Testimony in support of HB 2957 (2025)

Chair Grayber, Vice Chairs Elmer and Muñoz, and members of the Committee,

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project (NWJP). Thank you for the opportunity to provide testimony on this important bill. We represent workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being in a protected class or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

Each month, a different NWJP attorney reviews incoming cases. My month just ended so I believe I have a fresh sense of the situation workers are in when they need an employment attorney. Last month and every month, we hear from workers who have gone through the BOLI process and gotten a "90 day letter." As you have heard, BOLI issues both a determination (where they find substantial evidence of discrimination, or not) and a Right to Sue notice, telling workers they have 90 days to file in court. This letter can be confusing and overwhelming to workers who are going through something extremely stressful. Fighting your employer is always hard due to the inherent power dynamics in non-unionized workplaces. It is even harder when you are on a very short timeline and confused about the process. You are also going through one of the most stressful life events you've experienced- being treated unfairly based on your gender, your race, your disability or other protected classes. Adding a short time-line to an already stressful situation greatly increases the pressure on workers navigating a foreign and opaque system.

Adding to this burden are the very limited legal options for Spanish speakers. NWJP tries to make good referrals to private attorneys and legal aid organizations, but we refer many cases solely to BOLI due to the small number of attorneys who take up the claims of Spanish-speaking, low-wage workers. There is a lower barrier to filing with BOLI than there is to finding a Spanish speaking lawyer who wants to take your lower-dollar value claim**.** Many workers then file there, without knowing that they are likely cutting their time to file in court, (their "statute of limitations" or SOL,) down by up to 4 years. At the end of the process, even if BOLI finds evidence of discrimination, the letter you receive tells you that you have only 90 days to file in court, a very short amount of time for a busy law office to decide to take a case, work it up and file it**.**

When workers come to us with a 90 day letter, we are often one of their only options (in addition to OLC and LASO, whose caseload is often full). We almost never are able to take their case with that 90 day deadline looming, even if they come on day 1, which they rarely do. Our office caseload is always over-full. We only take cases where we know we will have a good amount of time to work it into our caseload, research the claims and facts, write a complaint we can stand behind and file within the SOL. We often say to workers whose cases we are willing to take,

"we will not be able to start working on your case for a number of months, so you are free to find another attorney in this time." If a low-wage worker has less than 90 days to find an attorney, their chances go from slim to very slim.

The current process is also very confusing for workers to navigate. Someone I know personally (who is not in a low-wage position) recently went through the BOLI process and got a 90 day letter. He is an educated person in a tech job, and still did not understand that he had only 90 days in which to file a lawsuit- he thought he had to respond to BOLI within the 90 days.

Certain claims require what is called administrative exhaustion- that means you must first go to the relevant agency before you can file in court. Many EEOC claims require this. If you plan to file a lawsuit under *federal* law alleging discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or retaliation, you must exhaust your administrative option. However, *state* law claims generally do not require this. So in state court, you do not have to go to BOLI first, (though BOLI is the only option for many workers, as I talk about above). A 90-day letter from EEOC almost always come near the end of the 1-year investigation period, and rarely shortens a worker's statute of limitations. At BOLI, discrimination claims are almost always dismissed with much more than 90 days left on the SOL and sometimes up to 4 years, so workers are losing a lot of time to find an attorney and file in court.

A second part of this bill has to do with a tricky and unfair practice we are seeing more and more often in employment settings. Employers are requiring workers to sign a contract when they start work that shortens the amount of time they have to bring claims. These contracts say that even if you have one to five years to file in court after experiencing retaliation or discrimination, by signing the document, you only have 180 days (or some other shorter amount of time) in which to take action. Private contracts like these should not override the legislature who has thoughtfully established SOLs. I do think the current draft of Section 2 of the bill is overbroad and should be clarified- to the effect that this section has to do with shortening the SOL by contract, not in regards to any settlement agreements a worker may willingly enter into.

It makes common sense that you should not be penalized for filing with BOLI. You should not be put in the stressful situation of having only 90 days to find an attorney and file in court, when you otherwise would have much more time. I urge your yes vote.

Thank you.