

WSCADV 2018 Session Webinar Q&A

Q: Does HB 2661 [prohibiting employment discrimination against survivors] apply to all employers or is there a minimum # of employees?

A: The new protections in HB 2661 apply to all employers, there is not a distinction made based on the size of employer. The bill amends [49.76 RCW](#), the chapter of Washington statutes that currently contains DV leave protections, so the application of these new protections and remedies will follow the same process as existing leave law.

Q: What is the effective date of HB 1783 [LFO reform]?

A: HB 1783 will be effective on June 7, 2018. (Generally speaking, all legislation passed and signed by the Governor will become law on this date, unless the legislation specifies a different effective date).

Q: What is the penalty on employers under HB 1298 ['Ban the box' / WA Fair Chance Act]?

A: The WA Office of the Attorney General is charged with enforcing the provisions of HB 1298, including proposing and adopting rulemaking that will specify penalties in more depth. The bill specifies the following about enforcement:

In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as follows: A notice of violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

Q: Is the ban the box provision [HB 1298] for both public and private employers?

A: Yes. HB 1298 does not differentiate between employers as 'public' or 'private'. The only exemptions to the bill are as follows:

The prohibitions do not apply to:

- *employers hiring a person who will or may have unsupervised access to children under 18 years of age, a vulnerable adult, or a vulnerable person;*
- *any employer, including a financial institution, who is expressly permitted or required under federal or state law to inquire into or consider information about an applicant's criminal record for employment purposes;*
- *employment by a general or limited authority law enforcement agency or by certain criminal justice agencies;*
- *employers seeking nonemployee volunteers; or*
- *any entity required to comply with the regulations of self-regulatory organizations under the Securities and Exchange Act.*

Q: Who is heading up the [HB 1022 u visa] steering committee?

A: The Department of Commerce, Office of Crime Victims Advocacy (OCVA) is charged with convening (by 9/5/2018) and providing administrative support to the steering committee. The bill specifies that the committee must include the following representatives:

[...]members representing immigrant communities, law enforcement, prosecutors, the criminal justice training commission, providers of services to survivors of crime victims including domestic violence, sexual assault, human trafficking, and other crimes, a representative from

the department of labor and industries charged with enforcement of workplace standards, and may include other entities concerned with victim safety and effective collaboration between immigrant communities and local law enforcement entities.

Q: What will be the accountability for police in terms of compliance with HB 1022?

A: The Crime Victim Certification Steering Committee created under the bill is charged with “monitoring compliance” as well as “[i]dentifying implementation issues and other trends, and providing recommendations to the governor and the legislature for addressing these issues”. The bill does not create a cause of action or specify any other enforcement mechanisms.

Q: How is the landlord mitigation program [created by HB 2578 source of income discrimination] being funded?

A: The new Landlord Mitigation Program Account is created to fund the program. This account will be funded through a combination of reappropriation of existing funds authorized in 2016 for a similar-but-more-limited mitigation program, as well as a \$3 increase in the ‘affordable housing-for-all surcharge’ assessed on document recording at the county level (different that HB 1570 document recording fee). The program will be administered by Commerce, which will issue rulemaking on it. More detail on the program and account is available in the [legislative bill report](#) and [bill text](#).

[The *correct* link to bill information on the legislature’s website is: <http://app.leg.wa.gov/billinfo/>]