Chapter 296-137 WAC
LABOR STANDARDS FOR ISOLATED EMPLOYEES

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WAC

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WAC 296-137-010 Definitions. For the purposes of RCW 49.60.515 and this chapter:

(1) "Department" means the department of labor and industries.

(2) "Employer" means any person, association, partnership, property services contractor, or public or private corporation, whether for-profit or not, who employs one or more persons. This definition will be applied to hotel, motel, retail, or security guard entity, or property services contractors as referenced in RCW 49.60.515(1).

(3) "Isolated employee" means an employee who:

(a)(i) Performs work in an area where two or more coworkers, supervisors, or a combination thereof are unable to immediately respond to an emergency without being summoned by the employee; or

(ii) Spends at least 50 percent of their working hours without a supervisor or another coworker present; and

(b) Is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

(4) "Panic button" means an emergency contact device carried by an isolated employee by which the isolated employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer. A panic button must:

(a) Be designed to be carried by the isolated employee;

(b) Be simple to activate without delays caused by entering passwords or waiting for the system to turn on;

(c) Provide an effective signal for the circumstances when activated; and

(d) Be able to summon immediate assistance and allow responders to accurately identify the isolated employee's location.

(5) "Property services contractor" means any person or entity that employs workers:

(a) To perform labor for another person to provide commercial janitorial services; or

(b) On behalf of an employer to provide commercial janitorial services. "Property services contractor" does not mean the employment security department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

(6) "Repeat willful violator" means any employer that has been the subject of a final and binding citation for a willful violation of one or more requirements under this section and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more requirements.

(7) "Security guard" means an individual who is principally employed as, or typically referred to as, a security officer or guard, regardless of whether the individual is employed by a private security company or a single employer or whether the individual is required to be licensed under chapter 18.170 RCW.

(8) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-010, filed 12/16/25, effective 1/16/26.]

WAC 296-137-020 Sexual harassment policies. Every hotel, motel, retail, security guard entity, or property services contractor, who employs an isolated employee, must adopt a sexual harassment policy. Such an employer may comply with this requirement by adopting model sexual harassment policies issued by the Washington state human rights commission.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-020, filed 12/16/25, effective 1/16/26.]

WAC 296-137-030 Mandatory training. Every hotel, motel, retail, security guard entity, or property services contractor, who employs an isolated employee, must:

(1) Provide training before an isolated employee works in isolation and at least annually to the employer's managers, supervisors, and isolated employees with a primary focus on:

(a) Prevention of sexual assault and sexual harassment in the workplace;

(b) Prevention of sexual discrimination in the workplace;

(c) Educating the employer's workforce regarding protections for isolated employees who report violations of a state or federal law, rule, or regulation; and

(d) Informing isolated employees on how to use panic buttons, and inform managers and supervisors on the responsibility to respond to the use of panic buttons. Additional training must be provided in advance of the effective date of any changes made to the technology or procedures related to panic buttons or their use.

(2) Document each manager's, supervisor's, and isolated employee's completion of the mandatory training required by this section and provide the documentation to the department upon request.

(3) Provide a copy of the mandatory training required by this section to the department upon request.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-030, filed 12/16/25, effective 1/16/26.]

WAC 296-137-040 Mandatory resource lists. (1) Every hotel, motel, retail, security guard entity, or property services contractor, who employs an isolated employee, must provide a list of resources for the employer's isolated employees to utilize, at least annually and upon request. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington

state human rights commission, and local advocacy groups focused on preventing sexual harassment and sexual assault.

(2) The department will consider the inclusion of mandatory resource lists provided in employee handbooks or on signage displayed in a conspicuous place for the isolated employee to be in compliance with this section.

(3) Mandatory resource lists should be provided in the isolated employee's preferred language when the preferred language is available to the hotel, motel, retail, security guard entity, or property services contractor.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-040, filed 12/16/25, effective 1/16/26.]

WAC 296-137-050 Panic buttons. (1) Every hotel, motel, retail, security guard entity, or property services contractor, who employs an isolated employee, must provide a panic button to each isolated employee.

(2) Panic buttons must accurately identify the isolated employee's specific location. The location must be as specific as the work location necessitates to allow immediate assistance to be provided when an alarm is triggered. Employers may use different methods in order to pinpoint an employee's specific location including, but not limited to:

(a) A schedule of where the isolated employee would be at a certain time;

(b) An auditory alarm that also produces a signal to a responder;

(c) An isolated employee providing status updates of their specific location as it changes; or

(d) An isolated employee working in the presence of another worker.

(3) Responders may include properly trained representatives of the employer, including managers or supervisors, security guards, and in some cases, other workers with proper training, experience, and education that qualifies them to respond to emergency incidents.

(4) Effective signals must allow responders to accurately detect the isolated employee's location and distinguish it from other audible or visual alarms or noise without physical or electronic barriers such as poor cellular service or WiFi signals. The activation of one panic button must not obscure the activation of others.

(5) Immediate assistance must include on-scene assistance provided within a reasonable amount of time to:

(a) Confirm an emergency is taking place or an isolated employee reasonably believes they are at risk of harm;

(b) Confirm an equipment failure did not occur; and

(c) Summon applicable emergency services.

(6) A panic button must be simple to activate. A panic button will not be considered "simple to activate" if it requires continued effort by the isolated employee to sustain a signal or if activation is delayed as in situations where the isolated employee must enter passwords, click through multiple screens or applications, or wait for the system to turn on.

(7) A panic button must reliably work in all locations that the isolated employee performs their work and during all shifts that the isolated employee works.

(8) An employer must maintain a record of the purchase and utilization of panic buttons provided to its isolated employees under this section. Records must be provided to the department upon request.

(9) The department must publish advice and guidance for employers with 50 or fewer employees relating to RCW 49.60.515 (1)(d).

(10) This section does not apply to contracted security guard companies licensed under chapter 18.170 RCW.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-050, filed 12/16/25, effective 1/16/26.]

WAC 296-137-060 Additional property service contractor requirements. (1) A property services contractor shall submit at least annually, no later than January 31, 2027, and each January 31st thereafter, on a department issued physical or electronic form, the following:

(a) The date of adoption of the sexual harassment policy required in RCW 49.60.515 (1)(a);

(b) The number of managers, supervisors, and isolated employees trained, in the previous calendar year, as required by RCW 49.60.515 (1)(b); and

(c) The physical address of the work location or locations at which janitorial services were provided in the previous calendar year by workers of the property services contractor, and for each location:

(i) The total number of workers or contractors of the property services contractor who perform janitorial services; and

(ii) The total hours worked.

(2) The department must make aggregate data submitted as required in RCW 49.60.515 available upon request.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-060, filed 12/16/25, effective 1/16/26.]

WAC 296-137-070 Investigations and enforcement. (1) The department must investigate if a complaint is filed with the department alleging a violation of RCW 49.60.515 or associated rules, or if the department has reason to believe that an employer has committed a violation of RCW 49.60.515 or associated rules.

(a) Except when a violation is otherwise resolved, the department must issue:

(i) A citation assessing a civil penalty under this chapter if it finds a violation has occurred; or

(ii) A closure letter detailing any findings if it finds that a violation cannot be substantiated.

(b) The notice of a citation or closure letter must be sent to the employer by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address.

(2) During an investigation, if the department discovers information suggesting additional violations of any other protections enforced by the department under Title 49 RCW or any associated rules, the department may investigate and take appropriate enforcement action without any additional complaint. The department may also initiate an investigation on behalf of one or more isolated employees for a violation of RCW 49.60.515 or any associated rules, when the director oth-

erwise has reason to believe that a violation has occurred or will occur.

(3) The department may conduct a consolidated investigation for any alleged violations identified under RCW 49.60.515 or associated rules, when there are common questions of law or fact involving isolated employees. If the department consolidates such matters into a single investigation, it will provide notice to the employer.

(4) The department may, for the purposes of enforcing RCW 49.60.515 or any associated rules, issue subpoenas to compel the attendance of witnesses or parties and the production of documents, administer oaths and examine witnesses under oath, take depositions, and seek affidavits or other verifications. The department may request an employer perform a self-audit of any records, which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(5) Upon the department's request, an employer must notify employees that the department is conducting an investigation. The department may require the employer to include a general description of each investigation as part of the notification, including the allegations and whether the employee may be affected. The department may consult with the employer to provide the information for the description.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-070, filed 12/16/25, effective 1/16/26.]

WAC 296-137-080 Penalties. (1) If the department finds a violation of RCW 49.60.515 or this chapter, the department may order the employer to pay the department a civil penalty of $1,000 for each willful violation.

(2) For a repeat willful violator, the citation assessing a civil penalty must be at least $2,000 for each repeat willful violation, but no greater than $10,000 for each repeat willful violation.

(3) The department may, at any time, waive or reduce a civil penalty assessed under this section if the department determines that the employer has taken corrective action to resolve the violation.

(4) Penalties collected under this section must be deposited into the supplemental pension fund established under RCW 51.44.033.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-080, filed 12/16/25, effective 1/16/26.]

WAC 296-137-090 Retaliation. (1) It is unlawful for an employer to interfere with, restrain, deny, or take any adverse action against an isolated employee for the exercise of their rights under RCW 49.60.515 or this chapter.

(2) The department may enforce allegations of retaliation by an isolated employee, who files a complaint with the department, under the provisions provided in WAC 296-128-770 through 296-128-800.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-090, filed 12/16/25, effective 1/16/26.]

WAC 296-137-100 Appeals. (1) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this chapter may appeal the citation assessing a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section will stay the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director will assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures will be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty will be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director will conduct administrative review in accordance with chapter 34.05 RCW.

(4) The director will issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-100, filed 12/16/25, effective 1/16/26.]

WAC 296-137-110 Collection procedures. Collections of unpaid citations will be handled pursuant to the procedures outlined in RCW 49.48.086.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-110, filed 12/16/25, effective 1/16/26.]

WAC 296-137-120 Severability clause. If any provision of the rules in this chapter, or their application to any person or circumstance is held invalid, the remainder of these rules or their application of the provision to other persons or circumstances is not affected.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-120, filed 12/16/25, effective 1/16/26.]

WAC 296-137-130 More favorable standards. If any applicable federal, state, or local law or ordinance provides requirements that are more favorable to an isolated employee than the requirements provided under this chapter, that law shall apply.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-130, filed 12/16/25, effective 1/16/26.]