

EHB 2020 - S AMD 770
By Senator Hunt

OUT OF ORDER 04/27/2019

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

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

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

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

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

28 (2) All applications for public employment, including the names
29 of applicants, resumes, and other related materials submitted with
30 respect to an applicant;

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

4 (4) The following information held by any public agency in
5 personnel records, public employment related records, volunteer
6 rosters, or included in any mailing list of employees or volunteers
7 of any public agency: Residential addresses, residential telephone
8 numbers, personal wireless telephone numbers, personal email
9 addresses, social security numbers, driver's license numbers,
10 identicard numbers, and emergency contact information of employees or
11 volunteers of a public agency, and the names, dates of birth,
12 residential addresses, residential telephone numbers, personal
13 wireless telephone numbers, personal email addresses, social security
14 numbers, and emergency contact information of dependents of employees
15 or volunteers of a public agency. For purposes of this subsection,
16 "employees" includes independent provider home care workers as
17 defined in RCW 74.39A.240;

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

24 (6) Investigative records compiled by an employing agency
25 (~~conducting an active and ongoing~~) in connection with an
26 investigation of a possible unfair practice under chapter 49.60 RCW
27 or of a possible violation of other federal, state, or local laws or
28 an employing agency's internal policies prohibiting discrimination or
29 harassment in employment. Records are exempt in their entirety while
30 the investigation is active and ongoing. After the agency has
31 notified the complaining employee of the outcome of the
32 investigation, the records may be disclosed only if the names of
33 complainants, other accusers, and witnesses are redacted, unless a
34 complainant, other accuser, or witness has consented to the
35 disclosure of his or her name. The employing agency must inform a
36 complainant, other accuser, or witness that his or her name will be
37 redacted from the investigation records unless he or she consents to
38 disclosure;

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

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

4 (9) Photographs and month and year of birth in the personnel
5 files of employees and workers of criminal justice agencies as
6 defined in RCW 10.97.030. The news media, as defined in RCW
7 5.68.010(5), shall have access to the photographs and full date of
8 birth. For the purposes of this subsection, news media does not
9 include any person or organization of persons in the custody of a
10 criminal justice agency as defined in RCW 10.97.030;

11 (10) The global positioning system data that would indicate the
12 location of the residence of a public employee or volunteer using the
13 global positioning system recording device; and

14 (11) Until the person reaches eighteen years of age, information,
15 otherwise disclosable under chapter 29A.08 RCW, that relates to a
16 future voter, except for the purpose of processing and delivering
17 ballots."

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

EFFECT: 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.

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