any issuance, renewal, or reissuance requirements, and other information DOR determines necessary.	<a href="#">RCW 19.02.035</a>	Department of Revenue	Director's Office	Communication
11/2/19	Due Nov 2, 2019 to ORIA for January 31 of each even-numbered year	Significant Legislative Rules Report	<a href="#">RCW 34.05.328(6)</a>	Due to ORIA for legislative submittal	Government Affairs & Policy	Executive Policy
12/1/19	December 1, annually	Report on wage investigations and proceedings	<a href="#">RCW 49.12.180</a>	Governor	Fraud Prevention & Labor Standards	Karissa Bringhurst

Date	Submittal Due Date	Report Description	Statute	Submitted to	Division	Assigned Staff
12/1/19	December 1, annually	Underground economy benchmark report in coordination with ESD and DOR	<a href="#">RCW 18.27.800</a>	House Labor, Senate Commerce & Labor	Fraud Prevention & Labor Standards	Karissa Bringhurst
12/31/19	December annually thru 2019 or end of contracts	Catastrophically injured workers	Budget proviso <a href="#">2ESHB 2376 (217 (8d)) (2016)</a>	Appropriate legislative committees	Insurance Services	Kim Wallace
1/1/20	Annually, no date specified, but in January prior to session	Annual Worker's Compensation Fraud Report	<a href="#">RCW 43.22.331</a>	Senate Commerce & Labor, Senate Ways & Means, House Labor &, House Appropriations	Fraud Prevention & Labor Standards	Karissa Bringhurst
Date established by GOIA, usually summer	Annually, no date specified (not going through GAPD)	Annual report on activities involving Indian tribes	<a href="#">RCW 43.376.020</a>	Governor		
1/1/20	Annually	Report of Prevailing Wage Determinations	Voluntary	Governor, House Labor; Senate Commerce & Labor; OFM	Fraud Prevention & Labor Standards	Karissa Bringhurst
1/31/20	Annually January 31	Requiring disability employment reporting by state agencies. Requires state agencies with 100+ employees to file an annual report to OFM regarding information on the number of persons with disabilities employed	<a href="#">RCW 43.41.275</a>	HR director, with cc to the director of the DSHS's division of vocational rehabilitation and the Governor's disability employment task force	Office of Human Resources	Heather Normoyle
3/1/20	By March 1, 2018, and March 1, 2020, each agency shall report based on the times tracked and calculated since the previous	Inventory of permits	<a href="#">RCW 43.42A.020</a>	Office of Regulatory Assistance	Field Services & Public Safety	David Puente

Date	Submittal Due Date	Report Description	Statute	Submitted to	Division	Assigned Staff
	reporting period					
6/30/20	June 30, 2020 then Dec 1, annually through 2022 or until tools are fully developed and deployed	Study to conduct research to address the high injury rates in the janitorial workforce.	<a href="#">ESHB 1109 (Budget) Sec. 219 Sub 2</a>	Legislature	Financial Mgmt	SHARP (Anderson, Bao, Bonauto, Smith)
6/30/20	June 30, 2020	Report from the work group established to consider additional safeguards for consumers who engage contractors.	<a href="#">SB 5795 (Zeiger)</a>	L&I and Appropriate Legislative Committees (if applicable)		
12/1/23	December 1, 2023	Report the number of claims filed in the previous five years that included the presumption of occupational disease for certain employees at the United States department of energy Hanford site.	<a href="#">RCW 51.32.1871</a>	Legislature	Insurance Services	Jim Nylander

Pursuant to [RCW 43.01.036](#) all reports shall be submitted electronically to the chief clerk of the House of Representatives and the secretary of the Senate.