

SENATE BILL REPORT

HB 1934

As of March 18, 2025

Title: An act relating to the disclosure of information pertaining to complainants, accusers, and witnesses in an employment investigation.

Brief Description: Concerning the disclosure of information pertaining to complainants, accusers, and witnesses in an employment investigation.

Sponsors: Representatives Chase, Doglio and Schmidt.

Brief History: Passed House: 3/4/25, 92-4.

Committee Activity: State Government, Tribal Affairs & Elections: 3/21/25.

Brief Summary of Bill

- Amends the Public Records Act by requiring employee images, agency job titles, email addresses, and phone numbers be redacted in workplace investigations of discrimination or harassment.
- Requires that alteration of employee voices on audio recorded during the investigation retains inflection and tone.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Staff: William Bridges (786-7312)

Background: The Washington Law Against Discrimination. The Washington Law Against Discrimination (WLAD) prohibits discrimination based on a protected characteristic in employment, public accommodations, and real estate transactions, among other things. With respect to employment, it is an unfair practice under WLAD to take certain actions because of a person's protected characteristics. Protected characteristics under WLAD are race, creed, color, national origin, citizenship or immigration status, sex, veteran or military

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

status, sexual orientation, and disability.

Federal Law Prohibiting Employment Discrimination. Various federal laws prohibit employment discrimination, such as Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employers from refusing to hire, discharging, or otherwise discriminating in compensation or other conditions of employment because of an employee's protected characteristics. Protected characteristics under Title VII are race, color, religion, sex, or national origin. Other federal employment laws prohibiting discrimination in employment include the Age Discrimination in Employment Act and the Americans With Disabilities Act.

Public Records Act Exemptions Regarding Employer Investigations. The Public Records Act (PRA) requires state and local agencies to make all public records available for public inspection and copying unless exempted, such as investigative records compiled by an employing agency in connection with investigations of unfair practices under WLAD or other laws or policies. After the outcome of the investigation, the employing agency may disclose the records after redacting the names of complainants, accusers, and witnesses, unless there is consent to disclosure.

Summary of Bill: Redacting Certain Workforce Investigation Information. The Public Records Act is amended. In addition to names, the following information of complainants, accusers, and witnesses must be redacted from an employing agency's investigative records of a discrimination or harassment complaint:

- images;
- employee agency job titles;
- email addresses; and
- phone numbers.

The employing agency must ensure that the voices of complainants, accusers, and witnesses on audio recordings taken during the course of the investigation are altered while retaining inflection and tone. The additional redaction requirements do not need to be met if there is consent to disclosure.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.