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**SENATE BILL 5845**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Braun, Brown, Keiser, Palumbo, Rivers, and Schoesler

AN ACT Relating to sexual harassment policies, training, and reporting requirements throughout state government; amending RCW 43.01.135; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  All state employees have the right to work in an environment that is safe and respectful, free from sexual harassment. The state has the responsibility to ensure that every state government employer has adopted policies and procedures to maintain a respectful workplace environment free from sexual harassment and that appropriate training is provided to give effect to those policies. Moreover, in order to identify trends and the cost of sexual harassment in the state government workplace, the legislature intends to require annual reporting of claims made by state employees.

**Sec.**  RCW 43.01.135 and 2011 1st sp.s. c 43 s 450 are each amended to read as follows:

((~~Agencies as defined in RCW 41.06.020, except for~~)) (1) Every employer within the legislative, executive, and judicial branches of state government, including institutions of higher education, shall:

((~~(1)~~)) (a) Update or develop and disseminate among all ((~~agency~~)) its employees and contractors a policy that:

((~~(a)~~)) (i) Defines and prohibits sexual harassment in the workplace;

((~~(b)~~)) (ii) Includes procedures that describe how the ((~~agency~~)) employer will address concerns of employees who are affected by sexual harassment in the workplace;

((~~(c)~~)) (iii) Identifies appropriate sanctions and disciplinary actions; and

((~~(d)~~)) (iv) Complies with guidelines adopted by the director of ((~~personnel~~)) financial management under RCW 41.06.395;

((~~(2)~~)) (b) Respond promptly and effectively to sexual harassment concerns;

((~~(3)~~)) (c) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization;

((~~(4)~~)) (d) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964; ((~~and~~

~~(5)~~)) (e) Report to the department of enterprise services and division of human resources in the office of financial management on compliance with this section; and

(f)(i) Report annually to the director on the following data:

(A) The number of sexual harassment reports and complaints made by employees and the change compared to the previous report;

(B) The number of those complaints that were reviewed and determined not to require an investigation, the number that were investigated, and the number that were determined to be substantiated after investigation;

(C) The nature of the corrective action taken for each complaint using categories developed by the director; and

(D) A narrative of the changes made over this period to the employer's policies and procedure in response to complaint trends and experience;

(ii) The initial report must include the data required under (f)(i) of this subsection for each of the past three fiscal years.

(2)(a) The director, working with the risk management division in the department of enterprise services, shall report annually on the following data:

(i) The number of sexual harassment claims for violation of state or federal law filed by employees by employer;

(ii) The number of claims that have resulted in settlement, judgment, or other payment of damages by employer;

(iii) The number of claims that have resulted in work reassignment or other remedial action;

(iv) The total cost of the claims including damages, attorneys' fees, and other costs, by employer; and

(v) The total cost to the state's liability account.

(b) The report under this subsection is due to the governor and the appropriate committees of the legislature no later than December 1st of each year, and must be posted for the public on the office of financial management's agency web site.

(c) The initial report due December 1, 2019, must include the data required under (a) of this subsection for each of the past three fiscal years.

(3) The cost of the training programs and reporting requirements shall be borne by ((~~state agencies~~)) the employer within existing resources.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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