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**ENGROSSED SUBSTITUTE HOUSE BILL 2018**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Morgan, Jinkins, Harris, Bergquist, Appleton, Cody, Tharinger, Pollet, Fey, Tarleton, Goodman, Pettigrew, Doglio, Senn, Lovick, Dolan, Kilduff, Ryu, Thai, Stanford, Lekanoff, Wylie, Slatter, Hansen, Shewmake, Robinson, Chapman, Santos, Walen, Chopp, Fitzgibbon, Hudgins, Leavitt, Macri, Valdez, Irwin, Reeves, Pellicciotti, Frame, and Ormsby)

AN ACT Relating to harassment and discrimination by legislators and legislative branch employees; and amending RCW 42.52.070 and 42.52.320.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 42.52.070 and 1994 c 154 s 107 are each amended to read as follows:

(1) Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

(2) It is a violation of this section for a legislator or legislative branch employee to harass another person. As used in this section:

(a) "Harass" means to engage in physical, verbal, visual, or psychological conduct that:

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

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

(iii) Constitutes sexual harassment.

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

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

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

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

(c) Examples of conduct or communication of a sexual or romantic nature include, but are not limited to:

(i) Lewd or suggestive comments, jokes, innuendos, questions, conversations, pictures, or gestures;

(ii) Sexually oriented touching, pinching, or other physical contact;

(iii) Requests for dates or other social encounters that may be inappropriate because of past rejections, power dynamics, or other circumstances;

(iv) Comments about a person's appearance that are inappropriately sexual or suggestive or are made at unacceptable times or with unacceptable frequency; or

(v) Repeated and unwelcome communication, including electronic communication, of a sexual, suggestive, or inappropriately personal nature.

**Sec.**  RCW 42.52.320 and 1994 c 154 s 202 are each amended to read as follows:

(1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

(2) The legislative ethics board shall:

(a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;

(b) Issue advisory opinions;

(c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and

(g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) Subject to RCW 42.52.540, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at ((~~[the]~~)) the time of the violation.

(5) The board shall adopt rules to coordinate its investigation of a complaint that alleges a violation of RCW 42.52.070(2), prohibiting harassment and sexual harassment, with any other investigations into whether the same conduct violates the legislative code of conduct or respectful workplace policies.

**--- END ---**