

EHB 2020 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

ADOPTED 04/15/2019

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

3
4 NEW SECTION. **Sec. 1.** The legislature finds that workplace
5 harassment remains a persistent problem and there is an urgent need
6 to address barriers that prevent people from reporting harassment.
7 The United States equal employment opportunity commission select
8 task force on the study of harassment in the workplace released a
9 report in 2016 finding that ninety percent of individuals who
10 experience harassment never take formal action, and noting that
11 seventy-five percent of employees who spoke out against workplace
12 mistreatment faced some sort of retaliation. The legislature finds
13 that it is in the public interest for state employees to feel safe
14 to report incidents of harassment when it occurs and to protect
15 these employees from an increased risk of retaliation. The
16 legislature finds that the release of the identities of employees
17 who report or participate in harassment investigations increases the
18 risk of retaliation, invades the privacy of a vulnerable population,
19 and significantly reduces reporting of harassment. The legislature
20 finds that if state government can make it easier for victims and
21 witnesses of harassment to come forward and report harassment,
22 harassment issues can be dealt with before they worsen or spread.

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24 **Sec. 2.** RCW 42.56.250 and 2018 c 109 s 17 are each amended to
25 read as follows:

26 The following employment and licensing information is exempt
27 from public inspection and copying under this chapter:

- 1 (1) Test questions, scoring keys, and other examination data
2 used to administer a license, employment, or academic examination;
- 3 (2) All applications for public employment, including the names
4 of applicants, resumes, and other related materials submitted with
5 respect to an applicant;
- 6 (3) Professional growth plans (PGPs) in educator license
7 renewals submitted through the eCert system in the office of the
8 superintendent of public instruction;
- 9 (4) The following information held by any public agency in
10 personnel records, public employment related records, volunteer
11 rosters, or included in any mailing list of employees or volunteers
12 of any public agency: Residential addresses, residential telephone
13 numbers, personal wireless telephone numbers, personal email
14 addresses, social security numbers, driver's license numbers,
15 identicard numbers, and emergency contact information of employees
16 or volunteers of a public agency, and the names, dates of birth,
17 residential addresses, residential telephone numbers, personal
18 wireless telephone numbers, personal email addresses, social
19 security numbers, and emergency contact information of dependents of
20 employees or volunteers of a public agency. For purposes of this
21 subsection, "employees" includes independent provider home care
22 workers as defined in RCW 74.39A.240;
- 23 (5) Information that identifies a person who, while an agency
24 employee: (a) Seeks advice, under an informal process established by
25 the employing agency, in order to ascertain his or her rights in
26 connection with a possible unfair practice under chapter 49.60 RCW
27 against the person; and (b) requests his or her identity or any
28 identifying information not be disclosed;
- 29 (6) Investigative records compiled by an employing agency
30 (~~(conducting an active and ongoing)~~) in connection with an
31 investigation of a possible unfair practice under chapter 49.60 RCW
32 or of a possible violation of other federal, state, or local laws or
33 an employing agency's internal policies prohibiting discrimination
34 or harassment in employment. Records are exempt in their entirety

1 while the investigation is active and ongoing. After the agency has
2 notified the complaining employee of the outcome of the
3 investigation, the records may be disclosed only if the names of
4 complainants, other accusers, and witnesses are redacted, unless a
5 complainant, other accuser, or witness has consented to the
6 disclosure of his or her name. The employing agency must inform a
7 complainant, other accuser, or witness that his or her name will be
8 redacted from the investigation records unless he or she consents to
9 disclosure;

10 (7) Criminal history records checks for board staff finalist
11 candidates conducted pursuant to RCW 43.33A.025;

12 ~~((Except as provided in RCW 47.64.220, salary and benefit~~
13 ~~information for maritime employees collected from private employers~~
14 ~~under RCW 47.64.220(1) and described in RCW 47.64.220(2);~~

15 ~~(9))~~ Photographs and month and year of birth in the personnel
16 files of employees and workers of criminal justice agencies as
17 defined in RCW 10.97.030. The news media, as defined in RCW
18 5.68.010(5), shall have access to the photographs and full date of
19 birth. For the purposes of this subsection, news media does not
20 include any person or organization of persons in the custody of a
21 criminal justice agency as defined in RCW 10.97.030;

22 ~~((10))~~ (9) The global positioning system data that would
23 indicate the location of the residence of a public employee or
24 volunteer using the global positioning system recording device; and

25 ~~((11))~~ (10) Until the person reaches eighteen years of age,
26 information, otherwise disclosable under chapter 29A.08 RCW, that
27 relates to a future voter, except for the purpose of processing and
28 delivering ballots.

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1 On page 1, line 2 of the title, after "records;" strike the
2 remainder of the title and insert "amending RCW 42.56.250; and
3 creating a new section."

EFFECT: (1) Exempts records compiled by an employing agency in connection with an investigation of a possible violation of the agency's internal policies prohibiting discrimination or harassment in employment from public disclosure requirements while the investigation is ongoing, and the names of complainants, accusers, and witnesses, unless waived.
(2) Removes a subsection that refers to repealed statutes.

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