

CLIENT ALERT

***Employer Guide for 2025:
Changes to Washington Law You Shouldn't Miss***

The Washington State Legislature has been busy this year, imposing several new requirements for Washington employers. Here's a snapshot of amendments that took effect in 2025.

Amendments to Washington's Equal Pay and Opportunities Act

New amendments to Washington's Equal Pay and Opportunities Act ("EPOA") took effect on July 27, 2025. Here are the basics you should know:

- **A (temporary) notice and cure period for job posting violations.** The current EPOA requires employers to include salary ranges and other compensation information in all job postings. Now, for job openings posted between July 27, 2025, and July 27, 2027, employers must be given the opportunity to correct a job posting. Upon receiving notice of an alleged violation, an employer has 5 business days to correct the posting. The amendments also allow employers to post a fixed wage for a position (for example, minimum wage). The amendments also limit employer liability for unauthorized re-postings and limit the civil penalties an employee can recover for violations.
- **Expanded Protected Classes.** Protected classes now include age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged military status, disability, and the use of a trained service animal.
- **Restrictions on Requiring a Valid Driver's License.** Washington employers may no longer require a valid driver's license as a condition of employment, unless driving is an essential function of a job or is related to a legitimate business purpose.

Compliance Tips:

- Remain cautious in drafting and publishing job postings and be prepared to quickly correct the job posting if you are provided with notice of a violation.
- Eliminate any requirements to have a valid driver's license, unless driving is an essential function of the job.

**Washington's "Mini-WARN" Act:
What to Consider Before Layoffs or Business Closures**

Employers contemplating layoffs or business closures in Washington should now consider the requirements of the "Securing Timely Notification and Benefits for Laid-Off Employees Act," otherwise known as Washington's "mini-WARN" Act. This new state law goes above and beyond what was already required under federal law.

- **What employers are covered?** The state mini-WARN applies to employers with 50 or more workers (excluding part-time workers and remote employees located outside the State of Washington).
- **When is it triggered?** The law is triggered by a reduction in workforce that results in a loss of employment for 50 or more workers (excluding part-time workers) within any 30-day period. Unlike the federal WARN Act, there is no restriction that layoffs be at a single site of employment or involve a minimum percentage of active employees.
- **What notice is required?** At least 60 days' advance written notice must be provided to (1) affected workers (or their collective bargaining representatives) and (2) the Washington State Employment Security Department. Employers must be aware of the expanded notice requirements and information they must provide in their notices.
- **Paid Family and Medical Leave Protections.** Employees on paid family and medical leave under Washington law are protected from mass layoffs (subject to a few exceptions).

Employers that fail to comply with Washington's mini-WARN Act may be subject to civil penalties, attorneys' fees and costs, and employee wages and benefits for up to 60 days.

Compliance Tip:

Before closing a business or conducting a layoff, coordinate with legal counsel to ensure you are providing sufficient and timely notice as required by federal and Washington law. Limited exceptions exist under Washington's mini-WARN Act (including in the event of unforeseeable circumstances or the completion of a construction project), but these exceptions are narrow and should not be relied upon without first consulting with your counsel.

Personnel File Requests

Washington law requires employers to provide a copy of an employee's personnel file to current employees, former employees, or their designees upon request. Until recently, the language of this law was sparse and left employers to rely on guidance released by the Department of Labor & Industries ("L&I"). However, a recent amendment changes this:

- **"Personnel file" defined.** "Personnel file" now specifically includes job application records, performance evaluations, non-active disciplinary records, leave and accommodation records, payroll records, and

employment agreements. *In handling a request, employers are not required to create records that do not already exist.*

- **Copy of personnel file must be provided.** The amended law requires private employers to provide a *copy* of an employee's personnel file upon request within 21 days of the request. A copy must be provided at no cost to the individual making the request.
- **Termination information must be provided.** Within 21 days of a request, an employer must also provide a signed statement to a former employee or designee detailing the effective date of termination and the reasons for the termination (if there was a reason).
- **Right to sue.** The law now gives employees and former employees the right to sue for violations, and damages may range from \$250 to \$1,000, plus attorneys' fees and costs.

Compliance Tips:

- Maintain complete personnel files so that requests can be timely responded to.
- Keep in mind that current and former employees are still entitled under the law to annually review their personnel file and determine whether it contains irrelevant or false information.

New Protections Against Workplace Coercion Based on Immigration Status

The Washington Legislature has passed new protections for employees against coercion in the workplace based on immigration status:

- **Coercion based on immigration status.** This occurs when an employer makes any implicit or explicit threat pertaining to the employee's or an employee's family member's immigration status that is made to deter the employee from engaging in protected activities or exercising rights under state law.
- **Enforcement & penalties.** Workers who believe they have experienced coercion based on immigration status may file a complaint with L&I, which may take appropriate enforcement action, including imposing fines ranging from \$1,000 to \$10,000.
- **Expanded Paid Sick Time Protection.** Washington's paid sick leave law has been amended to allow leave for employees to prepare for, or participate in, immigration proceedings involving the employee or the employee's family member.

Compliance Tips:

- Update your anti-retaliation and anti-coercion handbook policies.

- Update your policies to include immigration as a qualifying basis for paid sick leave.
- Educate and train managers and supervisors on the new protections and anti-coercion and anti-retaliation policies.

Washington’s Paid Family and Medical Leave Act

Amendments to Washington’s Paid Family and Medical Leave Act (“PFMLA”) will take effect January 1, 2026.

Employee’s right to job restoration. Currently, the only employees entitled to job restoration rights while on PFMLA leave are those who (1) work for a Washington employer with 50 or more employees, (2) have worked at least 12 months for the employer, and (3) have worked at least 1,250 hours within the prior 12 months. These recent amendments eliminate entirely the “hours worked” requirement and reduce the length of time the employee needs to have worked for the employer – from 12 months to 180 calendar days. *This will become applicable to smaller employers according to the phase-in schedule below.*

Stacking of protected leave. Currently, employees have been able to “stack” leave taken under the federal Family and Medical Leave Act (“FMLA”) with leave taken under Washington’s PFMLA in order to extend their time on leave. These amendments will allow employees to count leave taken under the FMLA toward the amount of leave entitled to job protection under Washington PFMLA. To take advantage, employers must give written notice within 5 business days of an employee’s first request for use of FMLA – and then give written notice monthly thereafter during the leave period.

Benefits continuation. Currently, employers need only maintain an employee’s health benefits while the employee is on Washington PFMLA leave if such leave overlaps with at least one day of leave under the federal FMLA. This means that until now, employees were only entitled to the continuation of benefits if they worked for an employer covered by the federal FMLA (i.e., employers with 50 or more employees). These amendments will require employers to maintain an employee’s health benefits for any period of leave taken under the Washington PFMLA in which the employee is entitled to job protection, according to the *phase-in schedule* below.

Job Restoration: Phase-In Schedule

Year	Employer Size	Employee Tenure
2025	50+ employees	12 months and 1,250 hours
2026	25+ employees	180 calendar days
2027	15+ employees	180 calendar days
2028 and beyond	8+ employees	180 calendar days

Compliance Tips:

- Employers with 50 or more employees should timely notify employees that leave taken under the FMLA will count against their job restoration rights under the Washington PFMLA.
- Employers may require employees to pay their portion of health insurance premiums while on Washington PFMLA leave. But employers should agree with employees about this expectation at the start of the leave period and should notify employees in writing that their failure to pay their share of the premiums could result in termination of coverage.

If you have any questions, please contact the Cairncross & Hempelmann attorney with whom you commonly work. Otherwise, please contact our employment group lead, [Rochelle Y. Doyea](mailto:rdoyea@cairncross.com), at rdoyea@cairncross.com.

About Cairncross & Hempelmann

Cairncross & Hempelmann is a full-service law firm with offices in Seattle's historic Pioneer Square district. Founded in 1987, CH& advises companies and individuals in business, real estate, land use, litigation, and bankruptcy.

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