

**SHB 2018 - H AMD 233**

By Representative Mosbrucker

**ADOPTED 03/07/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 42.52.070 and 1994 c 154 s 107 are each amended to  
4 read as follows:

5 (1) Except as required to perform duties within the scope of  
6 employment, no state officer or state employee may use his or her  
7 position to secure special privileges or exemptions for himself or  
8 herself, or his or her spouse, child, parents, or other persons.

9 (2) It is a violation of this section for a legislator or  
10 legislative branch employee to harass another person. As used in this  
11 section:

12 (a) "Harass" means to engage in physical, verbal, visual, or  
13 psychological conduct that:

14 (i) Has the purpose or effect of interfering with the person's  
15 work performance;

16 (ii) Creates a hostile, intimidating, or offensive work  
17 environment; or

18 (iii) Constitutes sexual harassment.

19 (b) "Sexual harassment" means unwelcome or unwanted sexual  
20 advances, requests for sexual or romantic favors, sexually motivated  
21 bullying, or other verbal, visual, physical, or psychological conduct  
22 or communication of a sexual or romantic nature, when:

23 (i) Submission to the conduct or communication is either  
24 explicitly or implicitly a term or condition of current or future  
25 employment;

26 (ii) Submission to or rejection of the conduct or communication  
27 is used as the basis of an employment decision affecting the person;  
28 or

29 (iii) The conduct or communication unreasonably interferes with  
30 the person's job performance or creates a work environment that is  
31 hostile, intimidating, or offensive.

1 (c) Examples of conduct or communication of a sexual or romantic  
2 nature include, but are not limited to:

3 (i) Lewd or suggestive comments, jokes, innuendos, questions,  
4 conversations, pictures, or gestures;

5 (ii) Sexually oriented touching, pinching, or other physical  
6 contact;

7 (iii) Requests for dates or other social encounters that may be  
8 inappropriate because of past rejections, power dynamics, or other  
9 circumstances;

10 (iv) Comments about a person's appearance that are  
11 inappropriately sexual or suggestive or are made at unacceptable  
12 times or with unacceptable frequency; or

13 (v) Repeated and unwelcome communication, including electronic  
14 communication, of a sexual, suggestive, or inappropriately personal  
15 nature.

16 **Sec. 2.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to  
17 read as follows:

18 (1) The legislative ethics board shall enforce this chapter and  
19 rules adopted under it with respect to members and employees of the  
20 legislature.

21 (2) The legislative ethics board shall:

22 (a) Develop educational materials and training with regard to  
23 legislative ethics for legislators and legislative employees;

24 (b) Issue advisory opinions;

25 (c) Adopt rules or policies governing the conduct of business by  
26 the board, and adopt rules defining working hours for purposes of RCW  
27 42.52.180 and where otherwise authorized under chapter 154, Laws of  
28 1994;

29 (d) Investigate, hear, and determine complaints by any person or  
30 on its own motion;

31 (e) Impose sanctions including reprimands and monetary penalties;

32 (f) Recommend suspension or removal to the appropriate  
33 legislative entity, or recommend prosecution to the appropriate  
34 authority; and

35 (g) Establish criteria regarding the levels of civil penalties  
36 appropriate for different types of violations of this chapter and  
37 rules adopted under it.

38 (3) The board may:

1 (a) Issue subpoenas for the attendance and testimony of witnesses  
2 and the production of documentary evidence relating to any matter  
3 under examination by the board or involved in any hearing;

4 (b) Administer oaths and affirmations;

5 (c) Examine witnesses; and

6 (d) Receive evidence.

7 (4) Subject to RCW 42.52.540, the board has jurisdiction over any  
8 alleged violation that occurred before January 1, 1995, and that was  
9 within the jurisdiction of any of the boards established under  
10 chapter 44.60 RCW. The board's jurisdiction with respect to any such  
11 alleged violation shall be based on the statutes and rules in effect  
12 at (~~the~~) the time of the violation.

13 (5) The board shall adopt rules to coordinate its investigation  
14 of a complaint that alleges a violation of RCW 42.52.070(2),  
15 prohibiting harassment and sexual harassment, with any other  
16 investigations into whether the same conduct violates the legislative  
17 code of conduct or respectful workplace policies."

18 Correct the title.

EFFECT: Makes prohibitions on harassment and sexual harassment a violation of the special privileges section. Changes wording of prohibitions on harassment and sexual harassment. Provides examples of prohibited conduct or communications of a sexual or romantic nature. Removes prohibition on unlawful discrimination.

--- END ---