

WAC 296-135-090 Employer's duty to keep information confidential. For purposes of this section, designated representatives include supervisors, human resource and payroll personnel, members of a safety team, and other personnel whose job duties require them to act on requests for leave by employees.

(1) An employer and designated representatives shall maintain the confidentiality of all information provided by the employee, including:

(a) The fact that the employee or a family member is a victim; and

(b) That the employee requested or obtained leave; and

(c) Any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(2) An employer may disclose information given by an employee to third parties, including other employees, only if:

(a) The employee requests or consents that the employer disclose the information; or

(b) A court or administrative agency orders disclosure of the information; or

(c) Federal or state law otherwise requires the employer to disclose the information.

Example 1: The owner of a company discloses to the company's bookkeeper that an employee is taking leave under these rules and should be given access to available sick leave and other paid time off. This disclosure is permissible.

Example 2: A manager holds a staff meeting and reports to all workers, without consent of the employee requesting leave under these rules, that the employee or his or her family member is a victim. This disclosure is not permissible.

Note: **Safety plans at work.** Employees should work cooperatively with their employers to permit communication of information, including safety plans, necessary to protect the safety of the employee and others.

[Statutory Authority: Chapter 49.76 RCW and 2008 c 286. WSR 10-14-099, § 296-135-090, filed 7/6/10, effective 9/1/10.]