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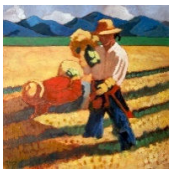

Employment Law Note

FEBRUARY 2026

Workers Seek to Take Another Bite: Apple and Others Face Prevalent WA Class Actions

By Julian Cano, jcano@sbj.law

Washington employers are facing increased employment class actions involving statutory penalties pursuant to laws passed in the first half of this decade or due to recent major verdicts. On December 17, 2025, Apple, Inc. ("Apple") was sued in King County Superior Court on claims they violated Washington State's anti-moonlighting law. Ulta Salon Cosmetics & Fragrance, Inc. ("Ulta") was involved in a similar lawsuit in 2025. In addition to these lawsuits there has been an increase in employment law class actions alleging unlawful confidentiality agreements, rest and meal period violations, and job postings that lack the necessary disclosures. The recent surge in these class action lawsuits encourage a review of workplace policies and subsequent revisions where needed.

Moonlighting Class Actions

In January 2020, Washington's noncompete act took effect. Under RCW 49.62.070, employees earning less than twice the applicable minimum wage cannot be prohibited from having a second job except for certain circumstances. Specifically, the employer "may not restrict, restrain, or prohibit" the employee from "having an additional job, supplementing their income by working for another employer, working as an independent contractor, or being self-employed." RCW 49.62.070(1). This section does "not apply to any such additional services when the specific services to be offered by the employee raise issues of safety for the employee, coworkers, or the public, or interfere with the reasonable and normal scheduling expectations of the employer." RCW 49.62.070(2)(a). This section also does not alter obligations under existing law, including the common law duty of loyalty, laws preventing conflicts of interest, and any policies addressing those obligations.

2025 saw the rise of these class actions targeting employers' policies, handbooks, and employment agreements. Ulta is awaiting a federal court decision on their motion to dismiss for failure to state a claim where Ulta has argued, among other arguments, that the handbook policy at issue was not an enforceable contract or covenant. Apple is waiting on a federal court to rule on their motion to compel arbitration. Employment attorneys on both sides are waiting to see where the chips fall.

Unlawful Confidentiality Agreement Class Actions

In June 2022, Washington's Silenced No More Act went into effect. It prohibits employers from preventing workers from discussing workplace conduct they believe involves illegal discrimination, harassment, retaliation, wage-and-hour violations, sexual assault, or conduct that clearly violates public policy.

As a result, nondisclosure and nondisparagement provisions in employee and independent contractor agreements cannot prohibit the discussion or disclosure of the conduct referenced above. These provisions are also typically found in employment, settlement, severance, and other agreements between

an employer and employee or independent contractor.

EPOA Class Actions

In January 2023, Washington's Equal Pay and Opportunities Act ("EPOA") went into effect. The EPOA requires employers to disclose compensation and general benefits information in all Washington-based job postings. In July 2025, the EPOA was amended. One of the changes, made in response to the flood of lawsuits (and employer complaints) after passage of the EPOA, requires the employer to receive five days' notice and opportunity to cure the deficiency prior to the job applicant filing suit. However, that notice-and-cure provision expires on July 27, 2027. Even still, new cases continue to be filed for alleged violations prior to the July 2025 amendment. Employers have less than eighteen months to ensure they have taken appropriate steps to avoid unpleasant surprises after the amendment expires.

Rest and Meal Breaks Class Actions

Recent notable 2024 verdicts involving employee-favorable outcomes in the Washington Court of Appeals have triggered a surge in litigation against Washington employers regarding rest and meal break claims. In *Bennett v. Providence Health & Services*, a Seattle jury awarded plaintiffs $98 million for unpaid missed second meal breaks, and $9.3 million due to timeclock rounding that benefited the employer. In *Androckitis v. Virginia Mason Medical Center*, the Washington Court of Appeals found numerous issues with the employer's policies and timekeeping systems and affirmed a multi-million-dollar stipulated judgment after granting summary judgment for the employee class.

In *Androckitis*, the employer's missed meal break policies did not provide compensation for the loss of the opportunity to receive a meal break. In addition, the employer's timekeeping system would automatically deduct the meal break time from the employees' shift, forcing employees to later edit their time entry to indicate the meal period was missed so that they could receive the additional 30 minutes on their timecard. If an employee entered a missed meal break or rest break, the system did not automatically compensate the employee for the missed break; instead, the employee's manager would receive notice and would manually approve or deny the missed paid rest break. Only if "approved" would the employee be compensated for the missed rest break. This system, while well-intentioned, was found to undercompensate employees for missed meal breaks.

Final Thoughts

Employers should review their workplace policies, timekeeping systems, handbooks, offer letters, and agreements to avoid lawsuits and potential violations of workers' rights. Don't be the next class action victim! Employers with questions regarding their workplace policies, timekeeping systems, handbooks, or agreements are encouraged to contact Sebris Busto James.

For more information about this month's Employment Law Note
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