**1187-S.E AMS PADD S3142.2 - NOT FOR FLOOR USE**

**ESHB 1187** - S AMD **328**

By Senator Padden

**NOT ADOPTED 04/07/2023**

On page 7, beginning on line 13, after "action, the" strike all material through "member" on line 18 and insert "privilege is deemed waived if the employee identifies the union representative as a witness. Such a waiver shall not be construed to waive privilege on behalf of other nonparty employees represented by the union without those employees' consent, and a court may review such issues in camera to determine the treatment of such communications"

EFFECT: Provides that testimonial privilege is waived if an employee is a party to a civil or criminal action and the employee identifies the employee's union representative as a witness. Provides that waiver of testimonial privilege for a party employee is not a waiver of privilege on behalf of nonparty employees represented by the union. Allows a court to review issues related to nonparty employee communications in private to determine how such communications should be treated.