



Washington State Department of  
Labor & Industries

# **Workplace Rights Investigations Report**

Fiscal Year (FY) 2022 Annual Report to the  
Governor

**December 2022**

Available online at: [Lni.wa.gov/LegReports](https://lni.wa.gov/LegReports)

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# Executive Summary

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## Introduction

In the last several years, the Department of Labor & Industries (L&I) implemented multiple new laws and initiatives. L&I's Employment Standards Program changed staffing levels, responsibilities, procedures, and expanded enforcement mandates.

The program met these growing demands while maintaining its responsibility of enforcing existing wage and hour laws, youth employment protections, protected leave laws, and other essential labor protections.

## 2022 Information Update

In Fiscal Year (FY) 2022, L&I continued to improve the ways in which it protects workers' wages and working conditions. The agency made improvements while adding new workload, including expanded education and outreach, continued workplace rights investigations, and implementation of new rules and legislative requirements.

### Education and outreach

The Employment Standards Program offers extensive education on workplace rights and requirements. During FY 2022, the program devoted considerable time and resources to encouraging proactive compliance with workplace laws. Employment Standards delivered education via an array of platforms including in person presentations, social media outlets, and webinars. The program used expert staff to answer and address questions received from the public.

These efforts included education for those with limited English proficiency, which helped bridge cultural and language barriers. Public webinars were offered in both English and Spanish. These webinars and all other public webinars were offered with free interpreting services upon request by the attendees.

### Investigations

The program conducted nearly 8,000 investigations of workplace rights issues across multiple program areas in FY 2022, and issued 558 penalties for violations. The program also returned just over \$2.75 million in wages rightfully owed to workers.

### New worker protections

In this report, in addition to ongoing educational and enforcement efforts, the department will detail work to support several new worker rights and responsibilities, including:

- **Transportation Network Companies (TNC)**  
[Engrossed Substitute House Bill \(ESHB\) 2076](#), primarily effective January 1, 2023, requires transportation network companies to provide drivers with new compensation, paid sick time, retaliation, deactivation, and worker's compensation protections. L&I's Employment Standards Program held a public comment period that ended November 7, 2022. Three public hearings were also held on November 1, 2 and 4 of 2022. The Employment Standards Program is responsible for the enforcement of new driver protections. The department has selected the Drivers' Union to serve as the Driver Resource Center, which will provide additional services, support, and benefits to drivers in Washington State.

- **Non-Sufficient Fund Checks**  
[Substitute House Bill \(SHB\) 1794](#), effective June 9, 2022, establishes that an employer must reimburse an employee for any bank fees, if their paychecks are dishonored or otherwise returned for non-sufficient funds (NSF), unless the employer can show that it was returned due to an error.
- **Equal Pay and Opportunity Act**  
[Engrossed Substitute Senate Bill \(ESSB\) 5761](#), effective January 1, 2023, requires employers with 15 or more employees to disclose wage and salary ranges, benefits, and other compensation information in their job postings. In December 2022, the department published an administrative policy clarifying the new requirements, using comments from public feedback sessions.
- **Agricultural Overtime**  
The program began implementing a significant change to agricultural employment law in FY 2021 which made agricultural workers eligible for overtime. Since then, the department has provided guidance across the diverse agricultural sector about these new changes. The program is updating administrative policies to offer additional guidance regarding this new law. Additionally, two bilingual agricultural outreach specialists were hired and currently provide outreach and education to limited English proficient (LEP) workers in the agricultural sector.

# Introduction

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L&I protects the safety, health, and security of Washington's workers. The agency's Employment Standards Program is responsible for carrying out state laws that protect workers' wages and working conditions. The agency's Employment Standards Program supports L&I's mission, *Keep Washington Safe and Working*, by enforcing state laws regarding workplace rights.

As required by RCW 49.12.180, L&I submits this report to the Governor annually to provide updated information about investigations and proceedings related to worker wages, leave, youth employment, and other workplace rights.

The Employment Standards Program has three goals to support the department's mission:

- Protect and enforce workplace rights
  - Ensure employers understand the rights they are required to provide to workers.
  - Ensure workers understand and receive those rights.
  - Rectify situations when workers' rights are not protected.
- Serve all people in Washington
  - Create easily accessible processes.
  - Ensure our services are available to all audiences and customers.
- Staff development
  - Create an innovative and supportive program culture.
  - Provide career and development opportunities within the program.

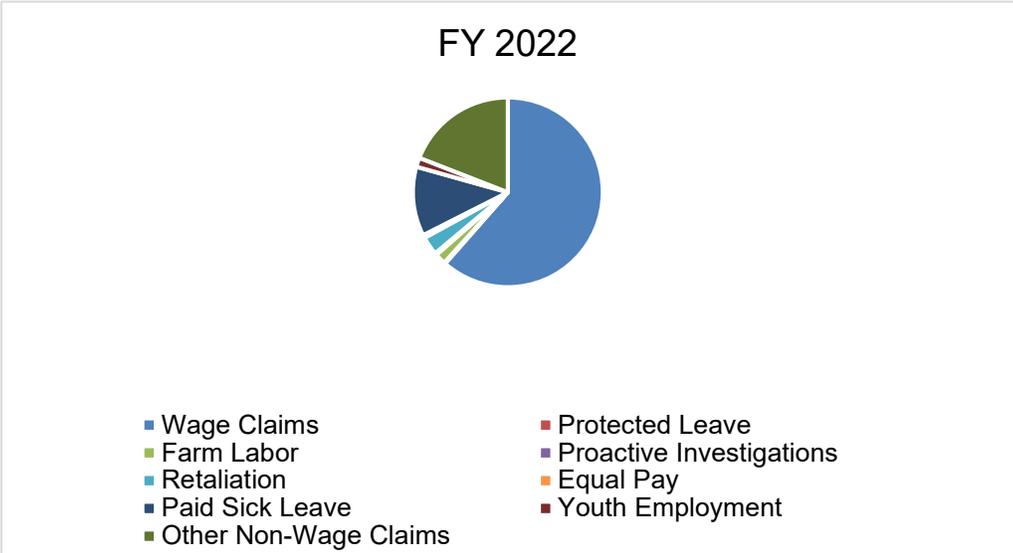
The program enforces a broad set of workplace rights that affect every employer and employee in Washington. This includes laws relating to wages, such as the state minimum wage and wage agreements between workers and employers. Enforcement also includes laws regarding working conditions, such as meal and rest breaks.

Employment Standards also ensures that workers receive paid sick leave and other forms of protected leave, and that workers are not retaliated or discriminated against for the exercise of leave and minimum wage rights. The program enforces laws and rules on youth employment, including hours of work, breaks, and investigating on-the-job injuries that involve workers under the age of 18. The program enforces special work rules related to agricultural employment through its Farm Labor Contracting investigations. Employment Standards is also responsible for education and enforcement of laws ensuring gender pay equity and guarantee training and protections are provided to isolated workers.

The program makes extensive efforts to educate the public about these workplace rights and requirements. During FY 2022, the program devoted considerable time and resources to encouraging proactive compliance with workplace laws. This team within L&I strives to ensure employees understand their workplace rights and employers understand their responsibilities under the law.

Employment Standards staff offers an array of education through multiple communication webinars, in-person presentations to individual organizations, radio interviews, automated email messages, website updates, publications and resource guides, educational consultations, and have knowledgeable staff available to answer questions from the public.

While education and outreach to secure voluntary compliance is the first step, the program also conducts thousands of investigations each year on complaints and referrals. The program also works to proactively find other ways of identifying instances where workers’ rights are not being protected. As shown below, in FY 2022, the majority of complaints were wage claims where a worker filed a complaint alleging they were not paid appropriately. The next highest category was “other non-wage claims” – including matters such as meal and rest breaks. Rounding out the top three are paid sick leave complaints, when workers are told they can’t use available leave.



Closed Investigations in FY 2022	
Wage Claims	4,771
Other Non-Wage Claims	1,481
Paid Sick Leave	917
Retaliation	245
Youth Employment	122
Farm Labor Contracting	145
Equal Pay	39
Protected Leave	17
Healthcare Facility Overtime	34
Proactive Investigations	25
<b>TOTAL</b>	<b>7,796</b>

The program may also assess monetary penalties to ensure compliance with workplace rights. As shown below, during FY 2022, the department issued 387 penalties associated with these types of violations. In addition, the department issued 19 penalties for violations involving Healthcare Facility Workers Overtime.

Penalties Issued in FY 2022	
Wage Payment Act	387
Youth Employment	146
Farm Labor Contracts	5
Equal Pay	1
Protected Leave	0
Healthcare Facility Overtime	19
<b>TOTAL</b>	<b>558</b>

The Employment Standards Program is committed to protecting workplace rights for all workers and employers in Washington.

# 2022 Information Update

## Wage Complaints

The Wage Payment Act requires employers to properly pay wages to workers. Employer noncompliance with these laws most commonly involves failing to pay overtime or failing to pay at least minimum wage for hours worked. Wage complaints made up the majority of the complaints received by this program, about 61 percent (4,771 of 7,796) in FY 2022. L&I investigates every wage complaint received to determine whether the law has been violated. If a violation has occurred, L&I makes every reasonable effort to collect delinquent wages owed and return them to workers.

The figure below does not include less frequent complaints involving employer unauthorized deductions, unpaid hours worked, and failure to issue a final paycheck. As shown, complaint numbers have not quite returned to pre-COVID levels, but are increasing as more people return to work.

Wage Complaints by Allegation: Received FY 2018 - FY 2022						
Fiscal Year	Minimum Wage	Overtime	Agreed Wages	Wage Claims	Wages Owed	Other
2018	493	1,212	1,751	274	N/A	N/A
2019	475	1,157	1,722	824	N/A	N/A
2020	402	1,103	1,582	768	N/A	N/A
2021	268	673	978	567	15	20
2022	337	1,086	1,440	597	171	68

When a worker files a complaint, L&I has 60 days to issue a determination on whether the law was violated. The time period to issue a determination may be extended for good cause. The figure below shows the percentage of complaints that were resolved within various time periods after receipt. L&I completed 82% of complaints within 60 days and 96% of complaints within 120 days.

Wage Complaints Completed by Number of Days in FY 2022	
Number of Days to Resolve	Number of Complaints
<60	82%
<90	92%
<120	96%
<180	99%
>180	1%

Wage complaints may be closed for a variety of reasons. Some are withdrawn by the employee or not accepted because they did not contain enough information to enable an investigation or because the agent could not reach the complainant after the complaint was filed. Others are resolved by the agent or it is determined that there was no violation.

## Determination of Compliance

In many investigations, L&I can collect money for the worker without resorting to a citation and notice of assessment. However, not all wage complaints can be resolved through voluntary compliance and L&I must issue a formal determination. Also shown below is the total amount collected for workers through each closing mechanism. Collection efforts continue beyond the fiscal year. These amounts may also include assessments in prior years. Wages that are paid prior to the department issuing a notice of assessment are not included in dollars assessed.

The figure below shows the disposition of wage complaints in FY 2022. It shows 6% of wage complaints filed in FY2022 resulted in a notice of assessment, identifying wages were owed, and 4% where the department issued a notice of compliance, indicating there was no violation. The majority were not accepted due to insufficient information. The “other” category includes cases voluntarily paid or resolved by the employer prior to the issuance of the notice of assessment.

Wage Complaints Closed by Reason in FY 2022				
Closing Reason	Number of Closed Complaints	Percentage Closed	Assessed	Collected
Not Accepted	1,823	38%	N/A	N/A
Withdrawn by Employee	703	15%	N/A	N/A
Non-Wage Resolved by Agent	314	7%	N/A	N/A
Determination of Compliance	188	4%	N/A	N/A
Notice of Assessment	292	6%	\$1,227,651	\$156,073
Other	1,451	30%	\$2,639,779	\$2,417,275
<b>Total Closed</b>	<b>4,771</b>	<b>100</b>	<b>\$3,867,430</b>	<b>\$2,573,348</b>

## Proactive Investigations & Enforcement

The legislature first approved supplemental funding in 2019 to increase the department’s capacity to conduct companywide wage investigations. In contrast to investigations which are responsive to an individual worker, a proactive companywide wage investigation involves L&I seeking broader remedies for many affected workers. These larger investigations allow L&I to follow up on systemic issues

discovered in complaint investigations and strategically target and address areas and industries where workers may be most vulnerable to violations of workplace rights.

Prior to the 2006 Wage Payment Act, the program routinely conducted companywide investigations. In 2005, for instance, it recovered \$2.2 million for workers from these wider investigations. Priorities shifted when the Wage Payment Act went into effect, requiring individual worker complaints to be investigated within 60 days. The department received more wage complaints from workers, and had less time to conduct these more time-consuming companywide investigations that agents opened themselves.

In FY 2022, the program resumed these companywide investigations in strategic areas. The Proactive Investigations and Enforcement Unit collected over \$233,300 in financial remedies for workers through investigative efforts and closed 25 cases in FY 2022. In addition to completing investigations, the unit also conducted educational outreach efforts. Through this process, the unit contacted 15 employers who were identified due to concerns reported by the public.

These are relatively small numbers compared to total employer numbers in Washington. Yet, these remedies create an opportunity to protect workers through education and enforcement. During the investigation process, the unit promptly contacts the employers, provides an educational summary of the concerns identified, and provides resources to assist employers to come into compliance without requiring a full investigation. Overall, the main concerns that have consistently been identified are alleged meal and rest break violations and paid sick leave usage and accrual issues.

## Transportation Network Companies

ESHB 2076 passed during the 2022 Legislative Session and takes effect January 1, 2023. This bill protects drivers in areas such as minimum compensation rates, paid sick time, retaliation and deactivation protections, and administrative protections. The program conducted extensive outreach to stakeholders during the development of rules to enforce these provisions. The rule was finalized on December 1, 2022 and will be effective January 1, 2023. In addition, a new unit has been created to investigate and enforce allegations brought forward by drivers that provide services for transportation network companies.

## Protected Leave, Paid Sick Leave, & Retaliation

The state's leave laws ensure that workers can appropriately use paid sick leave and other forms of leave, as well as leave without pay for certain activities. These laws also protect workers from retaliation or discrimination for using protected forms of leave. They include protected leave, paid sick leave, and retaliation protections.

### Protected Leave Laws

Washington's protected leave laws that are enforced by L&I include:

- The Washington Family Care Act.
- The Domestic Violence Leave Act.
- Leave for spouses of deployed military members.
- Leave for volunteer firefighters, reserve peace officers and civil air patrol members.

## Paid Sick Leave

Initiative 1433 (I-1433), approved by Washington voters in 2016, made changes to the Minimum Wage Act, including mandates to raise the minimum wage and require employer-provided paid sick leave.

## Retaliation

Also under the Minimum Wage Act, an employer may not retaliate against an employee who exercises a protected right, files or intends to file a complaint, or has discussed potential violations of their rights. L&I investigates all complaints of retaliation or discrimination related to these activities.

The figure below shows investigations and amounts recovered for workers related to leave and retaliation laws in FY 2022. The “total closed” figures represent all complaints received in those categories. Overall, it shows no dollar amounts were assessed for protected leave or retaliation complaints and nearly \$150,000 assessed for paid sick leave violations. Complaints are “not accepted” where the worker is not covered by the law or there is insufficient evidence of a violation.

Paid Sick Leave Complaints/Investigations Closed by Reason in FY 2022				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	346	38%	N/A	N/A
Withdrawn	128	14%	N/A	N/A
*DOC or No Action	27	3%	N/A	N/A
**NOA/Infraction /Citation	35	4%	\$22,917	\$1,115
***Other	381	41%	\$120,366	\$31,722
<b>Total Closed</b>	<b>917</b>	<b>100%</b>	<b>\$146,275</b>	<b>\$32,837</b>
Protected Leave Complaints Closed by Reason in FY 2022				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	11	64%	N/A	N/A
Withdrawn	3	18%	N/A	N/A
DOC or No Action	3	18%	N/A	N/A
NOA/Infraction/Citation	0	0%	N/A	N/A
***Other	0	0%	\$0	\$0
<b>Total Closed</b>	<b>17</b>	<b>100%</b>	<b>\$0</b>	<b>\$0</b>
Retaliation Complaints Closed by Reason in FY 2022				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	201	82%	N/A	N/A
Withdrawn	29	12%	N/A	N/A
DOC or No Action	2	1%	N/A	N/A
NOA/Infraction/Citation	0	0%	N/A	N/A
***Other	13	5%	\$0	\$0
<b>Total Closed</b>	<b>245</b>	<b>100%</b>	<b>\$0</b>	<b>\$0</b>

\*DOC is a Determination of Compliance.

\*\*NOA is a Notice of Assessment.

\*\*\*Closing Reason, “Other” indicates closure for payment in full, arranged payment plan, or employer bankruptcy.

## Healthcare Facility Employee Overtime

Healthcare facilities must put reasonable safeguards in place to limit the use of overtime required of workers. This law is designed to restrict healthcare facilities from requiring key staff, including a licensed practical nurse, registered nurse, diagnostic radiologic technologist, cardiovascular invasive specialist, respiratory care practitioner or a certified nursing assistant to work overtime in excess of their agreed upon, predetermined, regularly scheduled shift.

The law allows for certain exceptions when healthcare facilities require an employee to work overtime. There is no prohibition on overtime work that occurs because of any of the following four reasons:

1. Overtime work that occurs because of any unforeseeable emergent circumstance;
2. Overtime work that occurs because of prescheduled on-call time;
3. Overtime work that occurs when the employer documents that they used reasonable efforts to obtain staffing; and
4. Overtime work that occurs to complete a patient care procedure already in progress.

The figure below shows the number of investigations and the dollar amounts for penalties assessed and collected by the department for violations of this law. These dollar amounts were recovered from mediation and/or settlements in response to penalties assessed in FY 2022.

Healthcare Facility Overtime Complaints Closed by Reason in FY 2022				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	8	24%	N/A	N/A
Withdrawn	9	26%	N/A	N/A
DOC* or No Action	3	9%	N/A	N/A
Infraction Penalties/Settlements	14	41%	\$78,550	\$51,550
<b>Total Closed</b>	<b>34</b>	<b>100%</b>	<b>\$78,550</b>	<b>\$51,550</b>

\*DOC is a Determination of Compliance.

## Agriculture

Agricultural workers have long been exempt from the state's overtime requirements. But in 2021, the Washington State Legislature changed this practice by removing the overtime exemption for all agricultural workers. The department began implementation of this significant change in FY 2022.

Except for dairy employers that were required to pay overtime, the law is phased in over time. It incrementally reduces the number of hours employees must work in a workweek before they are entitled to overtime. Beginning:

- Jan. 1, 2022, the overtime threshold is 55 hours;
- Jan. 1, 2023, the threshold will be 48 hours;
- Jan. 1, 2024, the threshold will be 40 hours.

The law prevents agricultural employees from seeking retroactive payments for overtime worked prior to July of 2021. The program updated the following administrative policies that provide additional guidance and interpretation of the new law:

- [ES.A.8.1](#) – Overtime.
- [ES.B.1](#) – Paid Sick Leave – Frequently Asked Questions.
- [ES.C.6.2](#) – Agricultural Labor Standards – Meal Periods, Rest Periods, and Rates of Pay.
- [ES.D.2](#) – Recordkeeping and Access to Payroll Records (Agricultural Employment).

### **Agricultural Overtime Education and Outreach Campaign**

The program conducted extensive outreach, in English and Spanish, to inform the agricultural sector of these changes. This multi-faceted education and promotional campaign spoke to a diverse industry, including agricultural workers, employers, farm labor contractors, law firms, associations, and worker advocacy organizations.

- [News release](#): Dairy workers are eligible overtime; all other agricultural workers eligible beginning Jan. 1, 2022.
- [News release en español](#): The news release is also available in Spanish.
- [Fact sheet](#): This printable fact sheet explains the details of the new agricultural overtime law.
- [Fact sheet en español](#): The printable fact sheet is also available in Spanish.
- [Infographic](#): This infographic highlights the key elements of the changes regarding overtime for agricultural workers.
- [Infographic en español](#): The agricultural overtime infographic is also available in Spanish.
- [Webinars in English and Spanish](#): L&I is holding informational webinars every month. Look for "Understanding the Changes in Agricultural Overtime Laws" in the "Event Title" pulldown menu on this link.
- [YouTube video – Get the details on the new agricultural overtime law](#): L&I created short videos to explain the new agricultural overtime changes.
  - [Facebook video – English](#)
  - [YouTube video en español – Obtenga los detalles sobre la nueva ley de horas extras en la agricultura](#)
  - [Facebook video – en español](#)
  - [Mixteco Bajo Facebook video](#)
  - [Mixteco Bajo YouTube video](#)
  - [Administrative Policy ES.C.6.2: Agricultural Labor Standards - Meal Periods, Rest Periods, and Rates of Pay](#)

### **Farm Labor Contracting Stakeholder Engagement**

The agricultural unit conducted a thorough stakeholder feedback process to develop the updates to the administrative policies above in response to the agricultural overtime changes. In this same stakeholder engagement process, the program revised an important tool to facilitate farm labor contracting.

Through stakeholder feedback sessions, the program updated its guidance, and resulting documents, on the terms and conditions of employment for workers to receive, sign, and understand their labor protections. See the [Employment Standards engagement web page](#). Consequently, the final versions were translated and produced in the eight foreign languages most commonly used by agricultural workers.

## Youth Employment

Young workers can be an asset to employers, bringing enthusiasm and energy to the workplace. In exchange, they have opportunities to learn, contribute, and earn. L&I's Youth Employment Unit works with the Office of the Superintendent of Public Instruction, school districts, and employers to provide training and education so that youth can acquire job skills and academic credit while still in high school.

Providing work-based learning and apprenticeships are key to Washington's future workforce; however, safety at work is imperative. Workers under 18 are at higher risk for work-related injuries. L&I offers education about the obligations to ensure safe workplaces for youth and enforces those requirements. Washington State restricts both the work hours and the type of work minors may do. During the school year, teens may work part-time hours only; however, L&I can grant special variances for 16 and 17-year-olds with permission of both a legal guardian and an authorized school administrator.

Some job duties are prohibited for minor workers, such as forklift driving, working on roofs, or working in freezers or meat coolers. In addition, employers with workers under age 18 must have a minor work permit endorsement on their master business license. The table below shows the minor injuries, work permits and variances. There was a sharp rise in work permits and variance applications in FY 2022 largely due to increased demand for younger workers.

Investigations, Work Permits & Variances from FY 2018 - FY 2022					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Minor Injuries Reports Reviewed	1,359	1,514	1,400	1,275	811
Minor Work Permits Issued	42,207	40,982	32,856	30,199	38,208
Minor Work Variances Issued	315	276	194	261	495
Public Outreach & Education	2,207	1,741	907	2,368	2,502

Source: L&I Employment Standards Program

## Equal Pay & Opportunities Act

The Equal Pay and Opportunities Act (EPOA), effective as of June 7, 2018, prohibits employers from compensating employees or limiting or denying career advancement based on gender. The law also explicitly allows employees to disclose, discuss, and compare their wages or the wages of others.

In 2019, this law was amended with additional protections for employees and job applicants. The amendment prohibits employers from requesting job applicant wage or salary history, except under certain circumstances. Employers are prohibited from requiring applicant wage or salary history to meet certain criteria. Internal promotion or transfer applicants have the right to certain salary information if the employer has 15 or more employees.

In 2022, this law was amended again to add further protections for job applicants. By January 1, 2023, employers with 15 or more employees must disclose wage scale or salary range, a description of benefits, and other compensation in their job postings. The department published its policy December 1, 2022 to provide guidance on this change and other sections of the Equal Pay and Opportunities Act. In addition, webinars and other educational opportunities help employers understand these new requirements.

In FY 2022, the department received 55 Equal Pay and Opportunities Act complaints. Of those, 39 were closed, as shown below. The remaining continue to be adjudicated. No citations or notices of assessment were issued, but more than \$17,000 was assessed as damages which were recuperated during conference and conciliation and given to the workers; these also include one \$500 civil penalty. A Notice of Finding was issued in each of these cases stating a violation was found that was resolved during mediation.

Equal Pay and Opportunities Act Complaints/Investigations Closed by Reason in FY 2022				
Closing Reason	Closed	%	Assessed	Collected
Not Accepted	16	41%	N/A	N/A
Withdrawn	9	23%	N/A	N/A
Notice of Finding*** (No Citation)	7	18%	N/A	N/A
NOA/Citation	0	0%	\$0	\$0
Other*	7	18%	\$17,129.33**	\$17,129.33
<b>Total Closed</b>	<b>39</b>	<b>100%</b>	<b>\$17,129.33</b>	<b>\$17,129.33</b>

\**Other* indicates the complaint was resolved through a settlement agreement or in response to a final demand letter.

Additional outreach efforts in FY 2022 included informing the public about protections and requirements under EPOA: incorporating current EPOA content in public presentations such as Know Your Worker Rights and Employer Guide to Workers’ Rights. Also in FY 2022, L&I held monthly EPOA public webinars about protections and requirements under the law. L&I collaborated with the WorkSource system to provide monthly webinars tailored to job applicants and employees. L&I also presented to individual organizations, upon request.

The department continues to offer customized EPOA employer consultations to help employers understand the impact that EPOA might have on their organization and employment practices and to provide a proactive evaluation of possible specific risks.

## Isolated Workers

The Legislature enacted RCW 49.60 during the 2019 session, adding protections for certain isolated workers in the janitorial, security, retail, and hospitality industries. These employers must now provide panic buttons and implement a sexual harassment policy and training curriculum. The law also requires janitorial contractors to submit work location, hours, and sexual harassment training data to L&I each quarter.

Lastly, employers must provide impacted employees with contact information for the Equal Employment Opportunity Commission and the Washington State Human Rights Commission, as well as any local organizations geared towards preventing sexual assault and harassment. L&I does not have investigative authority under this law. However, the agency continues to provide outreach and education regarding the responsibilities of employers as well as employee rights.

L&I held webinars summarizing the law, and conducted hundreds of proactive contacts to janitorial companies in Washington who may employ isolated workers. L&I also refers employers to resources from the Washington State Human Rights Commission to help them develop and implement sexual harassment training policies and curriculum.

L&I also created an Isolated Worker resource page within the L&I website offering guidance on the statute as well as resources to assist employers and employees, including:

- Panic button FAQ guide.
- A bilingual guide for property services contractors with reporting data to L&I.
- Contact information to request personal consultations about RCW 49.60.515 with L&I.

In December 2020, the department began tracking inquiries about the program. In FY 2022, the department received 24 phone calls and 77 email inquiries related to isolated worker rights and responsibilities. During FY 2022, the department developed an employer consultation service to help them understand the impact that this law might have on their organization and employment practices and to provide a proactive evaluation of possible specific risks.

## Outreach & Customer Service

L&I prioritizes education and outreach to ensure employers understand their responsibilities and workers know their rights. Information is shared in all parts of Washington to increase voluntary compliance. Materials are drafted using plain language, and are translated into many other languages.

In FY 2022, the program offered monthly webinars on a variety of topics including an Employer Guide to Worker Rights, Know your Worker Rights, overtime exemptions, Equal Pay and Opportunities Act, and Isolated Worker Protections. Offering these webinars has allowed the department to educate thousands of employers and employees across the state remotely during the COVID-19 pandemic.

In addition to monthly webinars, program staff answer questions and meet with organizations to educate them about these responsibilities. The L&I website is also kept up to date with helpful guidance and resources such as fact sheets, employer guides, case examples, and frequently asked questions. In addition, customer service staff received and directed more than 44,000 calls from customers. The table below summarizes the outreach events for the wage and hour programs. By far the most attended were events related to overtime rules for executive, administrative and professional workers followed by overtime rules for agriculture workers.

Outreach Activities for FY 2022		
Program Unit	Number of Events	Attendance for Events
Wage Payment Act	8	8
Agricultural Overtime	20	630
Proactive Investigations	25	21
Protected Leave	67	78
Paid Sick Leave	7	35
Executive, Administrative & Professional Rules	44	984
Isolated Workers	11	62
Equal Pay Opportunity Act	11	174
Retaliation	68	230
Youth Employment	7	146
Healthcare Facility Overtime	31	39

### Limited English Proficiency (LEP) & Accessibility Progress

The department enforces workplace laws that affect most employers and employees in the state across a wide variety of diverse backgrounds and industries. The department is committed to the expansion of services and information for all customers.

The following data shows all complaints opened and resolved by the Employment Standards Program for all complaint types and the preferred language of the complainants during FY 2022. This does not include any cases opened in the previous FY. While the majority of complainants prefer English, there are significant numbers of inquiries in other languages, in particular Spanish and Chinese.

Employment Standards Complaints by Preferred Language for FY 2022	
Preferred Language	Number of Complaints Resolved
English	5,159
Spanish	353
Chinese	12
Korean	10
Russian	8
Vietnamese	9
Other	6
Cambodian	2
Laotian	3
<b>Total Complaints Resolved</b>	<b>5,562</b>

The program offers free translation and interpreter services to customers in their preferred language, in accordance with internal, state, and federal requirements. To provide reliable interpreting and translating assistance, the program continues to hire bilingual staff.

To ensure the rights of all workers are protected, direct outreach efforts were made to inform those with limited English proficiency. Public webinars, including *Know Your Worker Rights*, tailored to employees and the *Employer Guide to Workers' Rights*, were offered in both English and Spanish. These public webinars and all other public virtual events were well-attended, educating thousands of people. They also offered free interpreting assistance. These are in addition to the data previously provided in the outreach activities table under Outreach and Customer Service.

Limited English Proficiency Events in FY 2022		
Program Unit	Number of Events	Attendance for Events
Wage Payment Act	9	144
Farm Labor Contracting/Agricultural Overtime	44	7,134

In addition to extensive outreach efforts for workers with limited English proficiency (LEP), the Farm Labor Unit ensures compliance with agricultural employment standards, farm labor contracting, and other protections of diverse communities in both the agricultural sector and the reforestation sector. Agents provided one-on-one consultation services to agricultural employers and farm labor contractors regarding the requirements of those laws, including licensing requirements, employer requirements, break and rest period requirements, and out of state employer requirements.

Agents conducted field visits to audit registered farm labor contractors. These visits provide an opportunity to educate contractors of their requirements and interview workers to confirm the accuracy of the audit and educate them of their rights in their language of preference. The unit also provides education and outreach presentations at the request of community partners representing LEP customers, agricultural business associations whose membership employs LEP customers, and other relevant entities in the agricultural sector.

Additionally, the program worked on a number of projects to help LEP workers with meaningful access to our services. These projects focus primarily on Spanish and include a plan for expanding language access services to other languages. Some of the objectives within the language access projects included:

- Updating and translating Employment Standards sections of L&I's public website.
- Translating forms, publications, and policy documents.
- Translating administrative policies.
- Translating letters and documents used in investigations, building a resource repository.
- Providing language assistance during investigations.
- Developing and implementing standard work and case management processes for investigations that involve LEP customers (employees and/or employers).
- Creating a new Operations Manual chapter to provide guidance and expectations to staff related to language access, effective communication, and accessibility services.
- Conducting and facilitating LEP outreach: Webinars, individual presentations, radio interviews, social media presentations in partnership with community organizations, and in-person events.
- Removing potential barriers and working on initiatives to provide multiple complaint filing options for workers to exercise their rights.

- Collaborating with other L&I programs that provide bilingual support to LEP customers.
- Inform customers of their right to request interpreting and translation services at no cost to them.
- Informing customers of their right to file a civil rights complaint if they experienced denial of services provided by the Employment Standards program.

These efforts are critical to providing high-quality service to all customers, finding ways to adapt our processes to the language and accessibility needs of customers.

## Conclusion

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The department's Employment Standards Program is responsible for carrying out state laws that protect workers' wages and working conditions, helping to fulfill L&I's mission to *keep Washington safe and working*. In the last several years, laws have expanded workers' rights and employer responsibilities, including overtime for agricultural workers, and ensuring equal pay. In addition, the department expanded the categories of workers who are eligible for overtime.

The program has responded to multiple new laws and initiatives, including the need to create new regulations and to update existing ones. These new responsibilities have resulted in changes in staffing levels and responsibilities, procedural changes, and new and expanded enforcement mandates.

The agency made these improvements while simultaneously adding new workload requirements, expanding education and outreach, and ensuring the vitality of workplace rights investigations.