



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
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DATE: October 11, 2023

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WSR 23-21-058

Agency: Department of Labor and Industries (L&I)

Subject of possible rule making: Labor standards for quotas at warehouse distribution centers. New chapter under Title 296 WAC, Department of Labor and Industries.

Statutes authorizing the agency to adopt rules on this subject: RCW 49.84.060

Reasons why rules on this subject may be needed and what they might accomplish: 2023's Second Substitute House Bill 1762 (2SHB 1762), codified under chapter 49.84 RCW, addresses protections for employees at warehouse distribution centers who are subject to quotas. Chapter 49.84 RCW includes the following requirements:

- Provide written notices to employees of quotas they are subject to
- Provide employees their personal work speed data and work speed data for similar employees at the same location when requested
- Ensure time considered in the quota include:
 - Time for rest breaks and reasonable time to travel to designated locations for rest breaks;
 - Reasonable travel time to on-site designated meal break locations; and
 - Time to perform any activity required by the employer in order to do the work subject to any quota
- Prohibits adverse actions against an employee for failure to meet a quota in violation of the requirements
- Prohibits adverse action against an employee for exercising their rights under chapter 49.84 RCW, including requesting information on quotas and making a complaint related to alleged quota violations. There is a rebuttal presumption that adverse action taken within 90 days of an employee complaint that the adverse action was retaliatory.

Chapter 49.84 RCW also provides for L&I enforcement of the above requirements.

L&I's Fraud Prevention and Labor Standards (FPLS) Division must adopt rules under the Washington Administrative Code (WAC) to implement and enforce the requirements related to warehouse workers quotas under chapter 49.84 RCW.

Other requirements related to warehouse workers quotas under chapter 49.84 RCW are enforced by Division of Occupational Safety and Health (DOSH) and those requirements are being adopted under a separate rulemaking but the rulemaking efforts will be jointly coordinated.

Chapter 49.84 RCW becomes effective July 1, 2024.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after the rules are proposed by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

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Additional comments:

Date: October 11, 2023

Name: Joel Sacks

Title: Director

Signature:

