

ESHB 2018 - 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 **"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) For purposes of this section, and only as applied to
10 legislators and employees of the legislative branch, "special
11 privileges" includes, but is not limited to, engaging in behavior
12 that constitutes harassment. As used in this section:

13 (a) "Harassment" means engaging in physical, verbal, visual, or
14 psychological conduct that:

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

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

19 (iii) Constitutes sexual harassment.

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

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

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

1 (iii) The conduct or communication unreasonably interferes with
2 the person's job performance or creates a work environment that is
3 hostile, intimidating, or offensive."

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4 On page 1, line 2 of the title, after "employees;" strike the
5 remainder of the title and insert "and amending RCW 42.52.070."

EFFECT: (1) Includes engaging in harassment as a special privilege prohibited under the Ethics Act.

(2) Removes examples of conduct constituting sexual harassment.

(3) Removes requirement that the Legislative Ethics Board coordinate investigations into harassment complaints with other investigations into the same conduct.

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