

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2020

Chapter 349, Laws of 2019

66th Legislature
2019 Regular Session

EMPLOYMENT INVESTIGATION RECORDS--PUBLIC RECORDS ACT EXEMPTION

EFFECTIVE DATE: July 28, 2019

Passed by the House April 27, 2019
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2019
Yeas 45 Nays 1

CYRUS HABIB

President of the Senate

Approved May 9, 2019 3:16 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2020** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2020

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Representatives Dolan, Kretz, Doglio, Stanford, Slatter, Klippert, Davis, Hudgins, Macri, Jenkins, Morgan, Frame, and Ormsby

Read first time 02/12/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to exempting the disclosure of names in
2 employment investigation records; amending RCW 42.56.250; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that workplace
6 harassment remains a persistent problem and there is an urgent need
7 to address barriers that prevent people from reporting harassment.
8 The United States equal employment opportunity commission select task
9 force on the study of harassment in the workplace released a report
10 in 2016 finding that ninety percent of individuals who experience
11 harassment never take formal action, and noting that seventy-five
12 percent of employees who spoke out against workplace mistreatment
13 faced some sort of retaliation. The legislature finds that it is in
14 the public interest for state employees to feel safe to report
15 incidents of harassment when it occurs and to protect these employees
16 from an increased risk of retaliation. The legislature finds that the
17 release of the identities of employees who report or participate in
18 harassment investigations increases the risk of retaliation, invades
19 the privacy of a vulnerable population, and significantly reduces
20 reporting of harassment. The legislature finds that if state
21 government can make it easier for victims and witnesses of harassment

1 to come forward and report harassment, harassment issues can be dealt
2 with before they worsen or spread.

3 **Sec. 2.** RCW 42.56.250 and 2018 c 109 s 17 are each amended to
4 read as follows:

5 The following employment and licensing information is exempt from
6 public inspection and copying under this chapter:

7 (1) Test questions, scoring keys, and other examination data used
8 to administer a license, employment, or academic examination;

9 (2) All applications for public employment, including the names
10 of applicants, resumes, and other related materials submitted with
11 respect to an applicant;

12 (3) Professional growth plans (PGPs) in educator license renewals
13 submitted through the eCert system in the office of the
14 superintendent of public instruction;

15 (4) The following information held by any public agency in
16 personnel records, public employment related records, volunteer
17 rosters, or included in any mailing list of employees or volunteers
18 of any public agency: Residential addresses, residential telephone
19 numbers, personal wireless telephone numbers, personal email
20 addresses, social security numbers, driver's license numbers,
21 identicard numbers, and emergency contact information of employees or
22 volunteers of a public agency, and the names, dates of birth,
23 residential addresses, residential telephone numbers, personal
24 wireless telephone numbers, personal email addresses, social security
25 numbers, and emergency contact information of dependents of employees
26 or volunteers of a public agency. For purposes of this subsection,
27 "employees" includes independent provider home care workers as
28 defined in RCW 74.39A.240;

29 (5) Information that identifies a person who, while an agency
30 employee: (a) Seeks advice, under an informal process established by
31 the employing agency, in order to ascertain his or her rights in
32 connection with a possible unfair practice under chapter 49.60 RCW
33 against the person; and (b) requests his or her identity or any
34 identifying information not be disclosed;

35 (6) Investigative records compiled by an employing agency
36 (~~conducting an active and ongoing~~) in connection with an
37 investigation of a possible unfair practice under chapter 49.60 RCW
38 or of a possible violation of other federal, state, or local laws or
39 an employing agency's internal policies prohibiting discrimination or

1 harassment in employment. Records are exempt in their entirety while
2 the investigation is active and ongoing. After the agency has
3 notified the complaining employee of the outcome of the
4 investigation, the records may be disclosed only if the names of
5 complainants, other accusers, and witnesses are redacted, unless a
6 complainant, other accuser, or witness has consented to the
7 disclosure of his or her name. The employing agency must inform a
8 complainant, other accuser, or witness that his or her name will be
9 redacted from the investigation records unless he or she consents to
10 disclosure;

11 (7) Criminal history records checks for board staff finalist
12 candidates conducted pursuant to RCW 43.33A.025;

13 ~~((Except as provided in RCW 47.64.220, salary and benefit~~
14 ~~information for maritime employees collected from private employers~~
15 ~~under RCW 47.64.220(1) and described in RCW 47.64.220(2);~~

16 ~~(9))~~ Photographs and month and year of birth in the personnel
17 files of employees and workers of criminal justice agencies as
18 defined in RCW 10.97.030. The news media, as defined in RCW
19 5.68.010(5), shall have access to the photographs and full date of
20 birth. For the purposes of this subsection, news media does not
21 include any person or organization of persons in the custody of a
22 criminal justice agency as defined in RCW 10.97.030;

23 ~~((10))~~ (9) The global positioning system data that would
24 indicate the location of the residence of a public employee or
25 volunteer using the global positioning system recording device; and

26 ~~((11))~~ (10) Until the person reaches eighteen years of age,
27 information, otherwise disclosable under chapter 29A.08 RCW, that
28 relates to a future voter, except for the purpose of processing and
29 delivering ballots.

Passed by the House April 27, 2019.

Passed by the Senate April 15, 2019.

Approved by the Governor May 9, 2019.

Filed in Office of Secretary of State May 13, 2019.

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