

Workplace Rights Investigations Report

Fiscal Year (FY) 2021 Annual Report to the
Governor

December 2021

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Executive Summary

Introduction

The Department of Labor & Industries (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. In the last several years, the program has implemented multiple new laws and initiatives, and created new regulations or updated outdated regulations. These new work areas have resulted in changes in staff levels and responsibilities, procedural changes, and new and expanded enforcement mandates. Simultaneously, the program has continued to meet growing demands for its administrative processes and investigation services under existing wage, youth employment, protected leave, and other laws and rules.

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.

2021 Information Update

In Fiscal Year (FY) 2021, L&I continued to improve the ways in which it protects workers' wages and working conditions. The program made extensive operational changes to respond to the coronavirus pandemic, and coordinated with other agencies to provide clear guidance to the public on leave laws and youth employment rules. The agency made these improvements while also adding new workload, including expanded education and outreach, continued workplace rights investigations, and implementation of new rules and legislative requirements.

Education and outreach

Employment Standards makes extensive efforts to educate the public about workplace rights requirements. During FY 2021 the program devoted considerable time and resources to encouraging proactive compliance with workplace laws. Employment Standards staff delivered webinars, presentations to individual organizations, radio interviews, GovDelivery messages, website updates, publications and resource guides, educational consultations, and had knowledgeable staff available to answer questions from the public.

To ensure workplace rights of all workers are protected, direct outreach efforts were made by the Employment Standards Program to inform Limited English Proficiency communities about workplace rights and requirements. Public webinars, including the Know Your Worker Rights (tailored to inform employees of their rights) and Employer Guide to Workers' Rights (tailored to employers to inform them of their responsibilities), were offered in both English and Spanish. These public webinars and all other public webinars were offered with free interpreting services upon request by the attendees.

Investigations

The program conducted over 6,000 investigations of workplace rights issues across multiple program areas in FY2021, and issued more than 300 penalties for violations. The program also returned over \$1.7 million in wages rightfully owed to workers.

New worker protections

In addition to on-going educational and enforcement efforts, several new worker rights and responsibilities were added to existing requirements by rulemaking or legislation. They include:

- **Executive, Administrative, Professional, and Outside Sales Exemptions from Minimum Wage, Overtime Pay, and Paid Sick Leave**

As a result of an initiative to the people, effective July 1, 2020, L&I updated its employment rules regarding which workers in Washington are required to be paid at least minimum wage, earn overtime pay, and receive paid sick leave. The rule changes update job duties requirements and salary thresholds for certain salaried workers to be considered exempt from the Minimum Wage Act, and will allow L&I to more effectively investigate and enforce worker protections. The phase-in schedule for full implementation of these rules will be complete in 2028.

The Employment Standards Program engaged in robust education and outreach efforts to help teach employers about the new requirements and help employees understand their rights via an e-Learning module, implementation guides, and webinar presentations.

- **Agricultural overtime**

The Employment Standards Program began implementation of a significant change to agricultural employment law in FY 2021. Agricultural workers have long been exempt from the state's overtime requirement, but a group of dairy workers challenged that in a case decided by the Washington State Supreme Court in 2020. The court ruled there was no reasonable grounds for the dairy workers who brought the lawsuit to be exempt from overtime and that they had a constitutional right to protection for health and safety in a dangerous industry. The Washington State Legislature responded to the case by extending overtime rights to all agricultural workers. The program is developing policies that will provide additional guidance and interpretation of the new law and is conducting extensive outreach and education.

- **Elimination of subminimum wage certificates**

Engrossed Substitute Senate Bill 5284 prohibits the department from authorizing workers in Washington to be paid less than the state minimum wage after July 31, 2023. This bill also requires L&I and the Department of Social and Health Services (DSHS) to submit a report to the legislature by October 1, 2021, that details the number of remaining special certificates allowing subminimum wage to be paid and other associated information related to DSHS clients who formerly performed work under a subminimum wage certificate. The program is beginning to identify changes needed in rules to remove sections that reference sub-minimum wage.

- **Wage liens**

Engrossed Substitute Senate Bill 5355 established the Washington wage recovery act, which provides for wage liens and for wage claims on real or personal property owned by the employer who is personally liable for a wage claim. Labor & Industries' final binding notice and order of citation establishes the amount due for purposes of foreclosure.

- **Volunteer firefighter protections**

Engrossed Substitute Senate Bill 5384 expands entitlements for volunteer firefighters to not be retaliated against by their employer if they go on any alarm of fire or emergency call. The bill removes the requirement that the volunteers must be entirely unpaid and expands other protections for volunteers.

- **Family Leave Clarification**

House Bill 1087 clarifies that L&I has the authority to enforce the Family Leave Act (RCW 49.78) within the applicable statute of limitations that existed before it was replaced by the Paid Family and Medical Leave Act (RCW 50A).

Introduction

The Department of Labor & Industries' (L&I) Employment Standards Program supports L&I's mission to "Keep Washington Safe and Working" by enforcing state laws relating to workplace rights. The Employment Standards Program has three goals to support the department's mission:

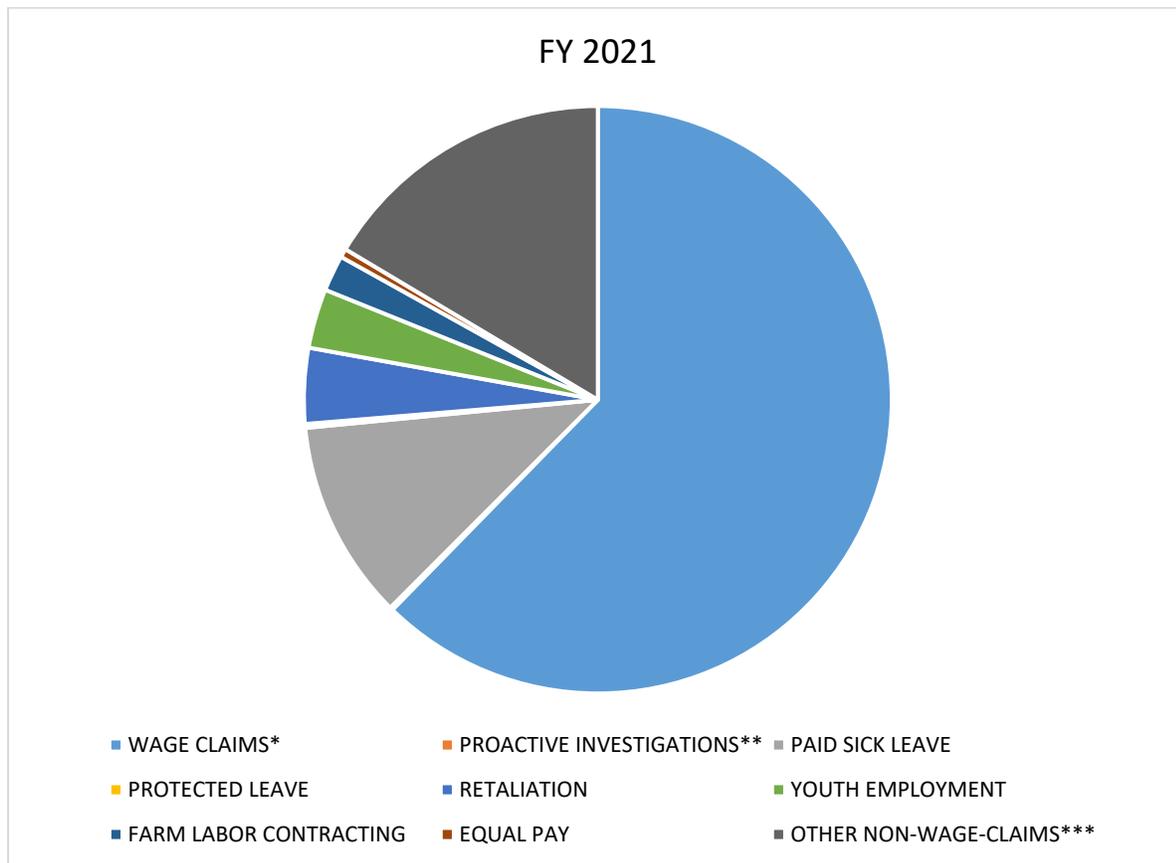
- Protect and enforce workplace rights
 - Ensure employers understand the rights they are required to provide to workers.
 - Ensure workers understand and receive those rights.
 - Rectify situations when workers' rights are not protected.
- Serve all people in Washington
 - Create easily accessible processes.
 - 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.

Employment Standards 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) as well as 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 laws that ensure gender pay equity and guarantee training and protections are provided to isolated workers.

Employment Standards makes extensive efforts to educate the public about these workplace rights requirements. During FY 2021 the program devoted considerable time and resources to encouraging proactive compliance with workplace laws. The program strives to ensure employees understand their workplace rights and employers understand their responsibilities under the law. Employment Standards staff deliver webinars, presentations to individual organizations, radio interviews, GovDelivery messages, website updates, publications and resource guides, educational consultations, and have knowledgeable staff available to answer questions from the public.

Employment Standards also conducts thousands of investigations each year in response to complaints, referrals, or other means of identifying a concern that workers' rights are not being

protected. In FY 2021, Employment Standards conducted over 6,000 investigations across multiple program areas. The vast majority of these investigations (3,777) were wage claims where a worker filed a complaint that they were not paid appropriately. The next highest category was “other non-wage claims.” These include matters such as meal and rest breaks. Rounding out the top three are paid sick leave complaints (666), in which workers filed a complaint that they were not able to use available leave. When appropriate, Employment Standards assesses monetary penalties to ensure compliance with workplace rights.



Closed Investigations in FY 2021	
Wage Claims	3,777
Other Non-Wage Claims	996
Paid Sick Leave	666
Retaliation	252
Youth Employment	198
Farm Labor Contracting	120
Equal Pay	29
Protected Leave	13
Proactive Investigations	10
TOTAL	6,061

Penalties Issued in FY 2021	
Wage Payment Act	280
Youth Employment	87
Farm Labor Contracts	18
Protected Leave	2
TOTAL	387

During FY2021, the department issues 280 penalties associated with violations of the wage payment act. These penalties are usually for failure to pay overtime or minimum wage.

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

2021 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 all complaints received by this program, about 62 percent (3,777 of 6,061). 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 get them to workers. The figure below shows the alleged violations in wage complaints submitted by workers, reduced from more than 3,800 in 2020 to just over 2,500 in 2021. Due to the slowed economic activity and employer closures in response to the COVID-19 pandemic, Employment Standards experienced a decreased number of complaints in FY2021.

This figure below does not include much less frequent complaints involving employer unauthorized deductions, unpaid hours worked, and final paycheck issues. These account for 1,256 of the total 3,777 wage complaints received. The chart below outlines the remaining 2,521 complaints and is broken down by category.

Wage Complaints by Allegation: Received FY 2017 - FY 2021						
Fiscal Year	Minimum Wage	Overtime	Agreed Wages	PSL – Wage Claims	PSL – Wages Owed	PSL – Other
2017	721	1237	1920	N/A	N/A	N/A
2018	493	1212	1751	274	N/A	N/A
2019	475	1157	1722	824	N/A	N/A
2020	402	1103	1582	768	N/A	N/A
2021	268	673	978	567	15	20

When a worker files a complaint, L&I must issue a determination on whether the law was violated within 60 days. This period 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 succeeded in closing 95% of complaints within 120 days.

Wage Complaints Completed by Number of Days in FY 2021	
Number of Days to Resolve	Number of Complaints
<60	81%
<90	92%
<120	95%
<180	98%
>180	2%

Some complaints are 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. 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. The figure below shows the disposition of wage complaints in FY2021 and the total amount collected for workers through each closing mechanism. Where wages were paid prior to the department issuing a notice of assessment, they are not included in the dollars assessed.

Wage Complaints Closed by Reason in FY 2021				
Closing Reason	Number of Closed Complaints	Percentage Closed	Assessed	Collected
Not Accepted	1,451	38%	N/A	N/A
Withdrawn by Employee	628	17%	N/A	N/A
Non-Wage Resolved by Agent	25	1%	N/A	N/A
Determination of Compliance	136	4%	N/A	N/A
Notice of Assessment	280	7%	\$1,167,449	\$95,760
Other	1,257	33%	\$1,768,838	\$1,634,239
Total Closed	3,777	100%	\$2,936,287	\$1,729,999

Effective July 1, 2020, L&I updated its employment rules regarding which workers in Washington are required by law to be paid at least minimum wage, earn overtime pay, and receive paid sick leave. These rule changes affect executive, administrative, and professional (EAP) workers, as well as computer professionals and outside salespeople across all industries in Washington. The rule changes update the job duties requirements and salary thresholds for a salaried worker to be considered exempt from the Minimum Wage Act, and will allow L&I to more effectively investigate and enforce worker protections.

The Employment Standards Program has engaged in robust education and outreach efforts to help teach employers about the new requirements and help employees understand their rights via an e-Learning module, implementation guides, and webinar presentations. The program also updated nine existing administrative policies and created one new policy to provide interpretive guidance on the rules updates.

Proactive Investigations & Enforcement

The legislature approved supplemental funding in 2019 to increase the Employment Standards Program's capacity to conduct companywide wage investigations. In contrast to investigations initiated in response to a complaint on behalf of an individual worker, a proactive companywide wage investigation involves L&I seeking broader remedies for many affected workers. These broader investigations allow L&I to follow up on systemic issues discovered in complaint investigations and strategically target investigations that 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 2021, the program completed hiring five investigators for the Proactive Investigations and Enforcement Unit of five investigators. The unit has begun investigations, prioritized strategic focus areas, and established processes and procedures.

Protected Leave, Paid Sick Leave, & Retaliation

The state's leave laws ensure that workers can appropriately use 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, contained new requirements under 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 cannot take adverse actions 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 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 FY2021. The largest category of these complaints is related to paid sick leave violations, more than 71% of all closed protected leave investigations. 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 2021				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	343	49%	N/A	N/A
Withdrawn	130	18%	N/A	N/A
DOC or No Action	17	2%	N/A	N/A
NOA/Infraction/Citation	4	1%	\$16,236	\$4,533
*Other	204	30	\$ 53,539	\$136,434
Total Closed	698	100%	\$ 69,775	\$140,967
Protected Leave Complaints Closed by Reason in FY 2021				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	5	36%	N/A	N/A
Withdrawn	0	0%	N/A	N/A
DOC or No Action	2	14%	N/A	N/A
NOA/Infraction/Citation	4	29%	N/A	N/A
*Other	3	21%	0	\$5,000
Total Closed	14	100%	0	\$5,000
Retaliation Complaints Closed by Reason in FY 2021				
Closing Reason	Closed	Percentage	Assessed	Collected
Not Accepted	183	84%	N/A	N/A
Withdrawn	27	12%	N/A	N/A
DOC or No Action	6	3%	N/A	N/A
NOA/Infraction/Citation	0	0%	N/A	N/A
*Other	3	1%	\$10,555	\$10,555
Total Closed	219	100%	\$10,555	\$10,555

*Closing Reason, “Other” indicates closure for paid, payment plan, or bankruptcy.

Agriculture

The Employment Standards Program began implementation of a significant change to agricultural employment law in FY 2021. Agricultural workers have long been exempt from the state's overtime requirement for hours worked above 40 in a week, but a group of dairy workers challenged that in a case decided by the Washington State Supreme Court in 2020.

In *Martinez-Cuevas v. DeRuyter Brothers Dairy*, the court ruled there was no reasonable grounds for the dairy workers who brought the lawsuit to be exempt from overtime. The court said they had a constitutional right to protection for health and safety in a dangerous industry.

Engrossed Substitute Senate Bill 5172, is the Washington State Legislature's response to the case. It extends overtime rights to all agricultural workers by removing the agricultural exemption.

Dairy workers were immediately eligible for overtime. To allow other agricultural employers time to prepare for the changes, the law incrementally reduces the number of hours their employees must work in a workweek before they are entitled to overtime. Beginning:

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

The law bars agricultural employees from seeking retroactive payments for overtime worked prior to the law going into effect.

The program is developing policies that will provide additional guidance and interpretation of the new law. The program is also conducting an extensive outreach and education effort, including webinars to explain these new worker rights.

Youth Employment

Young workers can be an asset to employers, bringing enthusiasm and energy to a workplace. Providing youth with opportunities to learn, contribute, and earn is beneficial to both the young workers and their employers. L&I's Youth Employment Unit works with the Office of the Superintendent of Public Instruction and its Career and Technical Education program to provide training and education so that youth can acquire job skills and academic credit while still in high school.

Providing youth with work-based learning and apprenticeship experiences is key to Washington's future workforce; however, safety at work is imperative. Workers under the age of 18 are at significant risk for work-related injuries. L&I educates employers, educators, and apprenticeship programs about their obligations to ensure safe workplaces for youth and enforces those requirements. The agency also enforces both state and federal laws that impose additional requirements restricting hours and certain tasks for young workers.

L&I works with Washington Science, Technology, Engineering, and Mathematics (STEM) and the Aerospace Joint Apprenticeship Committee to expand work-based learning and apprenticeship opportunities for youth.

Washington state laws restrict both the *hours* minors can work and the *type* of work they may do based on age. During the school year, teens’ working hours are restricted; however, L&I can grant special variances for 16 and 17-year-olds with the written permission of both a legal guardian and an authorized school administrator.

Some job duties are prohibited for minor-aged 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.

Information below shows the number of investigations, work permits and variances by L&I. All categories have seen reductions during the pandemic except the number of variances allowed and participants attending educational events, indicating sustained interest in young workers.

Investigations, Work Permits & Variances from FY 2017 - FY 2021					
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Minor Injuries Reports Reviewed	1,301	1,359	1,514	1,400	1,275
Minor Work Permits Issued*	26,511	42,207	40,982	32,856	30,199
Minor Work Variances Issued	230	315	276	194	261
Participants Attending Educational Events	N/A**	2,207	1,741	907	2368

*The increase in the number of work permits issued each year since FY 2017 is due to changes in the minor work permit application that resulted in more permits being reviewed by L&I.

**This data was collected starting in FY2018.

Source: L&I Employment Standards Program

Equal Pay & Opportunities Act

The Equal Pay and Opportunities Act (EPOA), effect on June 7, 2018, prohibiting employers from unequal compensation or career advancement opportunities to their employees based on gender. The law also gives employees the protected right to disclose, discuss, and compare their wages or the wages of other employees. Employers are also prohibited from retaliating or discriminating against employees for exercising their protected rights under the law.

In 2019, this law was amended with additional protections for employees and job applicants. The amendments prohibit employers from requesting a job applicant’s wage or salary history, except under certain circumstances.

They also prohibit employers from requiring an applicant's wage or salary history to meet certain criteria. Job applicants and employees seeking an internal promotion also have the right to certain salary information if the employer has 15 or more employees. The department continued to develop and implement the claim investigation process to further enforce these protections. In FY 2021, the department received and accepted 26 Equal Pay and Opportunities Act complaints and 29 complaints were resolved during FY 2021.

Additional outreach efforts in FY 2021 informed the public about protections and requirements under EPOA including: incorporating current EPOA content in public presentations such as *Know Your Worker Rights* and *Employer Guide to Workers' Rights*. Also in FY 2021, L&I held monthly EPOA public webinars to inform the public about protections and requirements under the law. L&I also provides presentations to individual organizations, upon request.

Additionally, an EPOA Employer Resources web page was created and published. This web page includes the following tools and resources to assist employers to conduct a self-evaluation to confirm their compliance with the requirements of EPOA:

- EPOA Employer's Guide: This guide provides an overview of the law and informs employers about L&I's enforcement and investigation process. The guide also assists employers conduct a self-evaluation and take meaningful steps towards eliminating unlawful policies and practices.
- List of EPOA frequently asked questions and answers.
- Equal Pay Calculation Tool: This tool will assist employers to conduct an equal pay analysis to determine whether they are paying similarly employed employees differently.
- 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 passed Senate Bill (SB) 5258 during the 2019 session, which added protections for certain isolated workers in the janitorial, security, retail, and hospitality industries. Impacted employers must now provide panic buttons for isolated workers and implement a sexual harassment policy and training curriculum. Additionally, the law requires property services contractors (janitorial companies) 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 the rights of impacted employees.

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.

Additionally, L&I has created an Isolated Worker webpage with guidance about the statute as well as resources to assist employers and employees, including:

- Panic Button FAQ Guide.
- A bi-lingual 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.

The department began collecting data in December 2020 to track inquiries about the program. Between December 2020 and the end of the fiscal year, June 2021, department staff received 21 phone calls and 65 email inquiries related to isolated worker rights and responsibilities.

Outreach & Customer Service

The program prioritizes education and outreach services, making sure they are available to all audiences and customers across the state. Education and outreach materials are drafted to meet the diverse needs of the public, using plain language, adapting materials to unique audience needs, and providing bilingual presentations and resources.

In FY 2021 the program offered monthly webinars on a variety of topics including 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 program 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 fielded 44,411 calls from customers.

All Outreach Activities		
Program Unit	Number of Events	Attendance for Events
Wage Payment Act	8	8
Farm Labor Contracting	20	630
Proactive Investigations	20	65
Paid Leave	110	110
Paid Sick Leave	7	7
Executive, Administrative, and Professional Rules	58	1,295
Isolated Workers	9	182

Equal Pay Opportunity Act	22	629
Retaliation	39	1,550
Youth Employment	28	2,368
Employment Standards Specialists	321	6,844

Limited English Proficiency (LEP) & Accessibility Progress

The Employment Standards Program enforces workplace laws that affect most employers and employees in the state across a wide variety of diverse backgrounds and industries. The program is committed to the expansion of services and information for LEP individuals.

The following data shows all complaints resolved by the Employment Standards Program and the preferred language of the complainants. While the majority of complainants prefer English, there are significant numbers of inquiries in other languages, especially Spanish and Korean.

Employment Standards Complaints by Preferred Language	
Preferred Language	Number of Complaints Resolved
English	5,173
Spanish	313
Korean	17
Chinese	8
Russian	7
Vietnamese	7
Other	4
Cambodian	3
Laotian	2
Total Complaints Resolved during FY 2021	5,534

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

To ensure workplace rights of all workers are protected direct outreach efforts were made by the Employment Standards Program to inform limited English proficient (LEP) communities about workplace rights and requirements. Public webinars, including the Know Your Worker Rights (tailored to inform employees of their rights) and Employer Guide to Workers' Rights (tailored to employers to inform them of their responsibilities), were offered in both English and Spanish. These public webinars and all other public webinars were offered with free interpreting assistance upon request by the attendees. As shown below, the program held 19 events across the state, reaching over 3,500 attendees.

Limited English Proficiency Events		
Program Unit	Number of Events	Attendance for Events
Wage Payment Act	2	2
Farm Labor Contracting	4	4
Paid Sick Leave	4	4
Equal Pay Opportunity Act	9	3,540
Employment Standards Specialists	19	3,550

Additionally, the Employment Standards Farm Labor Unit, comprised of four bilingual agents, ensures compliance with agricultural employment standards, farm labor contracting, and other protections of diverse communities in both the agricultural sector and the reforestation sector. Investigator agents provided one-on-one consultation services to agricultural employers and farm labor contractors of the requirements of those laws, including licensing requirements, employer requirements, break and rest period requirements, and out of state employer requirements.

Investigators conducted field visits to thoroughly audit registered farm labor contractors. These visits provide the unit the opportunity to educate the 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.

To create easily accessible processes and to ensure that services provided by the Employment Standards Program are available to all audiences and customers, a new Access Coordinator position was created during FY 2021. This position will ensure the Employment Standards Program is providing meaningful access and effective communication to Limited English Proficiency (LEP) customers and to customers with diverse accommodation and accessibility needs, while making sure that labor rights of all workers are protected.

Additionally, the program identified a number of projects which will help provide LEP customers with meaningful access to the program's services and information. These projects focus primarily on Spanish information and include a plan for expanding language access services to other languages. Some of the objectives within the language access projects include:

- Updating and translating Employment Standards webpages on L&I's public website.
- Translating forms and publications.
- Translating administrative policies.
- Translating letters and documents used in investigations.
- Providing language assistance during investigations.
- Developing and implementing standard work and case management processes for investigations that involve LEP customers (employees and/or employers).
- Conducting and facilitating LEP outreach (including webinars).
- Removing potential barriers and adding complaint filing options for LEP customers.
- Collaborating with other L&I programs that provide bilingual support to LEP customers.

The program also collaborated with L&I's Community Relations Program. The Community Relations program works with L&I's programs to ensure all customers have meaningful access to L&I's services and benefits.

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

The Department of Labor and Industries (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. In the last several years, laws have expanded workers' rights and employer responsibilities, including overtime for agricultural workers, equal pay regardless of gender. In addition, the department expanded the number of workers who are eligible for overtime through rule. The program has responded to multiple new laws and initiatives, as well as the need to create new regulations or update outdated regulations. These new work areas have resulted in changes in staff levels and responsibilities, procedural changes, and new and expanded enforcement mandates. At the same time, the program has continued to meet growing demands for its administrative processes and investigation services under existing wage, youth employment, protected leave, and other laws and rules – all during the COVID-19 pandemic.

The program implemented extensive operational changes to respond to the coronavirus pandemic, and coordinated with other agencies to provide clear guidance to the public on leave laws and youth employment rules.

The agency made these improvements while simultaneously adding new workload, including expanded education and outreach and continued workplace rights investigations.