

**RCW 50A.05.040 Ombuds.** (1) The commissioner shall establish an ombuds office for family and medical leave within the department. The ombuds shall be appointed by the governor and report directly to the commissioner of the department. The ombuds is available to all employers and employees in the state.

(2) The person appointed ombuds shall hold office for a term of six years and shall continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombuds only for neglect of duty, misconduct, or inability to perform duties. Any vacancy shall be filled by similar appointment for the remainder of the unexpired term.

(3) The ombuds shall:

(a) Offer and provide information on family and medical leave to employers and employees;

(b) Act as an advocate for employers and employees in their dealings with the department;

(c) Identify, investigate, and facilitate resolution of disputes and complaints under this title; and

(d) Refer complaints to the department when appropriate.

(4) The ombuds may conduct surveys of employees. Survey questions and results are confidential and not subject to public disclosure.

(5) The ombuds is not liable for the good faith performance of responsibilities under this title.

(6) All of the ombuds' records and files relating to any complaint or investigation made pursuant to carrying out the ombuds' duties and the identities of complainants, witnesses, workers, or employers shall remain confidential unless disclosure is authorized by the complainant worker or his or her guardian or legal representative or the employer or the employer's legal representative. No disclosures may be made outside the office of the ombuds without the consent of the named witnesses or complainants unless the disclosure is made without the identity of any of the individuals being disclosed. [2019 c 13 s 32; 2017 3rd sp.s. c 5 s 88. Formerly RCW 50A.04.205.]