



REVIEWING THE CASE FILE: A YEAR IN EMPLOYMENT LAW



**Washington Legal
Update**

DISCLAIMER

The information and related discussion is not intended as legal advice and is for general informational and educational purposes only. While we hope it is informative, it also does not fully address the complexity of the issues or steps employers must take under applicable laws—which are also subject to change, even frequently, with or without prior notice. You should not act upon any information provided without seeking professional legal counsel tailored to your specific situation. For legal advice on these or related issues, please consult qualified legal counsel directly.



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HB 1155: NONCOMPETITION AGREEMENTS

- Effective June 30, 2027, Washington noncompetes for employees and contractors become void and unenforceable regardless of when signed; limited exceptions apply to nonsolicitation (18-month cap), NDAs, tuition repayment, franchise sales, and business-sale covenants.
- Audit and phase out noncompetes now; employers must notify all current and former workers covered by a noncompete that it is void, no later than October 1, 2027.
- Shift to compliant nondisclosure and narrow nonsolicitation agreements, and carve Washington employees out of multistate noncompete policies.

CASE FILE



HB 2105: FEDERAL I-9 AUDITS

- Effective October 1, 2026, the Immigrant Worker Protection Act requires employers who receive a federal I-9 audit notice to promptly and individually notify affected workers of the audit and any deficiencies, using the Attorney General's model notice.
- Build an I-9 audit notification protocol now: notices must be individualized and both posted and sent directly to each worker, no mass notices.
- Never exceed federal verification requirements or use an audit retaliatorily; expect union involvement in organized workplaces.

CASE FILE



HB 2479 & SB 6058: UNPAID WAGE ENFORCEMENT

- Effective June 11, 2026, L&I gains a Wage Recovery Program that can pay harmed low-wage workers before citations issue, broader authority to expand and consolidate investigations, and an uncapped civil penalty for willful wage violations.
- Expect significantly higher financial exposure for willful violations, with base penalties rising for inflation starting in 2030.
- Regularly audit payroll practices, exempt classifications, independent contractor status, deductions, minimum wage, and break and overtime compliance.

CASE FILE



HB 2264: UNEMPLOYMENT INSURANCE IN LAYOFFS

- Effective June 14, 2026, employees who volunteer for an announced, written reduction in force and are then terminated qualify for unemployment benefits as laid off, not as voluntary quits, even with a rescission option.
- Document every layoff step and clearly distinguish employer-initiated separations from employee-initiated ones.
- Anticipate effects on unemployment insurance tax rates when structuring voluntary reduction-in-force programs.

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HB 2405: WORKERS' COMP – PTSD TREATMENT

- This law expands WISHA and industrial insurance to fund a PTSD pilot program aimed at improving recovery and return-to-work outcomes for high-stress occupations; self-insurers may opt in.
- Expect more PTSD claims and appeals, including from workers outside traditional high-stress fields such as warehouse, food service, or agriculture.
- Provide injury-reporting forms immediately for stress or PTSD claims, and refresh claims protocols and mental health resources.

CASE FILE



SB 5292: PFML PREMIUM RATE SETTING

- This law changes how Washington's Paid Family and Medical Leave premium rate is calculated; new rates are announced around October 20 each year, capped at 1.2 percent, and set at the lowest rate needed for solvency and a four-month reserve.
- Expect year-to-year rate fluctuation depending on program utilization and fund balance.
- Monitor the October ESD rate announcement closely to withhold and remit payroll taxes at the correct rate.

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HB 2303: BAN ON EMPLOYEE MICROCHIPPING

- Effective June 11, 2026, Washington bars employers from requesting, requiring, or coercing employees to have a microchip implanted for any reason.
- Never suggest or require implanted microchips as a condition of employment, for tracking, facility access, or any other purpose.

CASE FILE



SB 6014: PREGNANCY ACCOMMODATION PRIVACY & CHANGES

- This law amends RCW 49.92 to codify guidance entitling pregnant employees, without medical certification, to more frequent or flexible breaks, food and drink exceptions, seating, lactation breaks, and a 17-pound lifting limit.
- Review workplace policies now to ensure these accommodations are available automatically, without requiring medical documentation.

WASHINGTON CASES

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CASE FILE



BOLINA V. ASSURECARE ADULT HOME LLC

- Live-in caregivers at adult family homes worked long, interrupted shifts for flat daily pay, with no records of breaks or leave; they challenged the Minimum Wage Act's live-in exemption as unconstitutional.
- The Washington Supreme Court struck the live-in exemption as applied to these caregivers, rejecting bookkeeping convenience as sufficient justification given the dangers of the work.
- Employers of live-in caregivers must now track and pay minimum wage, overtime, and meal, rest, and sick leave; flat-rate pay alone is no longer defensible.

CASE FILE



AZORIT-WORTHAM V. DEP'T OF LAB. & INDUS.

- A flight attendant contracted COVID-19 during work travel and sought workers' compensation coverage as an occupational disease.
- The Washington Supreme Court held the traveling employee doctrine extends the coverage window to disease claims, but the worker must still prove the illness arose naturally and proximately from employment.
- Travel status widens the coverage window for illness claims, but does not guarantee compensability; causation must still be proven.

CASE FILE



SIMONTON V. WASHINGTON STATE HEALTH CARE AUTH.

- A state health plan categorically excluded obesity medication even when medically necessary; employees sued, alleging discriminatory benefit design under the Washington Law Against Discrimination.
- The Court of Appeals held that a state minimum-benefit rule does not shield a plan from separate WLAD nondiscrimination review, and remanded the case.
- Review benefit exclusions targeting a recognized disability for a legitimate clinical or cost basis to limit WLAD exposure.

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A.S. V. PROVAIL

- A vulnerable adult receiving 24-hour supported living services was sexually assaulted by a direct-support employee; the provider argued it was not a public accommodation under the WLAD.
- The Court of Appeals held the provider was a public accommodation, and that employers can face strict liability for an employee's sexual abuse of a service recipient, regardless of fault or claimed consent.
- Employers serving vulnerable populations should tighten screening, training, and supervision given potential strict liability.

CASE FILE



DANIELSON V. SEATTLE CHILDREN'S HOSPITAL

- A Black physician alleged 21 years of racial hostility, including an unaddressed slur and a retaliatory demotion after he raised funding-equity concerns; a jury awarded him \$21 million under the WLAD.
- The Court of Appeals held a time-barred slur was properly admitted because it was part of one continuing hostile work environment through his resignation.
- Do not assume old incidents are off-limits if part of an ongoing pattern; respond promptly and document reported slurs or bias complaints.

CASE FILE



BAUER V. BOEING CO.

- A worker's chemical exposure allegedly caused his later-conceived child's birth defects; Boeing argued it owed no duty to a child not yet conceived at the time of exposure.
- The Court of Appeals held employers can owe a duty of reasonable care to an employee's not-yet-conceived child, limited by foreseeability.
- Employers may face negligence liability for reproductive harm from workplace exposures; fully disclose known hazards to employees.

CASE FILE



CORBIN V. LIFE CARE CENTERS OF AMERICA

- Class members from a prior settlement over unpaid COVID-19 testing time filed a new suit for unpaid meal breaks; the employer argued the earlier settlement barred the new claims.
- The Court of Appeals held a settlement bars only claims sharing an identical factual background, and the release survived because it never mentioned meal breaks.
- Draft settlement releases and class notices precisely; narrow releases will not bar unrelated wage claims.

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