
SENATE BILL 6081

State of Washington 64th Legislature 2015 Regular Session

By Senators Baumgartner, Hasegawa, Conway, and Braun

Read first time 03/12/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to creating a labor and industries ombuds within
2 the department of commerce; adding new sections to chapter 43.330
3 RCW; and making an appropriation.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.330
6 RCW to read as follows:

7 (1) The ombuds for employers is created in the department of
8 commerce. The ombuds is appointed by the governor and reports
9 directly to the director of the department of commerce. The office of
10 the ombuds may be openly and competitively contracted by the governor
11 in accordance with chapter 39.26 RCW but shall not be physically
12 housed within the department of labor and industries.

13 (2) The person appointed ombuds shall hold office for a term of
14 six years and shall continue to hold office until reappointed or
15 until his or her successor is appointed. The governor may remove the
16 ombuds only for neglect of duty, misconduct, or inability to perform
17 duties. Any vacancy shall be filled by similar appointment for the
18 remainder of the unexpired term.

19 (3) Any ombuds appointed under this section shall have training
20 or experience, or both, in the following areas:

1 (a) Programs administered by the department of labor and
2 industries, including industrial insurance, occupational safety and
3 health, and employment standards;

4 (b) The Washington state legal system; and

5 (c) Dispute or problem resolution techniques, including
6 investigation, mediation, and negotiation.

7 (4) The ombuds shall integrate information explaining the ombuds
8 program and contact information into existing brochures and materials
9 provided by the department of labor and industries to employers.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330
11 RCW to read as follows:

12 The ombuds has the following powers and duties:

13 (1) To act as an advocate for employers in interactions with the
14 department of labor and industries;

15 (2) To offer and provide information on department of labor and
16 industries programs as appropriate to employers;

17 (3) To identify, investigate, and facilitate resolution of
18 employer complaints relating to department of labor and industries
19 programs; and

20 (4) To maintain a statewide toll-free telephone number for the
21 receipt of complaints and inquiries.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.330
23 RCW to read as follows:

24 (1) The ombuds is not liable for good faith performance of
25 responsibilities under this chapter.

26 (2) No discriminatory or retaliatory action may be taken against
27 any employer for any communication made, or information given or
28 disclosed, to assist the ombuds in carrying out its duties and
29 responsibilities.

30 (3) All communications by the ombuds, if reasonably related to
31 the requirements of his or her responsibilities under this chapter
32 and done in good faith, are privileged and confidential.

33 (4) The ombuds is exempt from being required to testify as to any
34 privileged or confidential matters except as the court may deem
35 necessary to enforce this chapter.

36 (5) All records and files of the ombuds relating to any complaint
37 or investigation made pursuant to carrying out its duties and the
38 identities of complainants, witnesses, or workers shall remain

1 confidential unless disclosure is authorized by the employer or the
2 employer's legal representative. No disclosures may be made outside
3 the office of the ombuds without the consent of the employer.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330
5 RCW to read as follows:

6 (1) The ombuds shall provide the governor with an annual report
7 that includes the following:

8 (a) A description of the issues addressed during the past year
9 and a very brief description of case scenarios in a form that does
10 not compromise confidentiality;

11 (b) An accounting of the monitoring activities by the ombuds; and

12 (c) An identification of the deficiencies in programs
13 administered by the department of labor and industries related to
14 interactions between the department of labor and industries and
15 employers, and recommendations for remedial action in policy or
16 practice.

17 (2) The first annual report is due on or before October 1, 2016.
18 Subsequent reports are due on or before October 1st.

19 NEW SECTION. **Sec. 5.** The sum of two hundred fifty thousand
20 dollars, or as much thereof as may be necessary, is appropriated for
21 the fiscal year ending June 30, 2016, from the general fund to the
22 ombuds for employers for the purposes of this act.

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