

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE 2020 LABOR DAY REPORT



The Washington Attorney General's Office's Worker Protection Initiative unites multiple legal divisions, utilizing the diverse expertise of staff to protect Washington workers.

The 2020 Labor Day Report highlights the efforts made by the Attorney General's Office over the past year to support and defend workers in Washington from unfair, unsafe, and unlawful practices.

Timeline Key:



Legal Action



Advocacy Work

September



Prosecuting Wage Theft

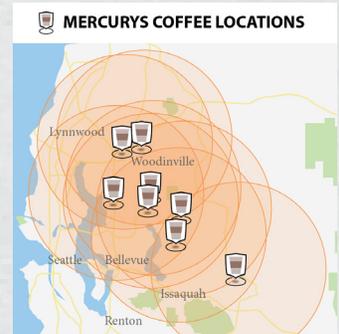
The Attorney General's Office filed criminal charges against co-owners of Advanced Cleaning Solutions and Washington Cleaning Solutions, which provided cleaning services to residents along the I-5 corridor in King County. The charges allege that the co-owners failed to pay more than \$33,000 in wages to 24 employees of their house cleaning businesses in 2017 and 2018. The case is currently pending in King County.

October



Combating Illegal Non-Compete Agreements

Following an investigation into Mercurys Coffee, the company agreed to end its use of non-compete agreements, which prevented employees from working at any coffee shop within 10 miles of a Mercurys Coffee location for eighteen months after leaving the company. For years, Mercurys Coffee required all employees — including low-wage, hourly workers — to sign these unfair and restrictive agreements. In effect, this policy prevented Mercurys baristas from working at most coffee shops in King County and parts of Snohomish County.



November

Defending Employee Rights



Attorney General Ferguson partnered with a group of state attorneys general to request information from the nation's largest private arbitration providers — AAA and JAMS — about employee access to justice when in mandatory arbitration with their employers. In response, AAA and JAMS agreed to corporate reforms that benefit employees facing arbitration.

December

Combating Discrimination Against Pregnant Women



The Attorney General's Office filed a lawsuit against Colmar, Inc. and DB Delivery, Inc., subcontractors of FedEx, and their officers, alleging that they violated Washington's Healthy Starts Act and the Washington Law Against Discrimination when they failed to accommodate and then terminated a pregnant employee because of her pregnancy-related lifting limitation. The pregnant employee was a delivery driver for both companies and was fired because her pregnancy prevented her from lifting up to 150 pounds. The case is currently pending in Pierce County.



Protecting Agricultural Workers

The Attorney General's Office, representing the Employment Security Department (ESD), successfully defended the prevailing wage rate determination for H-2A workers harvesting certain apple crops. This victory ensured that workers harvesting the apple crops benefited from the higher minimum wage set by the U.S. Department of Labor in July 2019.



Defending Paid Sick Leave

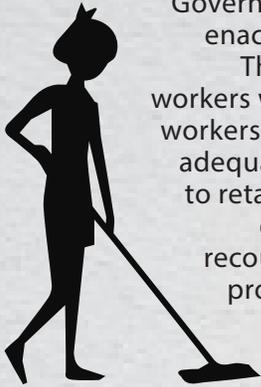
On October 11, a federal judge upheld Washington's paid and protected sick leave law, which went into effect on January 1, 2018. The Air Transport Association of America, a trade group representing airlines, unsuccessfully challenged the application of the law to the flight crews for any airlines that were members of the Association.

Standing up for Domestic Workers



Attorney General Ferguson and Governor Inslee introduced legislation to enact a Domestic Worker Bill of Rights.

The bill sought to provide domestic workers with protections afforded to other workers under Washington law, including: adequate meal and rest breaks, the right to retain personal effects and important documents, notice of termination, recourse for wage theft violations, and protection against retaliation, sexual harassment and discrimination. Unfortunately, the Washington State Legislature did not pass the bill in the 2020 session.



January



Fighting President Trump's Attempt to Undermine Worker Rights

Attorney General Ferguson filed a legal challenge to the U.S. Department of Labor's "Joint Employer" Rule. The Rule makes it more difficult for workers to ensure their employer complies with minimum wage and overtime standards and makes it easier for large employers to escape liability by contracting away their responsibilities to protect workers.

February

March

Responding to the COVID-19 Pandemic

Throughout the COVID-19 pandemic, attorneys from many divisions within the Attorney General's Office assisted with the state's response to the public health and economic emergency. This work included implementation of multiple new federal unemployment benefit programs, resulting in payments of more than \$10 billion to nearly a third of Washington's workforce, as well as guidance on issues related to infectious employees or employees exposed to COVID-19 in the workplace, screening protocols and personal protective equipment (PPE) requirements, reasonable accommodation issues, and support on the development of the Governor's Safe Start Guide.

April



Keeping Workers Safe

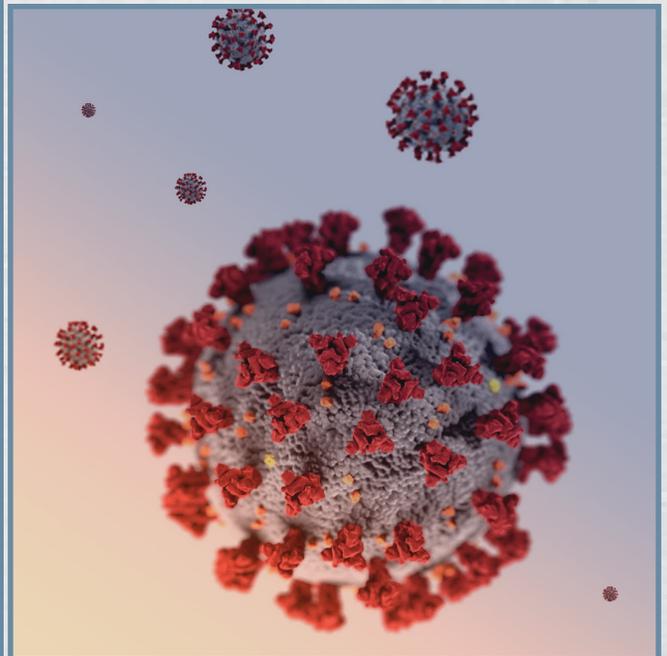


Attorney General Ferguson partnered with a coalition of state attorneys general requesting that Amazon and Whole Foods adopt a more generous paid sick leave policy for the companies' employees and independent contractors to adequately protect the health of their employees, customers, and the public during the COVID-19 pandemic.

Protecting Agricultural Workers



The Attorney General's Office, representing the Employment Security Department, successfully defended the prevailing rate of wage for H-2A workers engaged in the harvest of blueberries and obtained a court order for payment of the challenged wages.



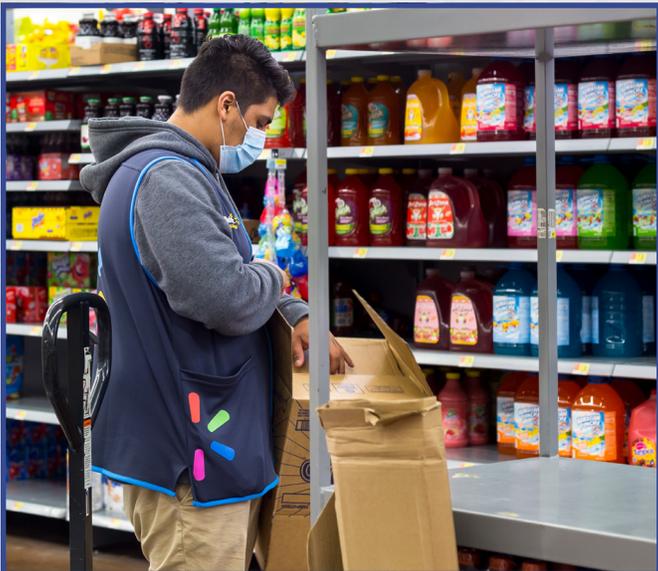


Ending Unlawful No-Poach Clauses Nationwide

Attorney General Ferguson announced that millions of workers at 237 corporate franchise chains across the country are now protected from no-poach clauses as a result of an initiative by the Antitrust Division of the Attorney General's Office. The use of these clauses prohibited workers from moving among stores in the same corporation, a practice that economists believe stagnates wages and limits growth opportunities.

Keeping Workers Safe

Attorney General Ferguson and 11 other state attorneys general sent a letter urging Walmart to adopt a number of measures to stop the spread of COVID-19, and adopt paid leave policies at least as generous as those provided by the Families First Coronavirus Response Act passed by Congress in early March. Following this and subsequent correspondence, Walmart has adopted a number of practices and policies that offer significant protections to its employees and customers.



May



Standing up for Small Businesses and Their Employees

Attorney General Ferguson and a coalition of 24 state attorneys general urged Congress to make changes to the Paycheck Protection Program (PPP) to ensure that funds are distributed fairly and equitably.



June

July



Protecting Hanford Workers

In 2018, the Washington State Legislature passed bipartisan legislation ensuring that workers at Hanford Nuclear Reservation who get sick on the job can access the health care and benefits they earned. In response, the Trump Administration took Washington state to court seeking to strike down these important protections for Hanford workers. The Washington Attorney General's Office stepped in to defend these important protections. On August 19, the Attorney General's Office won a resounding victory. A panel of federal judges unanimously ruled in Washington's favor and against the Trump Administration. The court's ruling maintains these important protections for Hanford workers.

August

