

ESHB 1109 - S AMD TO WM COMM AMD (S-3636.2/19) 493  
By Senator Rivers

NOT ADOPTED 04/04/2019

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

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

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

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

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

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

13 (iii) Identifies appropriate sanctions and disciplinary actions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (iii) Identifies appropriate sanctions and disciplinary actions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (iii) Identifies appropriate sanctions and disciplinary actions;

34 and

35 (iv) Complies with guidelines adopted by the court;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (5) The report under subsection (4) of this section is due to the  
38 supreme court and the legislature no later than December 1st of each  
39 year, and must be posted for the public on the court, each state  
40 appellate court, and each judicial branch agency's web site. The

1 initial report is due December 1, 2019, and must include the data  
2 required under subsection (4) of this section for each of the past  
3 three fiscal years.

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

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

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

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

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

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

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

22 (iii) Identifies appropriate sanctions and disciplinary actions;

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

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

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

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

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

37 (ii) The number of those complaints that were reviewed and  
38 determined not to require an investigation, the number that were

1 investigated, and the number that were determined to be substantiated  
2 after investigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

36 "NEW SECTION. **Sec. 995.** (1) During the 2019-2021 fiscal  
37 biennium, every employer within the executive branch of state  
38 government shall:

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

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

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

7 (iii) Identifies appropriate sanctions and disciplinary actions;  
8 and

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

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

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

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

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

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

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

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

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

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

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



- 1 (a) The number of sexual harassment claims for violation of state  
2 or federal law filed by employees;
- 3 (b) The number of claims that have resulted in settlement,  
4 judgment, or other payment of damages;
- 5 (c) The number of claims that have resulted in work reassignment  
6 or other remedial action;
- 7 (d) The total cost of the claims including damages, attorneys'  
8 fees, and other costs; and
- 9 (e) The total cost to the state's liability account.
- 10 (4) The report under subsection (3) of this section is due to the  
11 governor and the appropriate committees of the legislature no later  
12 than December 1st of each year, and must be posted for the public on  
13 the office of financial management's agency web site. The initial  
14 report is due December 1, 2019, and must include the data required  
15 under subsection (3) of this section for each of the past three  
16 fiscal years.
- 17 (5) The reports required under this section must exclude  
18 personally identifiable information of persons who have filed  
19 complaints with an employer, and if necessary, may aggregate the  
20 information of employers that have less than fifty full-time  
21 equivalent employees to protect the identity of complainants.
- 22 (6) The cost of the training programs and reporting requirements  
23 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

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