

SENATE BILL REPORT

HB 1934

As Passed Senate - Amended, April 8, 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, 3/28/25 [DP, w/oRec].

Floor Activity: Passed Senate - Amended: 4/8/25, 48-1.

Brief Summary of Bill (As Amended by Senate)

- 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, except that the names and titles of elected officials are not redacted if they are the complainants.
- Requires that alteration of employee voices on audio recorded during the investigation retains inflection and tone.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Hasegawa, Kauffman, McCune, Riccelli and Short.

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.

Minority Report: That it be referred without recommendation.

Signed by Senator Wilson, J., Ranking Member.

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 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.

After the investigation is complete and the complainant has been notified of the outcome of the investigation, if an elected government official is a complainant, the name and title of such elected government official shall not be redacted from the investigatory records.

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 Amended 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.

Staff Summary of Public Testimony: PRO: This bill responds to an issue arising from the investigation of bullying and harassment complaints against a Spokane Valley city councilmember, where the accused used the public disclosure law to identify and harass the complainants. The bill seeks to encourage the reporting of workplace misconduct by preventing retaliatory conduct through the redaction of information that can be used to identify the complainants.

OTHER: The enumerated list of items that be redacted was negotiated. There is a tension between encouraging the reporting of workplace misconduct and allowing the accused to confront their accusers, which would chill such reporting.

Persons Testifying: PRO: Representative Rob Chase, Prime Sponsor; Candice Bock, Association of Washington Cities; John Whitehead, Human Resources Director, City of Spokane Valley; Kelly Konkright, City Attorney, City of Spokane Valley; Marci Patterson; Patricia Rhoades; Deanna Horton.

OTHER: Rowland Thompson, Allied Daily Newspapers and WSABroadcasters.

Persons Signed In To Testify But Not Testifying: No one.