

The Lodging Excellence Handbook

A Guide to Washington
State Laws & Regulations
for Lodging Properties



Washington
Hospitality
Association

*In partnership with the Department
of Labor & Industries for employer
outreach and education.*



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Lodging Excellence Handbook

The Washington Hospitality Association and the Washington State Department of Labor & Industries (L&I) partnered to create this Lodging Excellence Handbook: A Guide to Washington State Laws & Regulations for Lodging Properties.

The goal of this initial version of the Lodging Excellence Handbook is to inform current and prospective lodging operators about various laws and rules where L&I has oversight authority. This oversight mainly falls into two categories: employee rights and employee safety.

(Note: We included a few topics that are overseen by state agencies other than L&I. Those sections are labeled with the agency that has the applicable oversight authority for those topics. Future versions of the Lodging Excellence Handbook will expand to include additional regulations overseen by other state agencies such as food safety requirements, liquor licenses, etc.)

Some lodging operators have a small business background and assume they have a thorough understanding of state laws and regulations. Or some operators from other states open a lodging property in Washington and assume (incorrectly) the laws and rules in their state are the same as the ones here. Not fully understanding Washington's unique labor laws and regulations can lead to costly compliance violations.

The Lodging Excellence Handbook is intended to get lodging operators started on the right path to understanding Washington state laws and regulations on employee rights and employee safety and assist them in avoiding costly citations from L&I.

Lodging Excellence Handbook

The Lodging Excellence Handbook is available to all lodging operators through this print edition and online at: wahospitality.org/toolkits/lodging-excellence-handbook. The amount of information that's available on these topics is vast – far more than we can publish in this single handbook. The Lodging Excellence Handbook is designed to get you started in the right direction. We include convenient QR codes that link to additional resources at the end of each section. The online version has direct links to each of those resources.

Our partnership with L&I provided an opportunity to create a Spanish-language version, which can be downloaded from our website at: wahospitality.org/toolkits/lodging-excellence-handbook/spanish.

If you have any suggestions, feedback, questions, or comments about the Lodging Excellence Handbook, you can send those to infoteam@wahospitality.org.

Washington Hospitality Association - Legal Disclaimer

The Washington Hospitality Association believes that the statements and descriptions of the various laws and regulations set forth hereinafter with respect to the various items appearing in this Table of Contents (including those relating to, employee tips, employment standards, health and workplace safety, and miscellaneous laws and regulations) are legally accurate descriptions of the laws and practices applicable to these items as of the date set forth below.

However, because the laws relating to these various subjects are constantly changing and may in some cases, be subject to exceptions, and because many of the subjects and/or items included are legally complex, and in some cases, legally ambiguous, and because the size and format of the Lodging Excellence Handbook permits only a summary description of these various laws and their requirements, the association makes no warranty or representation concerning the legal accuracy, adequacy or sufficiency of the statements and descriptions of the various laws and regulations set forth hereinafter.

Members of the association use and/or rely upon the statements and descriptions set forth herein at their own risk. The Washington Hospitality Association recommends that operators intending to use and/or rely upon the information, description and statements set forth herein obtain independent legal advice from their own legal counsel before doing so.



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Licenses

T ransient Accommodations License

(State agency oversight: Washington State Department of Health)

All lodging operators in Washington state are required to have a Transient Accommodations License from the Washington State Department of Health (DOH). This license must be renewed annually.

Transient accommodations include hotels, motels, inns, resorts, bed and breakfasts, and other forms of short-term rentals.

The DOH created a Transient Accommodations Resource Book to assist lodging owners and operators with obtaining a better understanding of the health and safety rules for lodging establishments.

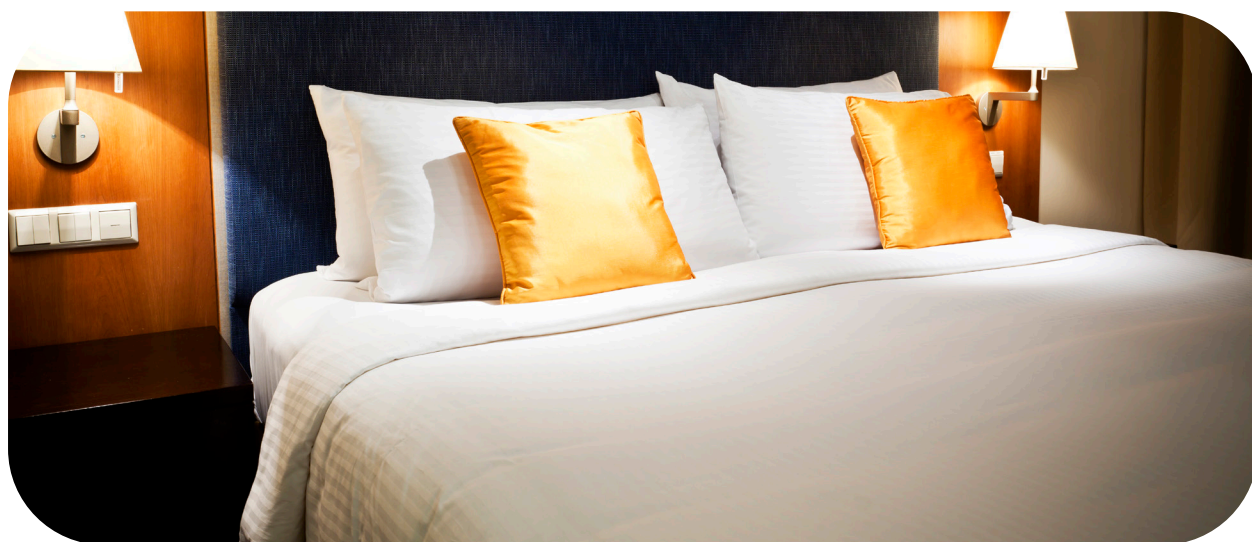
This book outlines the minimum public health and safety standards for the licensure and operations of transient accommodations in Washington state.



Transient Accommodations License

It covers a variety of important issues for operating a lodging property like your water supply and temperature control, sewage and liquid waste disposal, beds and bedding, fire safety, heating and cooling, laundry, boiler safety, lodging unit kitchens and more.

Make sure you become familiar with the topics covered in the resource book. And if you have any questions or need clarification, reach out to a Washington Hospitality Association territory manager who will help you get the answers you need.



ADDITIONAL RESOURCES

Washington Hospitality Association
[Territory Managers](#)

Department of Health
[Transient Accommodations Resource Book](#)
[Transient Accommodations License Application Process](#)
[Transient Accommodations License Portal](#)





It's the law! Employers must post this notice where employees can read it. (Chapter 49.17 RCW)

All workers have the right to a safe and healthy workplace.

Employees — Your employer must protect you from hazards you encounter on the job, tell you about them and provide training.

You have the right to:

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection, without loss

Employers — You have a legal obligation to protect employees on the job.

Employers must provide workplaces free from recognized hazards that could cause employees serious harm or death.

Actions you must take:

- Comply with all workplace safety and health rules that apply to your business, including developing and implementing a written accident prevention plan (also called an APP or safety program).
- Post this notice to inform your employees of their rights and responsibilities.
- Prior to job assignments, train employees how to prevent hazardous exposures and provide required personal protective equipment at no cost.



Employment Posters

You may be eligible for UNEMPLOYMENT BENEFITS if you lose your job

Visit www.esd.wa.gov to apply and click "Sign in or create an account"



To apply for unemployment, you will need

- Your Social Security number.
- Names and addresses of everyone you worked for in the last 18 months.
- Dates you started and stopped working for each employer.
- Reasons you left each job.
- Your alien registration number if you are not a U.S. citizen.
- Your SF8 and SF50 (if you worked for the Federal Government in the last 18 months).
- Your Washington State ID or License, if applicable.

If you were in the military within the last 18 months, we will also ask you to fax or mail us a copy of your discharge papers (Form DD214 member 4 or higher).

The fastest way to apply is online at esd.wa.gov

If you don't have a home computer, you can access one at a WorkSource center or your local library.

If you can't apply online, try contacting us over the phone:

Call 800-318-6022. Persons with hearing or speaking impairments can call Washington Relay Service 711. We are available to help you Monday through Friday 8 a.m. to 4 p.m., except on state holidays. You may experience long wait times.

You must look for work each week that you claim benefit

Visit WorkSource to find all the FREE resources you need to find a job. These include workshops, computers, copiers, phones, fax machines, Internet access, and job listings. Log onto WorkSourceWA.com to find the nearest office.

If your work hours have been reduced to part-time, you may qualify for partial unemployment benefits.

If you have been over 60 days due to a work-related injury, you may be eligible for extended unemployment benefits.

Washington employers are legally required to display three free Labor & Industries posters in their workplace to inform employees of their rights and responsibilities. Employers are also required to display three free posters from the state's Employment Security Department (ESD). The state also recommends displaying the Human Rights Commission's poster on the Washington Law Against Discrimination.

These free posters are:

- Notice to Employees (either the poster for employers who are part of the State Fund for workers' compensation or the poster for self-insured employers.) (L&I)
- Job Safety and Health Law (L&I)
- Your Rights as a Worker (L&I)
- Unemployment Benefits (EDS)
- Paid Family and Medical Leave (EDS)
- Domestic Violence Resources (EDS)
- Washington State Law Prohibits Discrimination in Employment (WSHRC-recommended)

Posters are available to download on the federal, state, and local agency websites and can be order online. You can also search "Labor Posters" on the Washington Hospitality Association website.

Each poster is in English and Spanish —other alternative-language versions are available as well. Posters do not need to be ordered every year. Confirm your L&I poster is valid by comparing the date indicated at the bottom of the poster – just right of the publication number – with the valid date published at:

Employment Posters

Ini.wa.gov/forms-publications/required-workplace-posters.

Federal labor posters

Most businesses are also required to post additional U.S. Department of Labor (DOL) in the workplace. Although all Washington employers are required to display the federal minimum wage poster, they are required to pay the higher Washington minimum wage.

These additional posters are:

- Fair Labor Standards Act
- Federal Minimum Wage Poster
- Employee Polygraph Protection Act
- Family and Medical Leave Act of 1993
- Your Rights Under USERRA – The Uniformed Services Employment and Reemployment Rights Act

To determine which specific federal posters your business is required to post and to access free federal posters, visit the DOL elaws Poster Advisor at webapps.dol.gov/elaws/posters.html.

Local labor posters

Some local jurisdictions require additional posters. Seattle, for example, has a labor rights poster and also requires hotels to display its Notice of Rights for Hotel Employee poster and its Notice of Rights for Employees of Ancillary Hotel Businesses posters. Both are updated annually. SeaTac has a minimum wage poster for hospitality businesses. Check with your local government offices to verify any additional local poster requirements.

Tips

Be on the lookout for labor poster scams. Many businesses, especially newly licensed organizations, are targeted by unscrupulous companies using deceptive marketing practices. They send official-looking notices that suggest you will be fined by



Your Rights as a Worker

It's the law!

Employers must post this notice where employees can read it.

Wage and Overtime Laws

Workers must be paid the Washington minimum wage

- Most workers who are 16 years of age or older must be paid at least the minimum wage for all hours worked. See www.Lni.wa.gov/MinWage.
- Workers who are 14 or 15 may be paid 85% of the minimum wage.
- Tips cannot be counted as part of the minimum wage. Employers must pay all tips to employees.

Overtime pay is due when working more than 40 hours

Most workers must be paid one and one-half times their regular rate of pay for all hours worked over 40 in a fixed seven-day workweek.

Workers Need Meal and Rest Breaks

Meal period

Most workers are entitled to a 30-minute unpaid meal period if working more than five hours in a day. If you must remain on duty during your meal period, you must be paid for the 30 minutes. Agricultural workers are entitled to a second 30-minute unpaid meal period if they work more than 11 hours in a day. Learn more at www.Lni.wa.gov/workers-rights/workplace-policies/rest-breaks-meal-periods-and-schedules.

Breaks

- Most workers are entitled to a 10-minute paid rest break for each four hours worked and must not work more than three hours without a break.
- Agricultural workers must have a 10-minute paid rest break within each four-hour period of work.
- If you are under 18, see "Teen Corner" at right.

Pay Requirements

Regular Payday

Workers must be paid at least once a month on a regularly scheduled payday. Your employer must give you a pay statement showing the number of hours worked, rate of pay, number of piece work units (if piece work), gross pay, the pay period and all deductions taken.

For more information regarding authorized deductions, go to www.Lni.wa.gov/workers-rights/wages/getting-paid and click on "Paycheck deductions."

Equal Pay and Opportunities Act

Under this law, your employer is prohibited from providing unequal pay or career advancement opportunities based on gender. You also have the right to disclose, compare, or discuss your wages or the wages of other employees. Your employer cannot take any adverse action against you for discussing wages, filing a complaint, or exercising other protected rights under the Equal Pay and Opportunities Act. Employers also are prohibited from requesting a job applicant's wage or salary history, except under certain circumstances, and cannot require an applicant's wage or salary history meet certain criteria. Job applicants also have the right to certain salary information if the employer has 15 or more employees. For more information or to file a complaint, go to www.Lni.wa.gov/EqualPay.

Teen Corner – Information for Workers Ages 14–17

- The minimum age for work is generally 14, with different rules for ages 14–15 and ages 16–17.
- Employers must have a minor work permit to employ teens. This requirement applies to family members except on family farms. Teens do not need a work permit.
- Teens are required to have authorization forms signed before they begin working. For summer employment, parents must sign the Parent Authorization for Summer Work form. If you work during the school year, a parent and a school official must sign the Parent/School Authorization form.
- Many jobs are not allowed for anyone under 18 because they are not safe.
- Work hours are limited for teens, with more restrictions on work hours during school weeks.

Meal and rest breaks for teens

- In agricultural work, teens of any age get a meal period of 30 minutes if working more than five hours, and a 10-minute paid break for each four hours worked.
- In all other industries, teens who are 16 or 17 must have a 30-minute meal period if working more than five hours, and a 10-minute paid break for each four hours worked. They must have the rest break at least every three hours.
- Teens who are 14 or 15 must have a 30-minute meal period no later than the end of the fourth hour, and a 10-minute paid break for every two hours worked.

To find out more about teens in the workplace: www.Lni.wa.gov/TeenWorkers, 1-866-219-7321, TeenSafety@Lni.wa.gov.

Employment Posters

the government if you don't purchase their labor posters. Labor posters required by the government are always available for free from the issuing federal, state and local agencies.

The Washington Hospitality Association publishes an annual labor poster that combines current federal and state employment notices into one convenient poster. Posters are \$40 and members receive one complimentary poster per billable account each year.

Display posters where they can easily be seen and read by employees. Keep them in good condition.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Labor poster](#)

[Article: 15,000 Washington businesses to receive restitution in labor poster scam](#)



Labor & Industries

[Workplace Posters: Recommended and required fact sheet](#)

[Notice to Employees - If a Job Injury Occurs poster \(State Fund\)](#)

[Notice to Employees - If a Job Injury Occurs poster \(Self-Insured\)](#)

[Job Safety and Health Law poster](#)

[Your Rights as a Worker poster](#)

Other Washington State Resources

[Employment Security Department posters](#)

[Human Rights Commission poster](#)

Federal Resources

[U.S. Department of Labor FirstStep Poster Advisor tool](#)

Local Resources

[Seattle Office of Labor Standards posters](#)

[City of SeaTac Minimum Wage Adjustments poster](#)



Accident Prevention Plan

Every employer in Washington State is required to create a written Accident Prevention Program (APP) to address the safety and health hazards found in their workplace.

Your APP is the foundation of your overall safety and health program. It is based on the hazards you identify in your workplace and the safety methods you choose to manage those hazards. Your APP will help you document and organize your safety procedures.

An effective safety program engages workers. It ensures they are properly trained, receive ongoing training, participate in safety meetings or committees, and share their ideas and concerns to improve their workplace safety.

Your business may also need other safety programs based on your workplace hazards. Lodging properties with pools or hot tubs use hazardous chemicals and need a Hazard Communication Program. If you have groundskeepers, outdoor wait staff or other workers who work outside during warmer months, you may need to update your safety plan to address risks created by outdoor heat.

Wildfire smoke must be addressed in the employer's written APP in workplaces where the employer should reasonably anticipate that employees may be exposed to wildfire smoke while working outside.

Identifying hazards is the first step to creating an APP. Resources from Labor & Industries, like the Job Hazard Analysis or the Workplace Hazard Basics course, are

Accident Prevention Plan

available to help you identify hazards and create your APP. Other L&I tools include program templates that require customizing to meet requirements.

Participants in the Washington Hospitality Association's WorkSafe Retro program receive a comprehensive APP template, taking a lot of the stress out of creating a plan from the ground up. The association also provides assistance in customizing the plan for your business. A fresh set of eyes can often help identify potential job hazards. In certain circumstances, the WorkSafe team is available to come to your location and do a safety walkthrough with you.

WorkSafe participants also have access to a wide array of safety trainings, on topics ranging from ergonomics, workplace violence awareness, implementing your APP, and preventing slips, trips and falls. Our trainings are available virtually, and in person depending on the group size.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Ladder Safety Training Workshop](#)

[Slip, Trip and Fall Prevention](#)

[Retro Training Workshop](#)

Labor & Industries

[Accident Prevention Program \(APP\)](#)

[Get Started With Safety & Health](#)

[APP Requirements](#)

[APP Sample Templates](#)

[APP Videos & Training Material](#)

[Seasonal Safety: Summer](#)





W

orkplace Safety & Health

The Department of Labor & Industries (L&I) is a diverse state agency dedicated to the safety, health, and security of Washington’s 3.3 million workers. L&I helps employers meet safety and health standards and inspects workplaces when alerted to hazards. Most employers in the state, including lodging establishments, are subject to enforcement by L&I and not by the federal Occupational Safety and Health Administration (OSHA).

L&I’s Division of Safety and Health (DOSH) enforces safety and health rules by inspecting workplaces without advance notice including investigations of work-related deaths, injuries, and employees’ complaints. It is also responsible for consultation, technical assistance, training, education and grants.

When DOSH inspectors find a violation in a workplace, they issue a citation to the employer and a penalty may be attached. L&I also provides online resources to help employers find and fix hazards and no-cost, professional safety and health consultants.

All employers in Washington are required to provide a safe workplace for their employees. A safe working environment is not only good for employees, it can also be financially beneficial to business owners. This reduces the risk of injuries and illness, which in turn decreases direct and indirect costs to your business.

Finding and fixing hazards is also the foundation for your required safety programs, starting with a required Accident Prevention Program (APP).

Workplace Safety & Health

No-Fee Safety & Health Consultation Program

L&I's Consultation Program offers confidential, no-fee, professional advice and assistance to Washington businesses. These services can help you find and fix hazards in your workplace and strengthen your safety program.

Workers' Compensation and Incentive Programs

Workers' compensation insurance (also known as Industrial Insurance) provides wage replacement and medical benefits to workers injured on the job. Workers' compensation is no-fault insurance, which means in most cases your business cannot be sued when a work-related injury or illness occurs.

Workers' compensation claims pay for approved medical, hospital, and related services due to workplace injuries or occupational illnesses and partial wage replacement for those who are unable to work because of their injuries or occupational illnesses. You must get a workers' compensation account by applying for or updating your state business license if you have employees.

L&I oversees workers' compensation in our state. Washington does not allow private workers' compensation coverage and employers must purchase coverage from L&I or be a certified self-insured employer. Employers submit quarterly reports and premium payments based on their industry and workers' hours. Claims are paid for by premiums collected.

L&I offers a safety incentive program called Retrospective Rating or Retro. In Retro, you can potentially earn a partial refund of your workers' compensation premiums if you reduce workplace injuries and lower associated claim losses. Essentially, retrospective rating is another way of calculating premium after the fact or "retroactively." Group Retro programs are offered through sponsoring associations.

WorkSafe

WorkSafe is the Washington Hospitality Association's safety and claims management program.

The best way to control claims costs is to not have any claims, so WorkSafe helps member participants find and prevent workplace hazards, thus reducing the risk of injury or illness. Participating members have access to tools to build and maintain a strong safety culture, including a template for an industry-specific required accident.

Workplace Safety & Health

If an employee is injured and able to work in a modified capacity during their recovery, offering your employee light duty work could help you avoid a compensable claim and unnecessary work disability.

Washington Hospitality Association also helps members participating in WorkSafe create a return-to-work program, identify opportunities to offer light duty work and develop modified job descriptions to meet medical restrictions for a claim. The Washington Hospitality Association introduced its Retrospective Rating program (Retro) in 1986. Since then, Washington Hospitality's Retro program has grown to be one of the largest Retro programs in the state, helping member participants realize savings on their workers' compensation premiums.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Washington Hospitality Association website: wahospitality.org](http://wahospitality.org)

[WorkSafe Program](#)

[Hospitality Workplace Safety Training](#)

Labor & Industries

[Labor & Industries website: lni.wa.gov](http://lni.wa.gov)

[Getting Started with Safety & Health](#)

[How to Get a Workers' Compensation Account](#)

[Find Workplace Hazards](#)

[Fix Workplace Hazards](#)

[Stay at Work resources](#)

[Safety & Health Consultation Program](#)





Safety Committees & Safety Meetings

Employers are required to report an on-the-job fatality, in-patient hospitalization, amputation, or loss of an eye by calling the Division of Occupational Safety and Health at 1-800-423-7233.

- You have 8 hours to report a workplace fatality or in-patient hospitalization of any employee.
- You have 24 hours to report a non-hospitalized amputation or loss of an eye of any employee.

If you, as an employer or an agent of an employer, do not learn about the incident when it takes place, you must still report it within these time frames after you are notified.

If your business is in another state, and your employee is injured in Washington state, you must follow these reporting requirements. These requirements also apply if your business is based in Washington and your employee is injured while working out-of-state.

When reporting an incident, make sure to provide:

- Name and phone number of the best person to contact
- The name of the establishment/business
- The location/address where it happened
- The date and time it happened

Safety Committees & Safety Meetings

Under Washington law, employers must have a method of communicating and evaluating safety and health issues brought up by the employer or employees in the workplace. A safety committee or safety meetings helps create and maintain a safe and healthy workplace for all employees.

Larger employers must [establish a safety committee](#). Smaller employers have the choice of either establishing a safety committee or holding safety meetings with a management representative present:

- If you have 10 or fewer employees, you may choose to have safety meetings instead of having a safety committee.
- If you have 11 or more employees on the same shift at the same location, you must have a safety committee.
- If you have 11 or more employees, but they work on different shifts and there are 10 or fewer on each shift, you may choose to have safety meetings instead of having a safety committee.
- If you have 11 or more employees but they work in widely separate locations and there are 10 or fewer at each location, you may choose to have safety meetings instead of having a safety committee.

Safety committees

A safety committee is an organizational structure where members represent a group. This gives everyone a voice but keeps the meeting size to an effective number of participants.

Make sure your committee has an elected chairperson and employee-elected and employer-selected members. The number of employee-elected members must equal or exceed the number of employer-selected members. The term of employee-elected members must be a maximum of one year, although there is no limit to the number of terms a representative can serve.

Your committee should determine how often, when, and where, the safety committee will meet. Meetings should be one hour or less, unless extended by a majority vote of the committee. If the committee cannot agree on the frequency of meetings, consult your Labor & Industries regional safety consultation representative for recommendations.

Safety Committees & Safety Meetings

A safety committee must conduct the following activities:

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

At each meeting, the committee should:

- Document attendance.
- Write down subjects discussed.
- Record the meeting by preparing minutes and preserving them for one year.

Minutes must be made available for review by Labor & Industries safety and health consultation personnel.

Safety meetings

A safety meeting includes all employees and must be held once a month. You may meet more often to discuss safety issues as they come up. Have at least one management person present to ensure that issues are addressed.

During your safety meeting, you must:

- Review safety and health inspection reports to help correct safety hazards.
- Evaluate the accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected.
- Evaluate your workplace accident and illness prevention program and discuss recommendations for improvement, if needed.

There are no formal documentation requirements for safety meetings except you must document attendance and write down the topics discussed. Meeting minutes should be made available to employees upon request.

ADDITIONAL RESOURCES

Labor & Industries

[Safety Meetings and Committees](#)





Workplace Injuries & Fatalities

Employers are required to report an on-the-job fatality, in-patient hospitalization, amputation, or loss of an eye by calling the Division of Occupational Safety and Health at 1-800-423-7233.

- You have 8 hours to report a workplace fatality or in-patient hospitalization of any employee.
- You have 24 hours to report a non-hospitalized amputation or loss of an eye of any employee.

If you, as an employer or an agent of an employer, do not learn about the incident when it takes place, you must still report it within these time frames after you are notified.

If your business is in another state, and your employee is injured in Washington state, you must follow these reporting requirements. These requirements also apply if your business is based in Washington and your employee is injured while working out-of-state.

When reporting an incident, make sure to provide:

- Name and phone number of the best person to contact.
- The name of the establishment/business.
- The location/address where it happened.
- The date and time it happened.
- The names and phone number of employees harmed.
- A brief description of the incident.

Workplace Injuries & Fatalities

- The names and phone number of employees harmed.
- A brief description of the incident.

You are also required to preserve the scene of a workplace injury that results in hospitalization, amputation or death. You can move equipment as necessary to assist a victim or prevent further harm, but you must preserve the scene of a work-related incident until L&I has investigated. This includes not moving machinery, tools or personal protective equipment involved in the incident.

Recordkeeping (OSHA 300 Log)

Traveler accommodations are a designated industry subject to recordkeeping rules, and lodging employers must record workplace injuries and illnesses (including work-related COVID-19 illnesses) on an OSHA 300 log.

You must post the annual summary portion of the OSHA 300 log (form OSHA 300A) from February 1 through April 30 of each year. The information in the log can be used to find and fix hazards affecting your workers and refine your workplace health and safety programs.

Lodging establishments with more than 20 different employees during the course of the previous calendar year must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee.

Note: L&I is not involved in the transmission of OSHA Form 300A and does not use the information contained in the form.

Have a plan in place before an accident occurs!

An accident is typically a preventable incident where someone is harmed or fatally injured. A plan can reduce the chaos during an incident and help you ensure a safe and efficient investigation. For best results, make finding the "root cause/s" the focus of your investigations, not finding fault.

Once your plan is in place, be sure to inform and train everyone so they know who does what. Revisit your new employees plan when it might need updating and keep everyone informed and trained on any changes you make.

Required accident investigations

You must investigate any accident that results in a fatality, in-patient hospitalization, amputation, or loss of an eye. Employers are also required to investigate other accidents that cause serious injury and/or illnesses.

Workplace Injuries & Fatalities

Recommended Investigations

Accidents requiring only first aid, or “close calls” (i.e., near-misses) where no one is hurt, are not required to be reported. These should still be investigated because they can help predict and prevent future accidents.

Benefits of investigations

Investigating accidents makes good business sense. Accidents are predictable – they are the logical outcome of hazards. Investigations help you:

- Identify hazards to prevent future accidents.
- Discover and correct deficiencies in training, work practices, and equipment.
- Reduce direct and indirect costs associated with accidents, including workers' compensation costs.
- Improve worker's confidence and morale.
- Strengthen your required Accident Prevention Program (APP)

When investigating:

- Preserve the scene and keep unauthorized personnel away. Cones, warning tape, and/or guards can help you do this. Be sure to check for danger and ensure victims' safety.
- Document the scene. Take notes and use photo, video, and/or sketching to detail the who, what, where, when and how details about the incident.
- Collect information from witnesses. Obtain other relevant information like equipment manuals, safety data sheets (SDSs), and company documents (like safety policies, operating procedures, training and injury records, logs, reports, etc.).
- Determine the root causes and best corrective actions to take. This requires technique (e.g., keep asking “Why” questions) and time for a deep evaluation, but it will make it easier to focus on the most effective corrective actions to take to prevent further incidents.
- Implement corrective actions. Some actions may take more planning and implementation time than others.

Workplace Injuries & Fatalities

Accident/Incident Reporting Requirement Table

Action you must take:	In case of death or probably death, OR accident involving inpatient hospitalization of any employee	In case of any amputation or loss of an eye	In case of other serious injury or illness	Near miss (accident almost happened) or non-serious injury or illness
Report the accident to L&I and include details and your phone number.	Required within 8 hours	Required within 24 hours	Not required	Not required
Complete and document an investigation.	Required Do NOT disturb the accident scene	Required Do NOT disturb the accident scene	Required	Not required, but recommended

ADDITIONAL RESOURCES

Labor & Industries

[Workplace Injuries & Fatalities Recordkeeping \(OSHA 300\)](#)
[Accident Investigations](#)

Occupational Safety and Health Administration (OSHA)

[Detailed Guidance for OSHA's Injury and Illness Recordkeeping Rule](#)
[Injury Tracking Application \(ITA\)](#) (for OSHA Form 300A transmission)
[COVID-19 Regulations & Reporting](#)





F

irst Aid

Employers must make sure first-aid trained personnel and first-aid supplies are readily available to provide quick and effective first aid. First-aid supplies must be:

- Easily accessible to all your employees.
- Appropriate to your occupational setting; and the response time of your emergency medical services.
- Stored in containers that protect them from damage, deterioration, or contamination that must be clearly marked, not locked, and may be sealed.
- Able to be moved to the location of an injured or acutely ill worker.

When risk to chemical exposures is present, consider adding the requirement like emergency shower and emergency eye wash stations. Make sure emergency washing facilities are functional and readily accessible.

Your APP should include first-aid information including the names of employees who are trained in first aid, where the first-aid supplies are located and location of emergency phone numbers.

ADDITIONAL RESOURCES

Washington Hospitality Association

[CPR & First Aid Training](#)

Labor & Industries

[Safety & Health Core Rules](#)

OSHA

[Fundamentals of a Workplace First-Aid Program](#)





Bloodborne Pathogens

Bloodborne pathogens are microorganisms that can spread from a sick person to others through exposure to blood and body fluids. Hepatitis B and C virus and Human Immunodeficiency Virus (HIV) are examples of pathogens that can cause debilitating health issues and possibly death.

Examples where bloodborne pathogens become a danger at work include:

- Needlesticks from used needles.
- Splashes of infected body fluids into the eyes, nose, mouth, or onto broken skin.
- Cuts from contaminated sharps.

Employers must protect employees potentially exposed to bloodborne pathogens and other potentially infectious materials (OPIM) while performing their job. OPIM are body fluids and tissue that can contain bloodborne pathogens.

Employee tasks in a lodging setting that could involve exposure include:

- Taking out trash that may contain sharps or needles.
- Picking up or throwing away used needles.
- Handling laundry that may have blood, other potentially infectious materials on it, or that may contain sharps or needles.



Bloodborne Pathogens

Lodging employers, under the bloodborne pathogen standard, need to:

1. Identify employees and work tasks with the potential to expose workers to blood, contaminated needles, or other potentially infectious materials.
2. Write an Exposure Control Plan that identifies the jobs with possible exposure to blood or OPIM and explains the protective measures in place to reduce or eliminate the dangers of the exposures identified.
3. Train employees about bloodborne pathogen exposures so they are informed about the dangers and how to stay safe. Keep a record of that training.
4. Make hepatitis B vaccinations (HBV) available to employees at no cost.
5. Make available, record and keep HBV consent and declination forms for your records. Employee must give signed consent for HBV testing or signed declination prior to incident.
6. Use work practices controls, personal protective equipment, or other methods to protect employees who have on-the-job exposure to bloodborne pathogens.
7. Review the bloodborne pathogens program and exposure incidents annually.

The bloodborne pathogen standard also requires that employers:

- Ensure the use of feasible controls, like tongs or magnetic grabbers, to eliminate or minimize occupational exposure when it is not possible to avoid handling BBP and contaminated items.
- Provide appropriate personal protective equipment and ensure it is properly used and maintained.

When dealing with contaminated items:

- Properly and safely handle regulated waste, including contaminated needles and sharps.
- Handle contaminated laundry properly and safely.
- Make sure contaminated items and waste are appropriately labeled.



Bloodborne Pathogens

Ensure the worksite is clean and sanitary and employees wash their hands. Should an exposure incident with a BBP occur to an employee, immediate medical care, including post exposure preventative treatments, must be made available per requirements.

L&I's safety and health consultants can help you understand how to apply this rule to your workplace.



Bloodborne Pathogens (BBP) *Training for employees*



March, 2021

Photos from Adobe stock unless otherwise indicated

L&I Bloodborne Pathogens Training Kit

Bloodborne Pathogens

Bloodborne Pathogens



August, 2021 version

Employee training on the hazards of bloodborne pathogens in the workplace



L&I Bloodborne Pathogens Self-Paced Online Training Course

ADDITIONAL RESOURCES

Washington Hospitality Association

[WorkSafe Program](#)

[Bloodborne pathogen training](#)

Labor & Industries

[Bloodborne pathogens requirements](#)

[Bloodborne pathogens training and resources](#)

[Hepatitis B vaccination consent/declination form \(Helpful Tools section, page 4\)](#)





Isolated Worker Protections

An isolated worker is defined as an employee who works as a janitor, security guard, hotel or motel housekeeper or room service attendant and spends a majority of their working hours alone without another coworker present. Washington law requires employers to provide panic buttons to these workers. The City of Seattle has a [Hotel Employees Safety Protections Ordinance](#) as well.

Lodging operators must take required precautions to prevent sexual harassment and assault of isolated workers. Under Washington law, you must:

- Adopt a sexual harassment policy.
- Provide mandatory training to managers, supervisors, and employees to prevent sexual harassment, assault, and discrimination, and educate the workforce about protections for employees who report law violations.
- Provide a list of resources for employees to report harassment and assault.
- Provide a panic button to certain workers.

At a minimum, employers impacted by this law must provide employees with contact information for the [U.S. Equal Employment Opportunity Commission](#), the [Washington State Human Rights Commission](#) and local advocacy groups focused on preventing sexual harassment and sexual assault.

Policies and training for employees, managers, and supervisors

The [Washington State Human Rights Commission](#) has published [guidance](#) to assist organizations with creating sexual assault, sexual harassment, and discrimination policies and procedures, as well as training guidance. Employers cannot take any adverse action against an employee for exercising other protected rights under the law.

Isolated Worker Protections

Employer-provided resources

At a minimum, employers impacted by this law must provide employees with contact information for the U.S. Equal Employment Opportunity Commission, the Washington State Human Rights Commission, and any local advocacy groups focused on preventing sexual harassment and sexual assault.

Isolated workers

“Alone” means outside of direct line-of-sight of coworkers or other personnel of the company they work for, such as in a separate room or building. For example, a team of two housekeepers working in hotel rooms next to or across the hallway from each other are both considered to work alone and must each be provided with a panic button.

Panic buttons

A panic button is an “emergency contact device” designed to be carried by the user to summon immediate on-scene assistance from a security guard, coworker, or other employer-designated personnel. L&I has developed [guidance for employers](#) relating to the panic button requirement.

The Washington Hospitality Association has allied members who offer panic buttons and systems. They are [Titan HST](#), [Relay](#) and [React Mobile](#).

ADDITIONAL RESOURCES



Washington Hospitality Association

[Isolated Workers and Panic Buttons toolkit](#)

[Sexual Harassment: Stop It Before It Starts toolkit](#)

Labor & Industries

[Isolated Worker Employer Consultations](#)

[Isolated Worker Employer Reporting Guide](#)

[Panic Buttons: Guidance for Employers in the Hospitality Industry](#)

More Resources

American Hotel & Lodging Association: [Sexual Harassment Prevention for Hospitality Industry Employees](#)

Human Rights Commission: Sexual Harassment [best practices](#), [model policy](#), [model procedures](#)



C hemical Hazards

Chemical-related injuries and illnesses are preventable. Being informed about chemicals enables you to make good decisions about the necessary safety precautions to take in your workplace.

What does “hazardous” mean?

Any chemical that can potentially cause harm is considered to be hazardous. Chemicals can be hazardous if they:

- Can irritate the eyes, skin, or respiratory tract.
- Are toxic or carcinogenic (cancer-causing).
- Are corrosive.
- Can explode or cause fire.
- Create low-oxygen environments (e.g., by displacing or chemically reacting with oxygen in an enclosed or confined space).

Hazardous chemicals exist in a variety of forms in the workplace. Some common examples: liquids, stored gases, and particles like dust, powders, sprays, and mists. In lodging, pool chemicals, certain cleaning supplies, and certain landscape-related products, for example, are hazardous and require a hazard communication plan.

Get prepared before you walk through your workplace to spot chemicals. Use [L&I's job hazard analysis \(JHA\)](#), Workplace Hazards & Solutions Worksheet, or some other resource to keep track of what you find and note any necessary safety precautions.

Chemical Hazards

If you aren't sure whether a chemical is hazardous, check information on required safety data sheets (SDSs) and product labels. Request current SDSs and labels from distributors or manufacturers if you don't have them and be sure to keep a list of the hazardous chemicals currently present in your company's workplace.



Chemicals in the air

Check to see if chemicals can be released into the air as vapor, liquid or solid particles, or as a gas during work activities (e.g., spraying, sanding, welding), processes (e.g., combustion, evaporation, fermentation), or from equipment (e.g., metal plating tanks, industrial mixers and conveyors).

Chemicals in the air that are possibly hazardous are called “airborne contaminants” and would necessitate additional safety measures when workers’ exposures are above the regulated limit for the chemical.

Creating a Hazard Communication Program

In Washington, the Hazard Communication rule requires you – the employer – to inform and train your employees about hazardous chemicals in your workplace. At a minimum, employers are required to develop and follow a written Chemical Hazard Communication Program when employees work with or around hazardous chemicals. Failure to have a hazard communication plan is one of the top 10 rule violations cited in L&I inspections.

A sample, customizable hazard communication program template for L&I is available in English and Spanish thru the QR code in the Additional



Chemical Hazards

Resources section. There is also a link to L&I's Employer's Guide to the Hazard Communication Rule which provides a helpful checklist, answers to common questions about requirements, training guidance and a standardized label and pictograms to help your company comply with the rule. This guide is also available in Spanish.

Your written Hazardous Communication Program will include the name and title of the person who will be responsible for procedures related to hazardous chemical container labeling, Safety Data Sheets (SDS), and employee education and training.

This person will be responsible for reviewing and updated procedures and ensuring that new employees receive a health and safety orientation on the Hazardous Chemical Standard and the hazardous chemicals they may encounter in their workplace.

Training resources available from L&I include:

- A Chemical Hazard Communication Training Kit for instructors.
- A narrated training module, Chemical Hazard Communication for Employees
- A Workers' Guide to Hazardous Chemicals (available as an English-Spanish bilingual brochure).
- Videos.
- Standardized Hazard Communication Pictograms for labeling (from OSHA.gov).

Chemical Spills

Depending on what's possible in the workplace, your overall safety program may also need to address emergency response to chemical spills or releases, personal protective equipment (PPE), and respiratory protection.

Drug labs

Methamphetamine (meth) labs are a serious problem in Washington. They are particularly damaging to the lodging industry. Contact with or breathing in the chemicals used to make the dangerous drugs is likely to cause very serious injuries or death. If you think you may have a meth lab operating at your site,



Chemical Hazards

PLEASE call law enforcement immediately.

Do not allow anyone to go near the location until it has been remedied. If law enforcement finds a lab is or was present on your property, the law requires you to have your local health department determine the degree of contamination.

You cannot rent the unit again until the local health department agrees it was cleaned properly.

Note: You are also required to contact the Washington Department of Health before you rent any unit that was found to be contaminated. DOH will ask to see the authorization you have from your local authorities that confirms the facility is safe.

ADDITIONAL RESOURCES

Labor & Industries

[Chemical Safety Basics](#)

[Chemical Hazard Communication Program](#)

[Chemical Hazard Communication Program](#) (Spanish)

[Employer's Guide to the Hazard Communication Rule](#)

[Employer's Guide to the Hazard Communication Rule](#) (Spanish)



OSHA

[Hazard Communications Safety Data Sheets](#)

[Standardized Hazard Communication Pictograms for labeling](#)

Department of Health

[Drug Lab Resources](#)

[List of Local Health Departments](#)



outdoor Heat Exposure

Every year from May 1 through September, employers in Washington state are required to take steps to protect employees working outdoors from heat illness. Physically demanding work, heavy clothing, and dehydration can put even the healthiest workers at higher risk for serious heat illness like debilitating heat exhaustion and life-threatening heat stroke.

Heat exhaustion can make workers more susceptible to falls, equipment-related injuries, and other on-the-job safety hazards.

Prevention is the best approach to protect workers. Ensuring your team is adequately hydrated is one of the best ways to protect outdoor workers during high temperatures. Follow safety requirements in applicable rules and use the resources on this page to plan, prepare, and train for prevention.

If your property has workers who work outside during warmer months, you may also need to update your APP to document your safety plan.

Employers must take steps to prevent heat-related illnesses when outdoor temperatures reach:

- 52° F - Workers wearing non-breathable clothing
- 77° F - Workers wearing double-layer woven clothing
- 89° F - Regardless of clothing type

L&I may adopt additional heat-related rules to protect employees from outdoor heat risks. These rules may change throughout the season. Therefore employers should

Outdoor Heat Exposure

check the L&I website and with local public health authorities for updates. Employers are responsible for monitoring the temperature at the work site throughout the workday, unless they decide to fully implement all requirements in the rule. In other words, if employers decide to implement the outdoor heat protection rules for their workers regardless, they do not need to regularly monitor outdoor temperatures. Temperature records are not required.

While employers are always required to provide drinking water to employees regardless of the temperature, a sufficient amount of “suitably cool” drinking water must be available to employees working outdoors in temperatures of 89° F or higher. Keeping workers hydrated is an important step for preventing heat-related illnesses. Employees should drink small amounts of water more often in warmer temperatures.

Employees working in high-heat conditions are also entitled to cool-down rest periods of at least 10 minutes for every two hours in working temperatures of 89° F or higher. Employees should work in the shade as much as possible. It is also important to acclimatize to the changing weather conditions by slowly increasing time outside each day.

The above should be viewed as a baseline for outdoor heat protection measures. The Department of Labor & Industries may impose additional employee protections during periods of extended extreme heat conditions.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Toolkit – Wildfire & Extreme Heat Preparedness](#)

Labor & Industries

[Outdoor Heat APP Addendum](#)

[Heat illness training kit](#)

[Be Heat Smart: Safety requirements for employees working in extreme heat conditions](#)

[5 Tips to be Heat Smart](#) (video)

[Educational pocket card](#)





Wildfire Smoke Exposure

The number of large fires has doubled in the last three decades, with the risk and extent of wildfires growing every year. Smoke from nearby wildfires hangs over the area, creating hazardous conditions for anyone working or enjoying the outdoors.

As wildfires continue, employers are expected to protect workers from wildfire smoke. Plan ahead and create a safety plan for when smoke levels get bad.

According to the Environmental Protection Agency (EPA):

The AQI indicates when the outdoor air quality is ‘unhealthy,’ ‘very unhealthy,’ or ‘hazardous.’ These ratings signal when healthy workers may begin to experience adverse health effects.

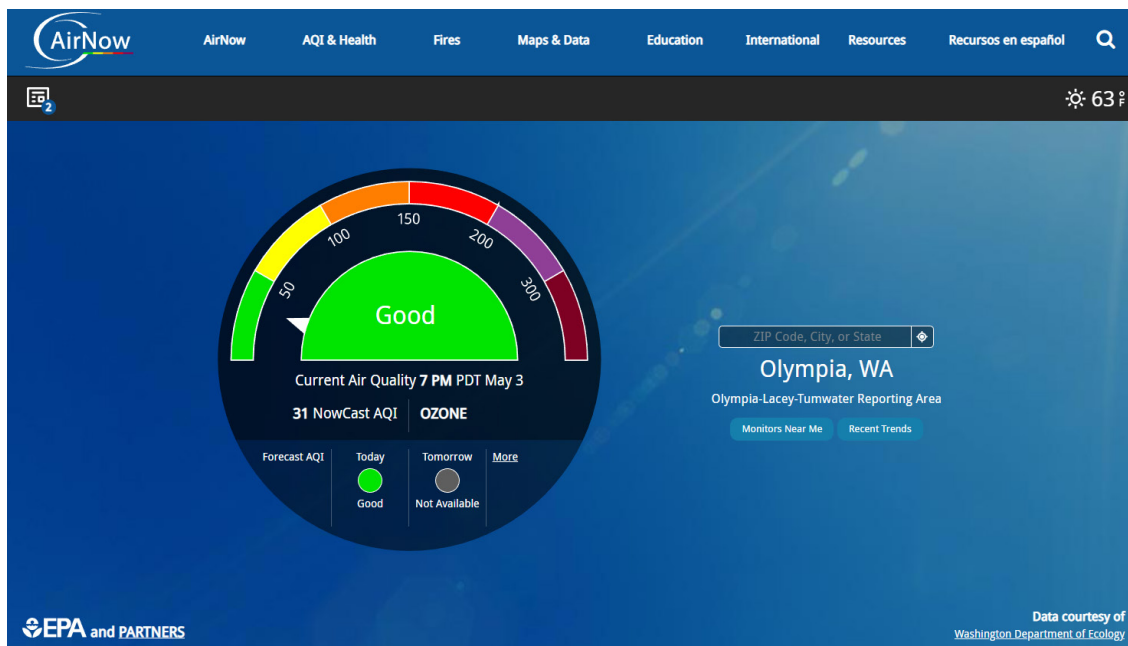
Adverse health effects can occur at lower levels of smoke due to being an outdoor worker, the level of physical exertion, or having pre-existing medical conditions.

When air quality is in the unhealthy range, check your HVAC system’s filters—the higher MERV, the better. You will also want to check all doors and windows to make sure they have good seals. The idea is to minimize the amount of air coming into your hotel.



Wildfire Smoke Exposure

Download the EPA AIRNow app for your iPhone or your Android device. This app will describe air conditions in your area.



ADDITIONAL RESOURCES

- [EPA's AIRNow App \(Andriod\)](#)
- [EPA's AIRNow App \(Apple/iOS\)](#)
- [Washington Smoke Blog](#)
- [Washington clean air agencies](#)

Labor & Industries

- [Wildfire Smoke](#)
- [What to do if a worker becomes ill due to wildfire smoke exposure](#)

Washington State Department of Health

- [Smoke From Fires](#)
- [Improving Ventilation and Indoor Air Quality During Wildfire Smoke Events](#)





Ladder Safety

In 2020, there were 161 fatal work injuries in Washington state where ladders were the primary cause. Employees feel safe on ladders because they are a part of non-work lives. However, that familiarity will not stop employees from falling and getting seriously hurt.

To prevent falls and injuries, employers are required to train employees to recognize ladder hazards and to follow the procedures to minimize these hazards. Ladder safety should be addressed in the employers Accident Prevention Program.

You must have a competent person train employees who use ladders in at least the following topics:

- Proper construction, use, placement, and care in handling ladders
- Maximum intended load capacities of ladders that are used
- Washington requirements on ladders in the workplace

You must retrain employees as necessary to make sure they know and understand the content of the original training.

The first step in creating a ladder safety program is determining what type of ladders your employees use, as well as evaluating whether that is the best ladder for the job.

When evaluating ladders, you need to look at what material the ladder is made of, you might want an aluminum ladder one day because it is lightweight, and a

Ladder Safety

fiberglass ladder another day because you are using electrical tools. Additionally, employees will need training on how to inspect and use ladders.

NOTE:

- Wood ladders provide good insulation from heat/cold and feel natural when climbing, but they require additional maintenance and are heavy.
- Aluminum ladders are lightweight and corrosion resistant but are dangerous when working around electricity.
- Fiberglass ladders are durable, weather resistant, non-conductive and do not need the same maintenance that wood ladders need. However, they are heavy, can chip and crack when not handled properly, and become damaged by exposure to UV light like sunlight or a welding spark.

Inspections

- A competent person needs to inspect the ladder before it goes into use or if it has been potentially damaged.
- Every ladder user needs to inspect the ladder before they use it for the day.

Summary of requirements

Before setting up the ladder, perform an inspection and place the ladder in a location that it will not be impacted by pedestrian or vehicle traffic.

- Make sure the ladder feet are on stable material and that they cannot slip out.
- **4:1 Rule:** Place straight & extension ladder at a safe angle, for every 4 feet up it should be 1 foot out from the structure, or it should be at 75° angle.
- **Load rating** – Before using a ladder, verify that it can hold you and all your equipment. Ladders need to have clear labels on them that tell you how much weight they can hold. Some ladders should only be used for household use.

Duty Rating	Ladder Type	Max. Intended Load (lbs.)
Extra Heavy	IA/IAA	300 / 375
Heavy	I	250
Medium	II	225
Light	III	200

Ladder Safety

Unbalanced while on ladder – Most falls occur when the ladder tips over.

- Use three points of contact.
- Always face the ladder when going up or down on the ladder.
- Stay centered on the ladder, reaching sideways past the ladder side rails is an accident waiting to happen.
- Don't carry items in your arms that could unbalance you instead use a tool belt, backpack or pull it up after you are done going up or down the ladder.

3-foot rule – When using a ladder to reach a higher level (such as a roof) the top of the ladder must reach at least 3 feet past the edge of the level and be secured from slipping.

Fall Protection – When the top of a fixed ladder is 24 feet or more from the lower level on a ladder the worker must use fall protection.

Electrical Hazards – Always use a fiberglass ladder if there is any chance of contact with electricity. Never use a ladder or any other tools within 10 feet of energized electrical equipment such as power lines.

Top Step – Never stand on the top step or the cap of a portable ladder when the manufacturer prohibits it.

Competent Person - The employer appoints employees based on knowledge and experience to be a Competent Person for ladders. The competent person is the only employee with authority to train ladder users and inspect ladders before they are put into service. They determine if a damaged ladder is safe to use or any repairs are adequate.

A competent person is defined as an individual who:

- Is knowledgeable of ladders, including the manufacturer's recommendations and instructions for the proper use, inspection, and maintenance.
- Is capable of identifying existing and potential ladder hazards.
- Has the authority to take prompt corrective action to eliminate those hazards.
- Is knowledgeable of the rules regarding the installation, use, inspection, and maintenance of ladders.

Ladder Safety

When the ladder is:	Do the following:
First placed into service & as necessary while in service	Inspect the ladder for visible defects, including, but not limited to: 1. Working parts; and 2. Rung or step connections to the side rails.
Damaged by impact or tips over	1. Visually inspect the ladder for dents, bends, cracks or splits 2. Check: • Rung or step connections to the side rails. • Hardware connections. • Rivets for shear damage. • All other components.
Exposed to excessive heat such as fire	1. Visually inspect the ladder for damage. 2. Test for deflection and strength characteristics using the “in-service use tests” contained in the appropriate ANSI standard.
Exemption	Job-made wooden ladders are not to be subjected to load or impact tests. Those tests may weaken lumber components or fasteners, causing hidden damage that could result in sudden failure during use.

ADDITIONAL RESOURCES

Labor & Industries

[Summary of Requirements and Policies](#)

[Training and Resources including PowerPoint](#)

[Presentations and Videos](#)

[Ladder Safety Checklist](#)





Elevators

All conveyance equipment, such as an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, or other elevating devices, must be inspected and permitted.

Access to the machine room/control room should be by authorized personnel only.

Lodging property owners and operators are responsible for the maintenance and safety of all elevators on their property.

You can accomplish this by maintaining a Maintenance Control Program Log as part of Labor & Industries Maintenance Control Program (MCP).

A MCP Log will track when required elevator maintenance has been completed. When reviewing the MCP Log, if you see work that wasn't completed by the required date, contact your service company immediately.

Incomplete maintenance may pose a safety risk, could result in higher repair costs, and may lead to a costly corrections notice from L&I after an inspection.

Lodging operators can perform routine maintenance on their elevators that does not require a service company to do the work.

Elevators

Those maintenance items include:

- Check to make sure all the light bulbs are working properly.
- Display the current operating certificate in the car.
- Listen for unusual noise and determine if the ride is rough.
- Check for tripping hazards like snags in the rug.
- Make sure the help phone is in good working order.
- Vacuum the vents and sill grooves
- Ensure the machine room is clean. It should not be used for anything other than its designated purpose (e.g., do not use it as a storage closet).
- Ensure the machine room door automatically closes and locks.



ADDITIONAL RESOURCES

Labor & Industries

[Building Owners & Property Managers Overview](#)

[Maintenance Control Programs](#)

[Elevator Inspectors & Staff](#)

[Join the Elevator Program email list](#)





B oilers

Installation or reinstallation permits are required before any new or existing regulated boiler/unfired pressure vessel is installed, reinstalled, or moved in the state of Washington.

L&I regulates low- and high-pressure steam boilers, building heating boilers, pool heaters, and water heaters for large publicly accessible pools, spas, and hot tubs.

The installer will need to complete a copy of the permit for each boiler or pressure vessel in your facility. Fill out Section A only on the Boiler/Pressure Vessel/Water Heater Installation or Reinstallation Permit form.

Once the form is complete, save it to your computer in its original format (Microsoft Word) and email it to Boiler@Lni.wa.gov.

L&I will review the permit form to ensure all information in the required fields has been completed.

Boiler program staff will review the permit form within 24 hours after L&I receives the information.

L&I will then:

- 1) Send it back if it contains errors that must be corrected, OR
- 2) Assign the permit a number.

Boilers

L&I will email, fax, or mail a copy of the permit to the boiler owner/originator of the permit.

After L&I receives your permit application, they will assign an inspector, and send you the approved permit with your inspector's name and number.

You must contact the inspector when you're ready for inspection and post a copy of the permit on or very close to the boiler/pressure vessel.



ADDITIONAL RESOURCES

Labor & Industries

[Boiler/Pressure Vessel/Water Heater Installation or Reinstallation Permit](#)
[Boiler Laws & Rules](#)





Paid Sick Leave

Washington state law requires employers to provide paid sick leave to their employees. It also sets the minimum requirements for an employer's paid sick leave policy.

Workers that are exempt from the definition of "employee" under the Minimum Wage Act are also exempt from paid sick leave.

This includes bona fide exempt "white collar" executive, administrative, professional, computer professional, and outside sales employees.

You may not need a written paid sick leave policy, but having one is highly recommended.

If you have a written policy, it must be readily available to all your employees. If you do not have a written policy, state minimums still apply.

Your paid sick leave policy must meet or exceed the minimum requirements

defined in state law. If a local ordinance requires more generous paid sick leave benefits for employees than state law, those requirements will apply.

Check with your local government about any sick leave requirements.

Paid sick leave policy minimum requirements

Employers in Washington, at a minimum, must provide one hour of paid sick leave for every 40 hours worked by an employee, regardless of full-time, part-time, temporary, or seasonal status.

All hours that an employee works must be counted towards accrual, regardless of how many hours they work in a given week or pay period, including overtime hours.

You must pay your employee's normal hourly compensation for paid sick leave hours that they use.

Paid Sick Leave

You must allow your employees to use their paid sick leave to care for themselves or their family members no more than 90 days after they start working.

A family member is defined as a:

- Child (biological, adopted, foster, stepchild, etc.), regardless of age or dependency status.
- Parent (biological, adoptive, foster, stepparent, etc.), or the parent of the employee's Spouse or registered domestic partner.
- Spouse or registered domestic partner.
- Grandparent or a grandchild.
- Sibling.

Authorized uses of paid sick leave include:

- Illness or injury.
- Physical or mental health conditions.
- Doctor or dentist visits.
- Preventive care.
- Workplace, child's school, or daycare closures ordered by a public official for any health-related reason.
- Leave that qualifies under Washington's Domestic Violence Leave Act.

You must pay employees their paid sick leave in the same pay period that it was used, unless you require verification for absences exceeding three days. You must have written policy if you require verification. In addition to the minimum requirements of the paid sick leave law, employers can provide optional programs to augment or even replace parts of a basic paid sick leave program.

Any use of these optional programs must also meet the minimum requirements of the paid sick leave law. Employers are required to have a written paid sick leave policy before implementing any of these optional programs.

Time increments

You must allow employees to use paid sick leave in increments consistent with your normal payroll practices. For example, if you track your employees' work in 15-minute increments, then employees can use their paid sick leave in 15-minute increments.

Employers can apply to L&I for a paid sick leave increments of use variance. Not all municipalities will accept this variance (e.g., the City of Seattle).

Paid Sick Leave

Paid sick leave balances and availability

Once an employee has reached 90 calendar days of employment, you must record and credit accrued paid sick leave to an employee's available balance during your usual pay cycle (e.g., weekly, biweekly, semi-monthly, monthly, etc.), but no later than 30 days after the leave was accrued.

At least once a month, employees must be given a notice that shows:

- The amount of paid sick leave they accrued since the previous notice,
- The amount of paid sick leave used since the previous notice, and
- The employee's current, unused paid sick leave balances available for use.

You can satisfy these requirements by including this information in your employees' payroll statements.

Paid time off (PTO)

PTO programs combine an employee's paid sick leave, vacation time, and other leave into a single pool of paid time off. This combined time off can typically be used for any reason allowed by the employer, but must also be available to be used as paid sick leave if the employer wants the PTO program to cover the paid sick leave law's minimum requirements.

If you offer a PTO program to meet the state's paid sick leave requirements, it must meet the state's minimum accrual rate, normal hourly compensation, carryover, notification, and access requirements. You must also have written paid sick leave policy.

If an employee uses their PTO for vacation or other leave and not for sick leave, and requests additional paid sick leave time after they have used all of their accrued PTO, employers are not required to provide any additional PTO to cover their request as long as their PTO program meets the minimum paid sick leave requirements.

Employees' rights

You must provide an employee with a written or electronic notification of their paid sick leave rights by their first day of employment.

Employers cannot require employees to cover their shift before taking paid sick leave. They cannot be required to work a substitute shift when they use paid sick leave time.

- If both the employee and employer agree, an employee can work a different shift, or trade shifts with another employee instead of using paid sick leave.

Paid Sick Leave

Employees' unused paid sick leave balances of 40 hours or less must carry over from year to year. Employers can offer a more generous carryover policy.

Employees' unused paid sick leave balances must be reinstated if an employee is terminated or leaves their job for any reason and returns to the same employer within 12 months.

- Paid sick leave balances are not required to be reinstated if they are paid in full to the employee when employment ends.
- Paid sick leave balances do not have to be cashed out or paid when employment ends, unless another state law or a collective bargaining agreement requires it.

When an employee leaves their job for any reason, you can optionally cash out any sick leave balances. Balances not cashed out must be reinstated if the employee is rehired within 12 months.

Reasonable notice

If you want your employees to provide reasonable notice for their use of paid sick leave, you must have a written policy or a collective bargaining agreement that addresses it.

Reasonable notice requirements cannot interfere with an employee's right to use paid sick leave.

- For foreseeable events, such as appointments scheduled in advance, you can require up to 10 days' notice, or as early as practical. For example, a last-minute appointment scheduled 3 days in advance would require only 3 days' notice, or as early as practical.
- For unforeseeable uses of paid sick leave, you can require employees to notify you as soon as possible before the start of their shift, unless it is impractical to do so.
- If an employee cannot reasonably provide notice, another person can give notice for them.

Verification requirements

For absences exceeding three required work days or longer, you can require an employee to provide verification that their paid sick leave absences are for an authorized purpose.

Paid Sick Leave

However, you must include any verification requirements in your written paid sick leave policy. This policy must:

- Give employees at least 10 calendar days after the first day of absence to provide verification.
- Detail an employee's right to appeal the verification requirement if it causes an unreasonable burden or expense on the employee.
- Allow an employee to present oral or written statements that their absence was allowable under the paid sick leave law and that the employer-required verification would create an unreasonable burden or expense for the employee.
 - ◊ You must consider your employee's statement and respond within 10 calendar days by either:
 - accepting the employee's oral or written statement, or
 - providing an alternate method of getting verification, such as helping to pay the employee's out-of-pocket expenses to get a doctor's note, etc.

Family Care Act

Washington Family Care Act (FCA) allows employees to take any paid leave offered by their employer to provide treatment or supervision for a child with a health condition or to care for qualifying family member with a serious or emergency health condition. The FCA cannot be used for an employee's personal condition.

The FCA allows employees to choose the type of leave from any earned, paid leave benefit including:

- Paid sick leave
- Vacation
- Paid time off (PTO)
- Personal holidays
- Specific short-term disability plans

Discipline and retaliation

Use of paid sick leave time cannot be counted as an absence that leads to, or results in, any type of discipline. An employer cannot discipline an employee for using paid sick leave for authorized purposes, or for filing a complaint under the law.

It is unlawful for an employer to interfere with, restrain, or deny the exercise of any employee's rights, including the lawful use of paid sick leave. If an employee thinks they are being or have been retaliated against by their employer for asserting their rights under the Minimum Wage Act, they have 180 days to file a claim, unless there are extenuating circumstances. L&I is required to investigate all such claims.

Paid Sick Leave



ADDITIONAL RESOURCES

Washington Hospitality Association

[Paid Sick Leave toolkit](#)

Labor & Industries

[Paid Sick Leave Law Fact Sheet](#)

[Paid Sick Leave Minimum Requirements](#)

[Sample Paid Leave Policies and Notification Forms](#)

[Family Leave Act](#)

Local Resources

[Seattle Paid Sick and Safe Time](#)





Paid Family & Medical Leave

(State agency oversight: Washington State Employment Security Department)

Washington's Paid Family and Medical Leave program allows eligible workers to take up to 12 weeks of paid medical leave or family leave, or up to 16 to 18 weeks of combined medical and family leave in a year.

The program is administered by the Employment Security Department.

Nearly every Washington worker can qualify for Paid Family and Medical Leave if they've worked a minimum of 820 hours (about 16 hours a week) in Washington over the last year.

The 820 hours can be at one job or combined from multiple jobs. Full-time, part-time, temporary and seasonal work counts.

The duration of an employee's leave is the amount of time for which they are approved based on their healthcare provider's certification, or the length of time that is standard for their event (like 12 weeks for family leave).

They do not have to take their leave all at once. For example, they may take two days a week for ongoing treatments related to a serious health condition.

Notification

You are required to inform your employees about Washington's Paid Family and Medical Leave program by posting a notice in a place customarily used to post other employment-related notices.

You may also want to share a paystub insert with employees to explain the withholding.

If you have an employee who is taking time off for their health condition, or to care for a family member with a health condition,

Paid Family & Medical Leave

you must let the employee know they may qualify for Paid Family and Medical Leave within five business days of learning of the qualifying event.

Get posters, notices and sample paystub inserts from the Employment Security Department at paidleave.wa.gov/help-center/employers.

Premiums

Paid Family and Medical Leave is funded by premiums paid by employees and employers.

Businesses with fewer than 50 employees do not have to pay the employer portion of the premium, but employees at small businesses pay their portion, just like employees at large businesses.

Employers must still remit the employee portion of the premium.

In 2023, the premium rate is 0.8% of each employee's gross wages, not including tips, up to the 2023 Social Security cap (\$160,200). This premium is divided between the employer and the employee as follows:

Employee premium (mandatory for all employees)

In 2023, up to 72.76% can be paid by the employee. Employers are required to either withhold this amount from each employee's paycheck or pay it on their employees' behalf. Employers then submit this portion of the premium to the state along with their quarterly reports.

Employer premium (mandatory for businesses with 50+ employees)

About 27.24% of the premium is the employer's share. If your business has 50 or more employees, you must pay the employer share of the premium. This is determined each September and takes effect the following January for that full calendar year. If you have fewer than 50 employees, you don't have to pay the employer premium unless you have received a small business assistance grant.

All employers may either withhold employees' premiums from their paychecks or pay some or all of the premium on their employees' behalf. Employers cannot collect missed premiums in later pay periods.

Quarterly reporting and premium payments

Every quarter, all employers must complete and file a report and pay Paid Family and

Medical Leave premiums. Here's what your report should include:

- Basic details about your business and employees
- Each employee's total hours worked, including paid time off
- Each employee's total wages, excluding tips

Small business assistance grants

Employers with fewer than 50 employees are eligible for grants to help cover costs associated with employees on leave.

Paid Family & Medical Leave

If you added a new employee to your payroll to replace an employee on Paid Leave, you can apply for a grant of up to \$3,000 to cover adding a temporary employee.

If you did not add a new employee to your payroll but had other wage-related costs like paying additional wages to an existing employee, using a temp agency or purchasing additional equipment, you can apply for a wage-related costs grant of up to \$1,000.



ADDITIONAL RESOURCES

Washington Hospitality Association

[Paid Family & Medical Leave toolkit](#)

Labor & Industries

[Paid Family & Medical Leave Help Center](#)

Employment Security Department

[Paid Family & Medical Leave - Business Resources](#)





P

regnancy Accommodations & Pregnancy and Parental Leave

Workers are protected against pregnancy-based discrimination and harassment at work under the federal Pregnancy Discrimination Act. They may also have a legal right to work adjustments under the Americans with Disabilities Act and additional rights under other federal laws such as the Family and Medical Leave Act.

In Washington, several state laws allow certain employees to take job-protected leave to care for and bond with a new child, or to respond to pregnancy-related conditions before and after the delivery of a child. Please see the Paid Sick Leave and Paid Family & Medical Leave for information on paid and unpaid leave requirements under these programs.

Washington also has a workplace pregnancy accommodation law that provides protections for employees who have health conditions related to pregnancy or childbirth. This law applies to all employers with 15 or more employees. Under Washington's pregnancy accommodation law, you may not:

- Refuse to consider an accommodation from a pregnant employee.
- Fail to implement reasonable accommodations.
- Retaliate against a pregnant employee who requests an accommodation or a change in work environment, or who has made a complaint under this law.
- Deny employment opportunities to an otherwise-qualified employee if the denial is based on their need for reasonable accommodation. This could include hiring, opportunities for promotion, compensation, etc.
- Require a pregnant employee to take leave if other solutions can be provided.

Pregnancy Accommodations & Pregnancy and Parental Leave

Employers must provide the following accommodations for a pregnant employee if they request:

- Frequent, longer, or additional restroom breaks.
- Modified food or drink policies.
- The ability to sit more frequently.
- Not to lift objects over 17 pounds.
- The need to express breast milk.

Note: Employers cannot request a doctor's note for the above accommodations. Employers can request documentation from a health care provider outlining the need for accommodation when a pregnant employee requests:

- Job restructuring including:
 - ◊ Schedule changes such as part-time or modified work schedules.
 - ◊ Job reassignments.
 - ◊ Providing or modifying equipment or devices.
- Changes to their workstation.
- Scheduling flexibility for prenatal visits.
- A temporary transfer to a less strenuous or less hazardous position.
- Any further accommodation needed by the employee.

After receiving an accommodation request, the employer must review how they can reasonably accommodate the request. If the request creates an "undue hardship," they may decline the request or suggest a reasonable alternative.

If an employee feels that their request is reasonable and it is denied by their employer, the employee can file a complaint with the Attorney General's Office.

Undue hardship

An undue hardship is an action requiring significant difficulty or expense. Employers must prove that an accommodation would cause an undue hardship.

Employers cannot claim undue hardship for:

- Frequent, longer, or additional restroom breaks.
- Modifying food or drink policies.
- Providing seating for employees who stand or allowing the employee to sit more frequently.
- Limiting lifting to 17 pounds or less.

Employers are not required to create additional employment that they would not otherwise have created, unless they would do so for another class of employees who need accommodation.

Pregnancy Accommodations & Pregnancy and Parental Leave

Accommodations after the birth of a child

Workplace accommodations can be requested after childbirth as well. Under Washington State Law, employers are required to provide:

- A reasonable break time for an employee to express breast milk for two years after the child's birth and each time the employee has need to express milk.
- A private location, other than a bathroom, if a location exists at the place of business or worksite which may be used by the employee to express breast milk.
- If the business location does not have a space for the employee to express milk, the employer will work with the employee to identify a convenient location and work schedule to accommodate their needs.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Pregnancy Accommodations](#)

Labor & Industries

[Pregnancy Accommodations](#)

Local Resources

[Legal Rights of Pregnant Workers under Federal Law](#)

[Attorney General's Office: Pregnant Workers' Accommodation Rights](#)





D

omestic Violence Leave

Washington state provides survivors of domestic violence, sexual assault, or stalking, the opportunity to take time off from work.

This leave is available to all employees and qualifying family members.

Survivors and their family members can use domestic violence leave for:

- Legal or law enforcement assistance and court proceedings.
- Medical and psychological help.
- Help from social service programs.
- Safety planning.
- Relocating.

Domestic violence leave is not limited by an employee's available paid time off or paid sick leave. It can include reasonable amounts of unpaid leave.

Leave can be used as a single block of time, intermittently, or on an adjusted schedule. An employee's job is protected by law when using this leave.

Safety accommodations

Employees can request a reasonable safety accommodation related to domestic violence, unless they create an undue hardship.

Domestic Violence Leave

Accommodations include:

- A job transfer or reassignment.
- Changing work telephone or email.
- Implementation of safety procedures.
- Employers must provide reasonable safety accommodations when requested, unless it creates an undue hardship.

Documentation

Employers can request documentation to support an employee's request for leave or accommodation.

Documentation can include:

- Police report or court documents.
- Employee's written statement.
- Statement from a provider, clergy, or advocate.

Employers must protect the employee's rights to privacy and should treat reports of domestic violence with discretion. All protected, sensitive, or confidential documentation, reports, and records must be handled according to all applicable state and federal privacy laws.

Retaliation

Employers cannot retaliate or discriminate against an actual or perceived survivor of domestic violence, sexual assault, or stalking or any qualifying family member. Employers must accommodate requests for time off or safety accommodations, and allow employees to use any available paid or unpaid leave as needed.

ADDITIONAL RESOURCES

L&I Resources

[Domestic Violence Leave](#)

Other Resources

[Employment Security Department: Domestic violence poster](#)





M

ilitary Families & Emergency Service Personnel Leave

Military Family Leave

An employee whose spouse has received an impending call to active duty during a period of military conflict may take up to 15 days of job-protected leave from work.

Their spouse must be a member of the armed forces or National Guard to be eligible. This leave also applies to reservists who have been called to active duty.

To qualify:

- Employees must work an average of 20 or more hours per week.
- Leave must be taken prior to or during deployment.
- Employees can use any combination of accrued paid time off, or unpaid leave.
- Employees must notify their employer within five business days of receiving notice of deployment.

Leave for certain emergency service personnel

Employers with 20 or more full-time employees must allow certain emergency service personnel to arrive late and be absent from work when working at, or returning from, a fire alarm or emergency call.

Participating in training or other nonemergency activities is not protected.

Military Families & Certain Emergency Service Personnel Leave

Emergency service personnel with rights to leave work or arrive late in connection with their emergency services include:

- Volunteer firefighters.
- Reserve officers.
- Members of the Civil Air Patrol.

An employer cannot retaliate against fire or discipline qualified employees for using this leave.

Employees are protected regardless of any reimbursement they receive or if they get a call at work or elsewhere.



ADDITIONAL RESOURCES

Labor & Industries

[Leave for Military Families and Certain Emergency Service Personnel](#)





M **inimum wage**

Washington employers must pay most employees at least the state minimum wage for every hour worked.

Each year, L&I makes a cost-of-living adjustment to the Washington state minimum wage based on the federal Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The new minimum wage is announced on Sept. 30 and takes effect Jan. 1.

The Washington state minimum wage for 2023 is \$15.74 per hour.

Under certain circumstances, employers can apply for permission to pay employees less than the state minimum wage. L&I may issue a certificate allowing a subminimum wage if an employer meets the specific requirements. Employers may not pay a subminimum wage unless it has been approved by L&I.

- Certificated on-the-job learners (no less than 85% of minimum wage)
- Certificated student workers and student learners (no less than 75% of minimum wage)
- Certificated workers with disabilities (Beginning July 31, 2023, L&I will no longer issue subminimum wage certificates for workers with a disability.)
- Certain apprentices

Washington State
Minimum Wage - 2023

\$15.74
per hour

Minimum Wage

Note: If an employer wishes to pay workers less than the federal minimum wage, they must also apply for permission through the U.S. Department of Labor in addition to L&I. Businesses may not use tips or an employee's portion of a service charge as part of an employee's hourly minimum wage.

The cities of Seattle and SeaTac, have local minimum wage rates and different labor rules than Washington state. Tukwila has a minimum wage ordinance that goes into effect July 1, 2023. Employers must pay the local minimum wage if it applies to their business and follow local labor rules if they are more generous than state requirements.

Check with your municipality to confirm your local responsibilities.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Toolkit: Wages & Salaries](#)

Labor & Industries

[Minimum wage](#)

[Statewide poster](#)

Local Resources

[Seattle Office of Labor Standards](#)

[City of SeaTac Economic Standards ordinance](#)

[Tukwila Minimum Wage and Fair Access to Additional Hours of Work ordinance](#)





E qual Pay & Opportunities Act

The Washington State Equal Pay and Opportunities Act prohibits gender pay discrimination and promotes fairness among workers by addressing business practices that contribute to income disparities between genders. Both employees and applicants have rights under this law.

It is unlawful to base an employee's pay or career advancement opportunities on their gender. Employees also have the protected right to discuss their wages and have the right to access certain wage and salary information.

Equal pay

Gender cannot be a reason for pay differences between employees with similar jobs. Determining if employees have similar jobs is based on skill, effort, and responsibility, not based on job titles. Differences in pay for similar jobs may be acceptable only in certain circumstances.

Acceptable reasons for a difference in pay
Unequal compensation among employees of different genders may be acceptable if the difference is based on justifiable factors, not related to gender.

Acceptable factors for differences in pay may include:

- Differences in education, training, or experience.
- Seniority.
- Merit/work performance.
- Measuring earnings by quantity or quality of production.
- Regional differences in compensation.
- Differences in local minimum wages.
- Job-related factors consistent with business need.

Employers bear the burden of proof to justify why pay differences exist. An employee's previous wage or salary history cannot be used to justify gender pay differences.

Equal Pay & Opportunities Act

Equal career advancement opportunities

Employers cannot limit or deprive an employee of career advancement opportunities on the basis of gender.

Acceptable reasons for differences in career advancement opportunities

Differences in career advancement opportunities among genders may be acceptable if the difference is based on:

- Differences in education, training, or experience.
- Seniority.
- Merit/work performance.
- Measuring earnings by quantity or quality of production.

Open wage discussions

Employers cannot prohibit employees from disclosing, comparing, or discussing their wages or the wages of other employees.

Wage non-disclosure agreements for employees are prohibited. Employers can require employees who have access to other employees' wage information as part of their job duties, to keep that information confidential.

Protection from discrimination, retaliation, and firing

Employers cannot take any adverse action against an employee for discussing wages, filing a complaint, testifying in a proceeding related to the law, or exercising other protected rights granted under the Equal Pay and Opportunities Act.

Additionally, employers cannot retaliate against employees who ask about their wages or lack of opportunity for advancement.

Access to wage or salary information

Employers must provide an employee who is offered an internal transfer or promotion with the wage scale or salary range of their new position, upon request by the employee.

Employers with fewer than 15 employees do not have to meet this requirement.

Pay transparency

Starting January 1, 2023, employers with 15 or more employees will be required to include wage, benefits and other compensation information in external and internal job postings.

A job posting means any ad, social media outreach, or similar promotion that seeks an applicant for a specific position.

Under the new requirements, employers must disclose in all internal and external job postings:

- Wage scale or salary range
- General description of all benefits, and
- General description of all other compensation

Equal Pay & Opportunities Act

Complimentary Equal Pay & Opportunities Act consultations

L&I offers free customized consultations to help employers understand the impact the Equal Pay and Opportunities Act might have on their organization and employment practices, and provide a proactive evaluation of possible specific risks.

Visit lni.wa.gov/workers-rights/wages/equal-pay-opportunities-act or call 360-902-6625 to request a consultation.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Toolkit: Wages & Salaries](#)
[2023 Pay Transparency Requirements](#)

Labor & Industries

[Equal Pay & Opportunities Act web page](#)
[Equal Pay & Opportunities Act Q&A](#)
[Equal Pay & Opportunities Act Employer Resources](#)
[Equal Pay & Opportunities Act Employer Consultations Fact Sheet](#)
[Job posting requirements factsheet](#)
[Administrative Policy ES.E.1](#)





Tips, Tip Pooling & Service Charges

Tips

Employers must pay all tips to employees, as defined under the Minimum Wage Act. Businesses may not use tips as part of an employee's hourly minimum wage. You may not take tips for company use or to pay employee wages. Tip crediting isn't allowed in Washington. Tips are in addition to, and not a part of, an employee's state hourly minimum wage.

Employers, managers, or supervisors may accept tips only for services they directly provide. Managerial or supervisory workers who are salaried may not be part of a tip pool.

Employers may establish tip pools or require employees to "tip out" other employees. Employers are strongly encouraged to create clearly written policies for tip pooling arrangements and share written copies of the policy with employees. Employers are also encouraged to have employees sign an acknowledgment that they have received a written copy and understand the company's tip pooling policy.

Tip pools or tip outs:

- Cannot include salaried supervisors, managers and business owners.
- Can include employees who are not directly serving a customer, such as kitchen staff and hourly lead workers.
- Must be in addition to, and not a part of, an employee's state hourly minimum wage.
- Employees cannot be required to contribute more than they received in tips to a mandatory tip pool.

Tips, Tip Pooling & Service Charges

Employees may voluntarily have a tip-sharing agreement. However, an employer is not required to assist in administering voluntary tip-sharing agreements.

Service charges

A service charge is a mandatory fee an employer may charge for services that an employee provides.

To customers, service charges may appear to replace a tip. Because of this, state law requires clear disclosure of who receives the service charge. Service charges also include mandatory gratuities and delivery charges.

Under state law:

- If a business imposes a service charge, it must clearly disclose on the receipt *and* menu how much, if any, an employee who provides services will receive from the service charge.
- If nothing is disclosed, or the disclosure is unclear, then the entire service charge must be paid to the employee who provides services to the customer.
- The employee portion of a service charge is in addition to, and not a part of, an employee's state hourly minimum wage.

A surcharge that is not related to services provided by an employee such as a fuel surcharge, late fee, cancellation fee, or parking fee, is not a service charge.

Recordkeeping: Employers must record the amount paid each pay period to their employee, including tips and the portion of a service charge an employee receives.

Payday: Employers can allow employees to take their tips and service charges when they are earned, or they can provide them on the paycheck covering the same pay period.

Deductions: Employer are not allowed to deduct cash register shortages or other business expenses from tips or service charges paid to the employee.

Processing fees: Employers can deduct only a portion of processing fees from tips or service charges paid with a credit or debit card.

For example, if a \$10 tip is processed by a company that charges a 1% transaction fee, the employer could deduct 10 cents to cover that portion of the fee.

Tips, Tip Pooling & Service Charges

Taxes on tips and service charges

Employers are required to withhold taxes from tips and service charges. Employers should only withhold taxes from the amount employees receive from a tip pool - not the amount they put into the tip pool.

If tips or service charges are paid out on a nightly basis, employers may later account for the payment in paychecks in order to withhold taxes. The amount would be shown as an addition and a deduction since the money was already paid.

TIPS

Tips and service charges paid to an employee must be in addition to an employee's state hourly minimum wage.

Washington law says you must disclose the percentage of the service charge that goes directly to employees on the menu AND on the receipt.

If you fail to provide a disclosure in both places, the entire service charge is do the employee(s) who provided service.

Samples of clear disclosure language for service charges are available in L&I's Administrative Policy: Tips, Gratuities, and Service Charges ([link below](#)).

ADDITIONAL RESOURCES

Washington Hospitality Association Resources

[Tip Pooling Toolkit](#)

[Service Charges Toolkit](#)

[Ask a Lawyer Webinar: Tips, Service Charges and Class Action](#)

Labor & Industries Resources

[Tips and Service Charges](#)

[Administrative Policy: Tips, Gratuities, and Service Charges](#)

More Resources

[IRS Guidance: Tip Recordkeeping & Reporting](#)





vertime

Most employees who work more than 40 hours in a seven-day workweek must be paid overtime. Overtime pay must be at least 1.5 times the employee's regular hourly rate. Other overtime rates, like double time pay are not required under Washington state law.

Employees cannot waive their right to overtime pay.

- Employers must pay overtime to eligible workers regardless of the employer's size.
- Employers can mandate overtime work.
- Collective bargaining agreements and employers can provide overtime pay more generous than Washington law requires.

Private employers are not allowed to enter into "comp time" agreements with employees where employees are eligible for additional paid time off in lieu of paying overtime.

Overtime Exempt Employees

In 2020 L&I updated Washington's overtime rules that apply to "white collar" positions held by executive, administrative, and professional workers plus computer professionals and outside salespeople.

A worker must earn at least the minimum salary and their duties must meet a job duties test to be exempt from earning overtime. The minimum salaries are a multiplier of the minimum wage.

Overtime

There is an eight-year implementation schedule that incrementally raises the multiplier until it reaches 2.5 times the minimum wage in 2028. The pace of the increase is based on the size of the employer.

The 2023 minimum salary for exempt employees working for small employers (1-50 employees) is 1.75 times the minimum wage. That means an employee exempt from overtime pay must earn at least \$1,101.80 a week (\$57,293.60 a year).

For large employers (51 or more employees), the threshold is 2 times the minimum wage. Those employees must earn at least \$1,259.20 a week (\$65,478.40 a year).

ADDITIONAL RESOURCES

Washington Hospitality Association Resources

[Toolkit: Wages & Salaries](#)

L&I Resources

[Overtime](#)

[Overtime Administrative Policy](#)

[How to Calculate Overtime](#)

[Overtime Salary Threshold Implementation Schedule](#)





Rest Breaks & Meal Periods

Employees have a right under Washington law to take rest breaks and meal periods. (See the youth employment section for specific standards for minors.)

Rest breaks

All workers must be allowed a paid rest period, free from duties, of at least 10 minutes for every four hours worked. The right to receive paid rest breaks cannot be waived by the worker or employer. Hourly workers must be paid their regular hourly rate during their rest breaks.

Restroom breaks

Workers must be provided “reasonable access” to bathrooms and toilet facilities. Employers cannot restrict use of bathroom or toilet facilities to rigid time schedules (e.g., only during scheduled breaks), or impose unreasonable time use restrictions. Restroom breaks are paid as hours worked.

Meal periods

All workers must receive a meal period of at least 30 minutes for every five hours worked, and the meal period must be provided between the second and fifth working hour. If they work more than 11 hours in a day, then they must receive an additional meal period of at least 30 minutes. The second 30-minute meal period must be given within five hours of the end of the first meal period and for each five hours worked thereafter.

Meal periods are unpaid as long as the workers are fully relieved of duties during the entirety of their meal periods. The employer must ensure workers receive their meal period.

Rest Breaks & Meal Periods

You are required to provide meal periods, but employees may choose to waive them if the employer also agrees. The employee has the right to change their mind at any time and request a meal period. Employers are highly encouraged to obtain meal request waivers in writing. The employee has the right to change their mind, or revoke this waiver, at any time.

Paid meal breaks

Workers must be paid for meal breaks if the meal period is interrupted and they are called back to work. Employees who are required to work or remain on duty during a meal break are still entitled to 30 total minutes of mealtime, excluding interruptions. The entire meal period must be paid regardless of the number of interruptions.

An employee must be completely relieved from duty and free to spend their meal period on the premises as they please to be considered “off duty.”

Employees who remain on the premises during their meal period on their own initiative and are completely free from duty are not required to be paid when they keep their pager, cell phone, or radio on if they are under no obligation to respond to the pager or cell phone or to return to work. The circumstances in determining when employees carrying cell phones, pagers, radios, etc., are subject to payment of wages must be evaluated on a case-by-case basis.

Employees cannot waive their right to receive paid rest breaks.

If an employee is “on-call” or interrupted for work during a meal break, they need to be paid for the entire meal period.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Rest Breaks & Meal Periods 101](#)

[Employer Self-Audit Checklist](#)

[Ten-minute Breaks: Best Practices](#)

Labor & Industries

[Rest Breaks & Meal Periods](#)

[Administrative Policy: Meals and Rest Periods for Non-agricultural Workers](#)

[Age 18 and over](#)





Wages

Payroll & Personnel Records

Employers are required to keep certain payroll and personnel documents for all employees. Employees have a right to request access to these records.

Payroll records

Washington State law requires employers to keep employees' payroll records for at least three years. Employees have the right to request copies of these records at any reasonable time. The employer can keep the records in either an electronic and/or written format.

Payroll records must contain the employee's:

- Full name.
- Home address.
- Occupation.
- Date of birth (for employees under 18).
- Employment start date.
- Time of day and day of week the employee's workweek begins.
- Actual hours worked on a daily and weekly basis.
- Rate(s) of pay.
- Total wages earned (including straight time, overtime, piece work units earned, and bonuses).
- Tips and service charges earned.
- Addition to or deductions from wages.
- Additional records required for paid sick leave.

You must keep additional records if you have employees younger than 18.

Payroll & Personnel Records

Requesting records

Upon request, employers must make payroll records available to the employee within a reasonable period of time – usually within 10 business days. The employee must be allowed to inspect, review, transcribe, or photocopy the records at their usual place of employment.

Compliance

L&I may request payroll records in the event of an investigation. If an employer fails to produce the required records, they may rely on personal records of an employee involved in the investigation.

Pay stubs

Itemized pay statements, commonly known as “pay stubs,” are a record of a worker’s earnings in a pay period. Pay stubs must be provided either electronically or on paper each payday. If an employee cannot receive an electronic pay statement, then the employer must provide a written one. Employers must include the following details on each pay stub:

- The pay basis (e.g., hours or days worked, piece rate basis, or salary).
- Rate or rates of pay.
- Gross wages.
- All deductions for that pay period.
- All records required for paid sick leave.

Protecting employees’ records

Privacy laws require employers to protect employees’ personally identifying, sensitive, or health-related information from unauthorized disclosure.

Reporting data breaches

Any employer with personally identifying, sensitive, or health related information must notify employees if they are affected by an actual or suspected data breach. Notification must be given to affected employees as soon as possible, unless otherwise directed by law enforcement. If a data breach affects more than 500 people, it must be reported to the Office of the Attorney General. See the Attorney General’s Data Breach Notifications page for more details.

Destroying records

After the required state, federal, and your businesses’ retention periods for recordkeeping end, the employer must properly dispose of or destroy employees’ payroll and personnel records.

Payroll & Personnel Records

Personnel records

Personnel records detail an employee's performance, knowledge, skills, abilities, and behavior as it relates to their job. Federal law requires employers to keep employees' personnel files for at least one year. Personnel records are kept for business or legal purposes and may include:

- Worker qualifications (hiring records, past experience, academic information, etc.).
- Verification of training completed.
- Job descriptions.
- Supervisor's files.
- Performance evaluations (including disciplinary actions, corrective action plans, etc.).
- Records subject to reference for information given to persons outside the business.

The Americans with Disabilities Act prohibits employers from keeping medical information in an employee's personnel record.

Employee's right to access

Employees and former employees have a right to access their own personnel files at least once a year. Employers must allow access to any or all of an employee's records within 10 business days at the employee's usual place of employment, or a mutually agreed upon location. Employees under criminal investigation do not have the right to access their personnel record.

Petition to employer review personnel record

Employees can request that their employer review their personnel file annually. This includes all personnel records that are:

- Are regularly maintained by the employer as part of their business, and
- Can be given to persons outside of the company as a part of a "reference check"

Any information the employer determines to be irrelevant or erroneous must be removed from the personnel file. If the employee disputes the employer's determination, then the employee can add a statement containing a rebuttal or correction. Employees under criminal investigation do not have the right to modify their personnel record.

ADDITIONAL RESOURCES

Labor & Industries

[Payroll & personnel records](#)





Payroll Deductions

Employers can deduct money from an employee's paycheck under certain conditions. There are different rules for deductions taken from an employee's final paycheck and deductions during on-going employment. Many deductions require an advance agreement between the employee and the employer. Other paycheck deductions are mandatory such as federal income taxes, Medicare, workers' compensation, etc.

Some deductions are not allowed to take an employee's net pay below the minimum wage.

Allowable paycheck deductions

The following deductions may be made, even if the deduction takes the employee's wages below the state minimum wage:

- Deductions required by state or federal law, such as federal income taxes, Medicare, workers' compensation, etc.
- Court-ordered wage garnishments
- Deductions that benefit the employee, when the worker has agreed to the deductions in advance. When these deductions are made during on-going employment, the agreement must be in writing. Final paychecks can have an oral agreement. For example:
 - ◇ Personal loans (cash advances, 401(k) or retirement loan payment, bail or bond payments, etc.)
 - ◇ Personal purchases of a business's goods or services such as:
 - * Food purchases from the cafeteria
 - * Equipment purchased from employer
 - * Rent for living on employer-owned property

Payroll Deductions

- ◇ Employee's health, dental, vision, and other insurance payments or co-payments
- Deductions for medical, surgical, or hospital care or service.

For any of the deductions listed above, employers may charge retail prices and reasonable interest for loans, but they cannot otherwise financially profit or benefit.

Deductions only allowed from final paychecks

Except for the deductions listed above, any deductions from final paychecks may not take the employee's final paycheck below the minimum wage.

The following deductions are allowed only when there is an oral or written agreement between the employee and employer and the incidents described occurred during the final pay period:

- For covering a cash shortage in the till – if the business has established policies regarding cash acceptance, the employee has sole access to the till, and the employee counted the cash at the start and end of the shift.
- For covering the cost of a lost or damaged equipment – if the equipment damage or loss can be shown to be caused by the employee's dishonest or willful act.
- For acceptance of a "bad check" (NSF) or credit card purchase – if the business already has policies for check and credit card acceptance at the time of the incident.
- For worker theft – if the employee's actions are shown to be dishonest or willful and the employer files a police report.

It is the employer's responsibility to prove the employee's alleged actions and the existence of any policy, agreement, or procedure.

Employers should notify employees of all policies, agreements, and procedures for final paycheck deductions. These policies should be made in writing and signed by employees.

Prohibited paycheck deductions during on-going employment

During an on-going employment relationship, employers cannot deduct any of the following:

- Reimbursement for a customer's bad check or credit card
- Cash register shortages – even when an employee counts their till at the beginning and end of their shift, has sole access to the cash register, and is short at the end of the shift.
- Customer walk-outs, theft, or unpaid bills
- Damages to or loss of company equipment

Payroll Deductions

Retroactive paycheck deductions of workers' compensation premiums

Generally, you may deduct from an employee's paycheck one-half the Medical Aid Fund portion of the worker's compensation premium. If an employer regularly fails to deduct the employee's portion of the premium, the employer may not retroactively deduct this amount from the employees' paycheck. If the error was infrequent and inadvertent, the employer may assess if the overpayment regulation would apply.

Overpayments

An overpayment occurs when an employer unintentionally or accidentally pays more than an employee's agreed-upon wage rate or for more hours than they actually worked.

Employers can only deduct an overpayment from an employee's paycheck if it is:

- Inadvertent,
- Infrequent, and
- Discovered within 90 days of the overpayment.

If an overpayment is not detected within 90 days, the employer cannot adjust an employee's current or future wages to recoup the overpayment.

The employer must provide advance written notice and documentation of the overpayment to the employee before any adjustment is made. This notice must include the terms under which the overpayment will be recouped.

For example, an employer may offer to split the deductions for overpayment over multiple paychecks or deduct the entire amount at once. Recouping the overpayment may reduce the employee's gross wages below the state minimum wage.

ADDITIONAL RESOURCES

Labor & Industries
[Paycheck Deductions](#)





Termination & Retaliation

While Washington is an at-will employment state, employers cannot fire or retaliate against an employee who exercises a protected right or files a complaint under certain employment laws.

State law gives employees protection in the following areas:

- Minimum Wage Act, including overtime, paid sick leave, and tips and service charges
- Injured worker's claims
- Safety complaints
- Discrimination in the workplace including sexual harassment and protected classes
- Protected leave
- Equal Pay and Opportunities Act including wage discussions and gender pay equality.

L&I will investigate a complaint or refer the employee to the appropriate agency.

At-will employment

At-will employment means that employers do not need to establish cause or give notice before firing an employee.

That being said, it is against the law for an employer to fire or retaliate against an employee for discussing or filing a complaint about a violation of their protected rights.

Termination & Retaliation

It is important to also note:

- Employers are not required to give warnings or follow any particular steps before terminating an employee.
- The law does not require employers to give a worker notice before terminating their job.
- Workers may request the reason for discharge by sending a written request to the business for a signed written statement of the reason for discharge and the effective date.

Retaliation

An employer cannot take adverse actions against an employee who exercises a protected right, files or intends to file a complaint, or who has discussed potential violations of their rights. Prohibited adverse actions may include:

- Terminating, suspending, demoting, or denying a promotion.
- Reducing hours or altering the employee's work schedule.
- Reducing the employee's rate of pay.
- Threatening to take, or taking action, based upon the immigration status of an employee or an employee's family member.
- Subjecting the employee to discipline, including write-ups, verbal warnings, points, etc.

ADDITIONAL RESOURCES

Labor & Industries

[Termination & Retaliation](#)





Youth Employment

Washington state employers may hire minors for many types of jobs in the hospitality industry. You must follow specific requirements and restrictions for any worker under 18 years of age.

The minimum legal age to work in Washington state is 14 years old. The Washington Hospitality Association advises our members to avoid hiring employees under the age of 16. Therefore, this section of the toolkit will provide guidance for 16- and 17-year-old employees. Please visit the L&I website for guidance on 14- and 15-year-old employees.

Before hiring minors in your workplace, you must:

- 1. Get a minor work permit endorsement on your business license.** Apply with the Department of Revenue (DOR) for a minor work permit. L&I reviews all minor work permit requests. Once approved, DOR will issue a new business license with your endorsement. You must post this new business license once you receive it and renew it with DOR every year. A minor work permit is required even if the only minors working for your company are family members.
- 2. Get a completed parent/school or summer authorization form.** Before a minor can begin working, you must get their parent or legal guardian and their school (when in session) to complete the appropriate authorization form below. Keep a copy of these forms for your files.
 - **When school is in session** – complete the Parent/School Authorization.
 - **During summer break** – complete the Parent Authorization for Summer Work (A new summer work form must be completed every year.)

Youth Employment

3. Verify the minor's age. You must keep a copy of one of the following on file:

- Birth certificate and Social Security card
- Driver's license
- Baptismal record
- Notarized statement from the parent or legal guardian

Prohibited duties

Washington state and federal laws prohibit many jobs and duties for minor workers. Employees younger than 18 are prohibited from performing -hazardous activities including but not limited to:

- Working higher than 10 feet off the ground or floor level.
- Driving of motor vehicles on public roads to make deliveries.
- Operating forklifts or other heavy equipment.
- Loading, operating, or unloading of paper/cardboard balers or compactors.
- Operating powered meat/food slicers and grinders.
- Using powered bakery equipment such as a Hobart mixer.
- Working where there is possible exposure to hazardous substances.

These are all prohibited duties for employees younger than 18. Use the links below for a full list of prohibited duties and other helpful resources for minor employees.



Youth Employment

Hours of work

Minors are allowed to work limited hours compared to adults in Washington. In general, the hours they can work vary depending on age, the type of work, and whether school is in session.

16-17 years old are limited to the following hours of work:*

Schedule	Hours/day	Hours/week	Days/week	Start/End Time
School week	4 hours**	20 hours	6 days	7 a.m. - 10 p.m.***
Non-school week	8 hours	48 hours	6 days	5 a.m. - midnight
School week with special variance	6 hours**	28 hours	6 days	7 a.m. - 10 p.m.^

*14- and 15-year-olds have additional limitations.

** 8 hours Fri.-Sun

*** Midnight Fri.-Sat. or the day before a school holiday

^ Midnight Fri.-Sat.

The work week for minors is Sunday through Saturday and the school week is Monday through Friday. Any week with any amount of school time is considered a school week. Minors cannot work during school hours.

Also note the following restrictions:

- Minors working in service occupations such as restaurants and retail businesses must be supervised by an adult after 8 p.m.
- Only teens 16-17 years old can work overtime. All overtime rules apply for any hours worked over 40 hours in a week.
- The same hours of work apply to minors attending home school or alternative schools, and minors not enrolled in school.
- “School hours” for minors are defined as the hours their neighborhood public school is in session.
- Teens who are 16-17 years old can work non-school week hours if they are married, a parent, are taking college course like Running Start or have a high school diploma or equivalency (GED).
- Teens 16-17 years old who are emancipated by court order do not have hours of work limitations.

Youth Employment

Wages

Youth 16-17 years old must be paid at least the current state minimum wage or the local minimum wage where applicable.

Rest breaks & meal periods

Minors must be allowed a paid rest break, free from duties.

Minors cannot waive their rest break nor can they waive their meal break requirement.

Additionally youth younger than 16 years old:

- Must receive a paid rest break of at least 10 minutes for every two hours worked.
- Cannot work more than two hours without a 10-minute paid rest break or a 30-minute meal period.
- Must not work more than four hours without being given an uninterrupted meal period that must be separate from (and in addition to) their rest breaks.
- Breaks must not be scheduled near the beginning of the work shift.

Youth 16-17 years old

- Are entitled to at least a 10-minute paid rest break for each four hours worked.
- Cannot be required to work more than three hours without a paid 10-minute rest break.
- Are entitled to an uninterrupted meal break of at least 30 minutes if they work more than five hours in a day.
- Can be required to stay on the job site during a rest break.
- Breaks must be scheduled as close to the midpoint of a work period as possible.

Variations

A variance is a temporary exception to the normal work restrictions for youth under 18. There are four different variations available to employers in Washington, depending on the employer's specific needs.

Youth Employment



Employers can request a variance for minors to work:

- Additional hours.
- Earlier or later than usually allowed.
- During school hours.
- Additional hours as actors or performers in film, video, audio or theatrical productions.
- In paid worksite learning programs, including registered apprenticeships that have hazardous duties or equipment.

Employers must initiate any request for a variance. Before requesting a variance, an employer must have a minor work permit and evidence of the minor's age.

Employers must also coordinate with the minor's parent and school (during the school year) to complete a parent/school or summer authorization form. L&I cannot approve variances if they conflict with federal child labor laws.

Youth Employment

Emancipated minors

Teens 16-17 years old who are emancipated by court order do not have hours of work limitations.

They do not need to have a parent/school authorization form. Employers must still obtain a minor work permit and may not work emancipated minors in any prohibited occupation.

Employers should request documentation as proof of emancipation – typically a court order, driver’s license, or state-issued ID that indicates emancipated status.

ADDITIONAL RESOURCES

Washington Hospitality Association

[Teen Labor Toolkit](#)

Labor & Industries

[Youth Employment](#)

[Hiring Teens](#)





niforms

You are allowed to require your employees to follow a dress code.

Dress code requirements fall into two categories:

- Uniforms
- General dress codes

Employers are not required to pay for the cost of required clothing or attire unless it is considered a “uniform.”

Uniforms

Required clothing or attire is considered a uniform if it:

- Clearly identifies the employee with a specific employer.
- Has the employer’s logo.
- Is a clothing item of an uncommon color.
- Has an ethnic or historical theme.
- Is formal clothing such as tuxedos, gowns, and garments made from fine cloth.



Uniforms



Business suits and other traditional business attire are not considered formal attire. Employers are required to pay for uniforms. Employers may not deduct from an employee's wages or require a deposit for a uniform.

General dress codes

If an employer's dress code only features general requirements and allows these requirements to be met through common-colored clothing, they are not required to pay for the cost. Employers may offer to provide or pay for non-uniform dress code items.

Common colors, including light and dark variations, are:

- Tops: white, tan, and blue
- Bottoms: tan, black, blue, and gray

ADDITIONAL RESOURCES

L&I Resources

[Uniforms and General Dress Codes](#)





Washington
Hospitality
Association

510 Plum Street S.E.
Olympia, Washington 98501-1587
360-956-7279
wahospitality.org
infoteam@wahospitality.org

*In partnership with the Department
of Labor & Industries for employer
outreach and education.*



Washington State Department of
Labor & Industries

7273 Linderson Way SW
Tumwater, WA 98501-5414
360-902-5800
Ini.wa.gov

The Lodging Excellence Handbook

*A Guide to Washington State Laws &
Regulations for Lodging Properties*