

RCW 49.95.050 Records required of reported incidents. (1)

Covered employers are required to keep a record of any reported incidents of discrimination or abusive conduct experienced by an employee during the provision of paid personal care services. The records must be kept for at least five years following the reported act and must be made available for inspection by the department or its agents upon request. If the covered employer makes its records available to the exclusive bargaining representative representing the employer's employees, the exclusive bargaining representative may assess whether the employer is meeting the data collection requirements in this section. The department must take into consideration the exclusive bargaining representative's assessment when determining whether an employer is in compliance with this section. Covered employers must make anonymized aggregate data of reported incidents available to the work group created under RCW 49.95.060.

(2) The retained records must include:

- (a) The covered employer's name and address;
- (b) The date, time, and location of where the act occurred;
- (c) The reporting method;
- (d) The name of the person who experienced the act;
- (e) A description of the person committing the act as:
 - (i) A service recipient;
 - (ii) Another resident of the home care setting;
 - (iii) A visitor to the home care setting;
 - (iv) Another employee;
 - (v) A manager or supervisor; or
 - (vi) Other;

(f) A description of the type of act as one or more of the following:

- (i) Discrimination, including discriminatory harassment;
- (ii) Sexual harassment, inappropriate sexual behavior, or sexual contact;
- (iii) Physical sexual aggression;
- (iv) Rape or attempted rape;
- (v) Workplace verbal aggression;
- (vi) Workplace violence;
- (vii) Workplace physical aggression; or
- (viii) Aggravated workplace violence;
- (g) A description of the actions taken by the employee and the covered employer in response to the act; and
- (h) A description of how the incident was resolved.

(3) Nothing in this section requires an individual recipient of services to keep, collect, or provide any data required by this section to the department.

(4) Communication of the information in this section must be tailored to respect the privacy of service recipients in accordance with the federal health insurance portability and accountability act of 1996. [2020 c 309 s 6.]