



Mandatory 2026 Updates to Washington Employee Handbooks

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These new statutory requirements—ranging from expanded leave rights to mandatory record access—will meaningfully reshape Washington employers' obligation.

Preparing for Significant Legal Changes

Washington State passed an imposing number of employment-related laws during the 2025 legislative session that have already taken effect or will soon.¹ With many employers thinking about updating their handbooks as the New Year approaches, here is a summary of new Washington laws that will impact any handbook review.

Paid Sick Leave • Domestic Violence Leave • Personnel Records

Paid Sick Leave was expanded (amending RCW 49.46.210) to give workers the right to take protected paid sick leave for **immigration proceedings** (effective 7/27/2025) and for **victims of hate crimes** (effective 1/1/2026)

Domestic Violence Leave was expanded (amending RCW 49.76) to allow reasonable, unpaid time off and safety accommodations for the **victims of hate crimes**. "Hate crimes" is defined as the commission, attempted commission, or alleged commission of an offense described in RCW 9A.36.080. "Hate crime" includes, but is not limited to, offenses that are committed through online or internet-based communication." (effective 1/1/2026)

Expanded employee access was granted to **personnel records**. Employers now must provide written copies "at no cost" to employees within 21 calendar days of receiving a request. See RCW 49.12.250. Failure to follow the law risks fines and gives the employee the right to sue for costs and attorneys' fees. (effective 7/7/2025)

¹ For a complete list of all employment laws passed in the 2025 legislative session, please refer to the [Summary of Legislation - 2025 Session](#) starting at page 67 ("Labor & Workplace Standards").

² Proper and timely notice is required at multiple points, including (1) within at least five days of receiving employee notification that he/she intends to take leave, (2) monthly for the duration of the employee's 12-month leave year, and (3) within five days of an employee's expected reinstatement. These requirements may be further flushed out once the Washington Employment Security Department publishes the new regulations it is still developing and expected before the New Year.

Proactive handbook updates remain one of the most effective ways to safeguard your organization and maintain compliance amid rapidly evolving laws.

Paid Family & Medical Leave

Paid Family and Medical Leave was significantly expanded (amending 50A.05) as follows:

- **Job restoration rights** upon return from protected leave were formally reserved for businesses with 50 or more employees, but job restoration rights are now extended to most employees working for businesses according to the following schedule (see RCW 50A.35.010(6)(i)):
 - **25 or more** employees beginning 1/1/2026
 - **15 or more** employees beginning 1/1/2027
 - **8 or more** employees beginning 1/1/2028
- The employer may opt to limit **leave stacking** (consecutive taking of FMLA and PFML) with proper and timely² notice. See RCW 50A.35.010(8).
- **Health insurance continuation** is required for the duration of PFML leave (if the employee also has job restoration rights now extended to most small employers) regardless of overlap with FMLA. See RCW 50A.35.020.

Coming in 2026 & 2027

Be aware that more changes are coming in mid-2026 and 2027 based on recent legislation. Employers should decide now if they want to fold in these new requirements in this year's handbook review.

New rules about **criminal background checks** take effect 7/1/2026. Changes to Washington's Fair Chance Act (RCW 49.94) prohibit employers from running criminal background checks until after a conditional employment offer. Employers will be further restricted on what they can consider (i.e., only conviction, not arrest records) and must give the applicant at least two business days to correct or explain the conviction before the employer can withdraw any conditional employment offer.

New **pregnancy and lactation accommodations** will be required starting 1/1/2027. A new RCW 49.92 requires, among other things, that employees be accommodated to express breast milk for up to two years after the child's birth, and in situations where there is no private location within the workplace to express milk, pay the employee for time needed to travel to an agreed on private location.

Your Obligation to Employees

When updating handbooks, remember to tell employees about the update. Even with disclaimers in handbooks reserving the right of employers to make changes, **Washington courts routinely require employers to give reasonable notice of handbook changes** to affected employees before the employer may enforce a new or revised policy.

Keeping up with key legislative changes in Washington is important to (1) inform employees about their rights and (2) to **protect the company from needless complaints** to local and state agencies tasked with overseeing employer compliance with the ever-growing list of employment protections in Washington State. Attorneys at Employer Solutions Law are ready to assist you in your handbook updates. Making this investment now will help you avoid or minimize disputes, distrust, and disruption in the future.

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