

Warehouse Quota Standards

Employee Protections



Washington State Department of
Labor & Industries
Employment Standards / Workplace Rights

As of July 1, 2024, additional worker rights and safety protections went into effect for workers at certain warehouse distribution centers who are subject to a quota. These requirements, created by the 2023 Legislature, will be enforced by L&I's Employment Standards Program and Division of Occupational Safety and Health (DOSH).

This brochure details the protections given to workers and how to file a complaint.

Employee protections

If you're a warehouse worker for a qualifying employer, and you have to meet a quota, then your employer:

- Must give you written descriptions of your quota expectations.
- Cannot discipline or fire you for failing to meet a quota your employer did not properly disclose.
- Must ensure your quota expectations allow enough time for you to:
 - Take rest breaks.
 - Use the restroom.
 - Travel to and from breakrooms and restrooms.
 - Perform an activity required by the employer to complete the work subject to a quota (for example, clocking in/out).
- Must provide additional compensation for missed breaks in certain circumstances.
- Cannot retaliate against you for exercising your rights under the law.

Safety and health

Meeting a quota must never jeopardize your safety and health. You must be afforded sufficient time to access and use safety equipment and to avoid hazards. Examples include:

- Carts and hand trucks
- Step stool and ladders
- Protective Personal Equipment including safety shoes, vest, glasses, etc.
- Cleaning up spills or moving obstructions from aisles
- Material storage
- Inspecting powered industrial vehicles or other machinery before use
- Lockout/tagout
- Waiting for help to lift heavy loads

Quotas

A quota is a work performance standard a worker needs to meet or they might suffer an adverse employment action, like being written up or fired. A quota may require employees to perform tasks at a specified speed, perform a quantified number of tasks, or handle an amount of goods within a defined period. Quotas can be group or individually based.

A performance standard doesn't have to be called a "quota" to be subject to these rules. No matter what it is called, if the work-rate standard shares the characteristics of a quota, it is subject to the rules.

Which warehouses qualify

The warehouse quota standards generally apply to warehouses:

- That use quotas that could result in an adverse employment action taken against you.
- Have more than 100 employees at a single location in Washington, or who have more than 1,000 employees at multiple locations in the state.
- Engage in warehouse activities classified by North American Industry Classification System, such as warehousing and storage, merchant wholesalers, electronic shopping, or mail order houses.

Written quota descriptions

Employers must provide every employee subject to a quota a written description of the quota. Descriptions must be in your preferred language and include:

- A written description of each quota that applies to you.
- Any potential adverse employment actions that could result from failing to meet the quota, like being written up or fired.
- Any incentives or bonuses associated with meeting the quota.

Employers need to provide every employee with an initial written description upon hire or by July 31, 2024, for existing employees. The description needs to be available in your choice of English, the top six other languages most commonly spoken in the state, or any other language you request.

If an employer changes a quota, they need to notify you verbally or in writing about the new quota as soon as possible. Employers must notify you of the change before you are subject to the new quota.

An updated written description must be provided within two business days. The same language requirements apply to updated written descriptions.

Requesting records

Current employees may ask for written descriptions of quotas they are subject to, as well as their personal work speed data and aggregated work speed data for similar employees for the past six months.

Former employees may ask for written descriptions of their last quota, as well as work speed data and aggregated work speed data for similar employees for the last six months of their employment within three years of their last day of work.

Employers must provide written descriptions within two business days, and must provide personal and aggregated work speed data within seven business days of a request.

Employers must provide written descriptions in your preferred language and all the records at no cost.

Adverse action

Whenever an employer takes an adverse action – like discipline or termination – against you for failing to meet a quota, you must be given a copy of the applicable quota and your personal work speed data.

Retaliation

You have several retaliation protections. Employers cannot retaliate against you for:

- Not meeting a quota that doesn't allow for the required time periods.
- Not meeting a quota that the employer did not disclose properly to you, or you did not receive in your preferred language.
- For exercising a protected right under the standards, such as requesting records.

There might be a presumption of retaliation if you suffer an adverse action such as being terminated, getting written up, or having your schedule altered within 90 days of engaging in a protected activity.

Break violation pay

You are entitled to additional compensation, called break violation pay, if your quota violates warehouse quota standards and it results in a meal or rest break violation. Each day there is such a violation, you must receive one additional hour of pay at your regular rate. Employers must pay the violation pay on the next regularly schedule payday.

File a complaint

You can file a worker rights complaint ([Lni.wa.gov/workers-rights](https://www.lni.wa.gov/workers-rights)) with Employment Standards if you believe:

- Your quota wasn't properly disclosed to you.
- You did not receive the records you requested from the employer.
- Your quota doesn't allow enough time for your breaks, travel time to break locations, or time to do an activity required by the employer to complete the work subject to a quota (for example, clocking in/out).
- You were retaliated against for:
 - Not meeting a quota that doesn't account for rest breaks, travel time, or time to do a required activity.
 - Asking for your written quota description, personal work speed data, or aggregated data.

You can file a DOSH safety complaint ([Lni.wa.gov/go/F418-052-000](https://www.lni.wa.gov/go/F418-052-000)) if:

- Your work environment is unsafe.
- Your quota doesn't account for time to use the bathroom or time to use safety equipment.
- You were retaliated against for not meeting a quota that doesn't account for bathroom breaks or time to use safety equipment.

You can file a DOSH retaliation complaint ([Lni.wa.gov/go/F416-011-000](https://www.lni.wa.gov/go/F416-011-000)) if you feel you were retaliated against for exercising your workplace safety and health right.



Learn more:

[Lni.wa.gov/WarehouseQuotas](https://www.lni.wa.gov/WarehouseQuotas)

Resources

- WAC 296-136:
<https://app.leg.wa.gov/WAC/default.aspx?cite=296-136>
- Meal and Rest Periods: [Lni.wa.gov/workers-rights/_docs/esc6.1.pdf](https://www.lni.wa.gov/workers-rights/_docs/esc6.1.pdf)
- Chapter 49.84 RCW:
<https://app.leg.wa.gov/RCW/default.aspx?cite=49.84>
- Send an email to the Employment Standards Program:
ESWarehouseQuotas@Lni.wa.gov
- Send an email to DOSH:
EyeOnSafety@Lni.wa.gov

