**1109-S.E AMS RIVE S3764.1 - NOT FOR FLOOR USE**

**ESHB 1109** - S AMD TO WM COMM AMD (S-3636.2/19) **493**

By Senator Rivers

**NOT ADOPTED 04/04/2019**

On page 2, after line 4, insert the following:

"The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2019-2021 fiscal biennium, the house of representatives shall require for itself and every agency within the legislative branch of state government to:

(a) Update or develop and disseminate among all its employees and contractors a policy that:

(i) Defines and prohibits sexual harassment in the workplace;

(ii) Includes procedures that describe how the house and each legislative agency will address concerns of employees who are affected by sexual harassment in the workplace; and

(iii) Identifies appropriate sanctions and disciplinary actions;

(b) Respond promptly and effectively to sexual harassment concerns;

(c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization; and

(d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964.

(2)(a) By September 1st of each year, the chief clerk of the house of representatives must report compliance with this section by the house and each legislative agency. The report must include the following information:

(i) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(iii) The nature of the corrective action taken for each complaint using categories developed by the chief clerk; and

(iv) A narrative of the changes made over this period to the employer's policies and procedures in response to complaint trends and experience.

(b) The initial report must include the data required under this subsection for each of the past three fiscal years.

(3) The chief clerk, working with the secretary of the senate, shall compile the information required in subsection (2) of this section and report annually on the following data of the house and each legislative agency:

(a) The number of sexual harassment claims for violation of state or federal law filed by employees;

(b) The number of claims that have resulted in settlement, judgment, or other payment;

(c) The number of claims that have resulted in work reassignment or other remedial action;

(d) The total cost of the claims including damages, attorneys' fees, and other costs; and

(e) The total cost to the state's liability account.

(4) The report under subsection (3) of this section is due to the legislature no later than December 1st of each year, and must be posted for the public on the house and each legislative agency's web site. The initial report is due December 1, 2019, and must include the data required under subsection (3) of this section for each of the past three fiscal years.

(5) The reports required under this section must exclude personally identifiable information of persons who have filed complaints with the house or a legislative agency. If necessary, the chief clerk may aggregate the information of legislative agencies that employ less than fifty full-time equivalent employees to protect the identity of complainants.

(6) The cost of the training programs and reporting requirements must be accomplished within existing resources."

On page 2, after line 12, after "limitations:" insert "(1)"

On page 2, after line 16, insert the following:

"(2) During the 2019-2021 fiscal biennium, the senate shall require for itself and every agency within the legislative branch of state government to:

(a) Update or develop and disseminate among all its employees and contractors a policy that:

(i) Defines and prohibits sexual harassment in the workplace;

(ii) Includes procedures that describe how the senate and each legislative agency will address concerns of employees who are affected by sexual harassment in the workplace; and

(iii) Identifies appropriate sanctions and disciplinary actions;

(b) Respond promptly and effectively to sexual harassment concerns;

(c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization; and

(d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964.

(3)(a) By September 1st of each year, the secretary of the senate must report compliance with this section by the senate and each legislative agency. The report must include the following information:

(i) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(iii) The nature of the corrective action taken for each complaint using categories developed by the secretary of the senate; and

(iv) A narrative of the changes made over this period to the employer's policies and procedures in response to complaint trends and experience.

(b) The initial report must include the data required under (a) of this subsection for each of the past three fiscal years.

(4) The secretary of the senate, working with the chief clerk of the house, shall compile the information required in subsection (3)(a) of this section and report annually on the following data of the senate and each legislative agency:

(a) The number of sexual harassment claims for violation of state or federal law filed by employees;

(b) The number of claims that have resulted in settlement, judgment, or other payment of damages;

(c) The number of claims that have resulted in work reassignment or other remedial action;

(d) The total cost of the claims including damages, attorneys' fees, and other costs; and

(e) The total cost to the state's liability account.

(5) The report under subsection (4) of this section is due to the legislature no later than December 1st of each year, and must be posted for the public on the senate and each legislative agency's web site. The initial report is due December 1, 2019, and must include the data required under subsection (4) of this section for each of the past three fiscal years.

(6) The reports required under this section must exclude personally identifiable information of persons who have filed complaints with the senate or a legislative agency. If necessary, the secretary of the senate may aggregate the information of legislative agencies that employ less than fifty full-time equivalent employees to protect the identity of complainants.

(7) The cost of the training programs and reporting requirements must be accomplished within existing resources."

On page 5, after line 18, after "limitations:" insert "(1)"

On page 5, after line 22, insert the following:

"(2) During the 2019-2021 fiscal biennium, the supreme court shall require for itself, every state appellate court, and every agency within the judicial branch of state government to:

(a) Update or develop and disseminate among all its employees and contractors a policy that:

(i) Defines and prohibits sexual harassment in the workplace;

(ii) Includes procedures that describe how the legislative agency will address concerns of employees who are affected by sexual harassment in the workplace;

(iii) Identifies appropriate sanctions and disciplinary actions; and

(iv) Complies with guidelines adopted by the court;

(b) Respond promptly and effectively to sexual harassment concerns;

(c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization; and

(d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964.

(3)(a) By September 1st of each year, the court must report compliance with this section by itself, each state appellate court, and each judicial branch agency. The report must include the following information:

(i) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(iii) The nature of the corrective action taken for each complaint using categories developed by the court; and

(iv) A narrative of the changes made over this period to the employer's policies and procedures in response to complaint trends and experience.

(b) The initial report must include the data required under (a) of this subsection for each of the past three fiscal years.

(4) The court shall compile the information required in subsection (3)(a) of this section and report annually on the following data of itself, each state appellate court, and each judicial branch agency:

(a) The number of sexual harassment claims for violation of state or federal law filed by employees;

(b) The number of claims that have resulted in settlement, judgment, or other payment of damages;

(c) The number of claims that have resulted in work reassignment or other remedial action;

(d) The total cost of the claims including damages, attorneys' fees, and other costs; and

(e) The total cost to the state's liability account.

(5) The report under subsection (4) of this section is due to the supreme court and the legislature no later than December 1st of each year, and must be posted for the public on the court, each state appellate court, and each judicial branch agency's web site. The initial report is due December 1, 2019, and must include the data required under subsection (4) of this section for each of the past three fiscal years.

(6) The reports required under this section must exclude personally identifiable information of persons who have filed complaints with the court, a state appellate court, or judicial branch agency. If necessary, the court may aggregate the information of judicial branch agencies that employ less than fifty full-time equivalent employees to protect the identity of complainants.

(7) The cost of the training programs and reporting requirements must be accomplished within existing resources."

On page 254, after line 38, insert the following:

"(8) During the 2019-2021 fiscal biennium, each institution of higher education receiving appropriations under section 605 through section 611 of this act shall:

(a) Update or develop and disseminate among all its employees and contractors a policy that:

(i) Defines and prohibits sexual harassment in the workplace;

(ii) Includes procedures that describe how the legislative agency will address concerns of employees who are affected by sexual harassment in the workplace; and

(iii) Identifies appropriate sanctions and disciplinary actions;

(b) Respond promptly and effectively to sexual harassment concerns;

(c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization; and

(d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964.

(9)(a) By September 1st of each year, each institution must report to the department of enterprise services and division of human resources in the office of financial management on compliance with this section and the following information:

(i) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(iii) The nature of the corrective action taken for each complaint using categories developed by the director; and

(iv) A narrative of the changes made over this period to the employer's policies and procedures in response to complaint trends and experience.

(b) The initial report must include the data required under this subsection for each of the past three fiscal years.

(10) The director, working with the risk management division in the department of enterprise services, shall compile the information required in subsection (9)(a) of this section and report annually on the following data for each institution:

(a) The number of sexual harassment claims for violation of state or federal law filed by employees;

(b) The number of claims that have resulted in settlement, judgment, or other payment of damages;

(c) The number of claims that have resulted in work reassignment or other remedial action;

(d) The total cost of the claims including damages, attorneys' fees, and other costs; and

(e) The total cost to the state's liability account.

(11) The report under subsection (10) of this section is due to the governor and the appropriate committees of the legislature no later than December 1st of each year, and must be posted for the public on the office of financial management's agency web site. The initial report is due December 1, 2019, and must include the data required under subsection (10) of this section for each of the past three fiscal years.

(12) The reports required under this section must exclude personally identifiable information of persons who have filed complaints with an institution.

(13) The cost of the training programs and reporting requirements shall be borne by the institution within existing resources."

On page 385, after line 35, insert the following:

"NEW SECTION. **Sec.**  (1) During the 2019-2021 fiscal biennium, every employer within the executive branch of state government shall:

(a) Update or develop and disseminate among all its employees and contractors a policy that:

(i) Defines and prohibits sexual harassment in the workplace;

(ii) Includes procedures that describe how the employer will address concerns of employees who are affected by sexual harassment in the workplace;

(iii) Identifies appropriate sanctions and disciplinary actions; and

(iv) Complies with guidelines adopted by the director of financial management under RCW 41.06.395;

(b) Respond promptly and effectively to sexual harassment concerns;

(c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization;

(d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964.

(2)(a) By September 1st of each year, report to the department of enterprise services and division of human resources in the office of financial management on compliance with this section and the following information:

(i) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(ii) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(iii) The nature of the corrective action taken for each complaint using categories developed by the director; and

(iv) A narrative of the changes made over this period to the employer's policies and procedures in response to complaint trends and experience.

(b) The initial report must include the data required under this subsection for each of the past three fiscal years.

(3) The director, working with the risk management division in the department of enterprise services, shall compile the information required in subsection (2) of this section and report annually on the following data for each employer:

(a) The number of sexual harassment claims for violation of state or federal law filed by employees;

(b) The number of claims that have resulted in settlement, judgment, or other payment of damages;

(c) The number of claims that have resulted in work reassignment or other remedial action;

(d) The total cost of the claims including damages, attorneys' fees, and other costs; and

(e) The total cost to the state's liability account.

(4) The report under subsection (3) of this section is due to the governor and the appropriate committees of the legislature no later than December 1st of each year, and must be posted for the public on the office of financial management's agency web site. The initial report is due December 1, 2019, and must include the data required under subsection (3) of this section for each of the past three fiscal years.

(5) The reports required under this section must exclude personally identifiable information of persons who have filed complaints with an employer, and if necessary, may aggregate the information of employers that have less than fifty full-time equivalent employees to protect the identity of complainants.

(6) The cost of the training programs and reporting requirements shall be borne by the employer within existing resources."

EFFECT: For the 2019-2021 fiscal biennium, requires all legislative, judicial, and executive branch agencies, including institutions of higher education, to adopt policies and conduct training to prevent sexual harassment in the workplace. Requires the collection of data and reports on sexual harassment in the workplace including trends and costs.

FISCAL IMPACT (2019-2021): $0 Near General Fund—State/$0 Total Funds

FOUR-YEAR OUTLOOK EFFECT: $0 Near General Fund—State