

2SHB 1888 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

ADOPTED 03/04/2020

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

3 **"Sec. 1.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are
4 each reenacted and amended to read as follows:

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

7 (1) Test questions, scoring keys, and other examination data used
8 to administer a license, employment, or academic examination;

9 (2) All applications for public employment other than for
10 vacancies in elective office, including the names of applicants,
11 resumes, and other related materials submitted with respect to an
12 applicant;

13 (3) Professional growth plans (PGPs) in educator license renewals
14 submitted through the eCert system in the office of the
15 superintendent of public instruction;

16 (4) The following information held by any public agency in
17 personnel records, public employment related records, volunteer
18 rosters, or included in any mailing list of employees or volunteers
19 of any public agency: Residential addresses, residential telephone
20 numbers, personal wireless telephone numbers, personal email
21 addresses, social security numbers, driver's license numbers,
22 identocard numbers, payroll deductions including the amount and
23 identification of the deduction, and emergency contact information of
24 employees or volunteers of a public agency, and the names, dates of
25 birth, residential addresses, residential telephone numbers, personal
26 wireless telephone numbers, personal email addresses, social security
27 numbers, and emergency contact information of dependents of employees
28 or volunteers of a public agency. For purposes of this subsection,
29 "employees" includes independent provider home care workers as
30 defined in RCW 74.39A.240;

1 (5) Information that identifies a person who, while an agency
2 employee: (a) Seeks advice, under an informal process established by
3 the employing agency, in order to ascertain his or her rights in
4 connection with a possible unfair practice under chapter 49.60 RCW
5 against the person; and (b) requests his or her identity or any
6 identifying information not be disclosed;

7 (6) Investigative records compiled by an employing agency in
8 connection with an investigation of a possible unfair practice under
9 chapter 49.60 RCW or of a possible violation of other federal, state,
10 or local laws or an employing agency's internal policies prohibiting
11 discrimination or harassment in employment. Records are exempt in
12 their entirety while the investigation is active and ongoing. After
13 the agency has notified the complaining employee of the outcome of
14 the investigation, the records may be disclosed only if the names of
15 complainants, other accusers, and witnesses are redacted, unless a
16 complainant, other accuser, or witness has consented to the
17 disclosure of his or her name. The employing agency must inform a
18 complainant, other accuser, or witness that his or her name will be
19 redacted from the investigation records unless he or she consents to
20 disclosure;

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

23 (8) Photographs and month and year of birth in the personnel
24 files of employees or volunteers of a public agency, including
25 employees and workers of criminal justice agencies as defined in RCW
26 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have
27 access to the photographs and full date of birth. For the purposes of
28 this subsection, news media does not include any person or
29 organization of persons in the custody of a criminal justice agency
30 as defined in RCW 10.97.030;

31 (9) The global positioning system data that would indicate the
32 location of the residence of a public employee or volunteer using the
33 global positioning system recording device; (~~and~~)

34 (10) Until the person reaches eighteen years of age, information,
35 otherwise disclosable under chapter 29A.08 RCW, that relates to a
36 future voter, except for the purpose of processing and delivering
37 ballots; and

38 (11) Voluntarily submitted information collected and maintained
39 by a state agency or higher education institution that identifies an
40 individual state employee's personal demographic details. "Personal

1 demographic details" means race or ethnicity, sexual orientation as
2 defined by RCW 49.60.040(26), immigration status, national origin, or
3 status as a person with a disability. This exemption does not prevent
4 the release of state employee demographic information in a
5 deidentified or aggregate format.

6 (12) Upon receipt of a request for information located
7 exclusively in an employee's personnel, payroll, supervisor, or
8 training file, the agency must provide notice to the employee, to any
9 union representing the employee, and to the requestor. The notice
10 must state:

11 (a) The date of the request;

12 (b) The nature of the requested record relating to the employee;

13 (c) That the agency will release any information in the record
14 which is not exempt from the disclosure requirements of this chapter
15 at least ten days from the date the notice is made; and

16 (d) That the employee may seek to enjoin release of the records
17 under RCW 42.56.540."

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18 On page 1, line 2 of the title, after "disclosure;" strike the
19 remainder of the title and insert "and reenacting and amending RCW
20 42.56.250."

EFFECT: (1) Requires agency notification of public records requests only when the requests seek information exclusively in the employee's personnel, payroll, supervisor, or training file.

(2) Requires that the notice state that the agency will only release any information in the record not exempt from disclosure requirements.

(3) Requires that the notice state that the date the agency intends to release the record be at least ten days after notice is made, rather than mailed.

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