
HOUSE BILL 2761

State of Washington

62nd Legislature

2012 Regular Session

By Representative Hunt

Read first time 02/01/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to disclosure of public records compiled by an
2 employing agency conducting an investigation of possible misconduct;
3 and reenacting and amending RCW 42.56.250.

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

5 **Sec. 1.** RCW 42.56.250 and 2010 c 257 s 1 and 2010 c 128 s 9 are
6 each reenacted and amended to read as follows:

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

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

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

14 (3) The residential addresses, residential telephone numbers,
15 personal wireless telephone numbers, personal electronic mail
16 addresses, social security numbers, and emergency contact information
17 of employees or volunteers of a public agency, and the names, dates of
18 birth, residential addresses, residential telephone numbers, personal
19 wireless telephone numbers, personal electronic mail addresses, social

1 security numbers, and emergency contact information of dependents of
2 employees or volunteers of a public agency that are held by any public
3 agency in personnel records, public employment related records, or
4 volunteer rosters, or are included in any mailing list of employees or
5 volunteers of any public agency. For purposes of this subsection,
6 "employees" includes independent provider home care workers as defined
7 in RCW 74.39A.240;

8 (4) Information that identifies a person who, while an agency
9 employee: (a) Seeks advice, under an informal process established by
10 the employing agency, in order to ascertain his or her rights in
11 connection with a possible unfair practice under chapter 49.60 RCW
12 against the person; and (b) requests his or her identity or any
13 identifying information not be disclosed;

14 (5) Investigative records compiled by an employing agency
15 conducting an active and ongoing investigation of a possible unfair
16 practice under chapter 49.60 RCW or of a possible violation of other
17 federal, state, or local laws prohibiting discrimination in employment;

18 (6) Information in specific investigative records compiled by or on
19 behalf of an employing agency conducting an investigation of possible
20 misconduct where such investigation has resulted in a nonsustained type
21 finding and such records have been transferred to the legal
22 representative of the agency for retention for use in a controversy to
23 which the agency may become a party. A finding is not deemed to be
24 sustained until the completion of all available appeals.

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

27 ((+7)) (8) Except as provided in RCW 47.64.220, salary and benefit
28 information for maritime employees collected from private employers
29 under RCW 47.64.220(1) and described in RCW 47.64.220(2); and

30 ((+8)) (9) Photographs and month and year of birth in the
31 personnel files of employees and workers of criminal justice agencies
32 as defined in RCW 10.97.030. The news media, as defined in RCW
33 5.68.010(5), shall have access to the photographs and full date of
34 birth. For the purposes of this subsection, news media does not
35 include any person or organization of persons in the custody of a
36 criminal justice agency as defined in RCW 10.97.030.

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