

SENATE BILL REPORT

SB 5845

As of February 25, 2019

Title: An act relating to sexual harassment policies, training, and reporting requirements throughout state government.

Brief Description: Concerning sexual harassment policies, training, and reporting requirements throughout state government.

Sponsors: Senators Braun, Brown, Keiser, Palumbo, Rivers and Schoesler.

Brief History:

Committee Activity: Ways & Means: 2/27/19.

Brief Summary of Bill

- Expands existing requirements related to sexual harassment policies and trainings of state agencies to include the legislative and judicial branches of government as well as institutions of higher education.
- Requires all covered employers to report annually to the director of the Office of Financial Management on data related to sexual harassment reports and complaints.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Amanda Cecil (786-7460)

Background: In 1989, Executive Order 89-01 stated it is the public policy of the state to provide and maintain a working environment free from sexual harassment for its employees and all citizens participating in state programs. The Executive Order required all state agencies to maintain policies on sexual harassment, conduct training and education for all employees, and respond promptly and effectively to sexual harassment concerns.

In 2007, SSB 5118 was enacted, essentially codifying the requirements of Executive Order 89-01. Additionally, under the 2007 law, the Department of Personnel was required to develop rules and guidelines on policies, procedures, reporting, and mandatory training for all state agencies to comply with this act. State agencies were required to update and

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disseminate policies related to sexual harassment to employees and contractors and report to the Department of Enterprise Services (DES) on compliance with the law.

The cost of the mandatory training was directed to be covered by the state agencies within their existing resources.

Summary of Bill: The existing state agency requirements related to sexual harassment policies and procedures are expanded to include every employer within the legislative, executive, and judicial branches of state government, including institutions of higher education.

Additionally, all legislative, executive, and judicial branch employers are required to report annually to the director of the Office of Financial Management (OFM) on data related to sexual harassment complaints made by employees. Data reported must include the following:

- the number of sexual harassment reports and complaints made by employees and the change compared to the previous report;
- 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;
- the nature of the corrective action taken for each complaint using categories developed by the director; and
- a narrative of the changes made over this period to the employer's policies and procedure in response to complaint trends and experience.

The initial report must include the required data for each of the past three fiscal years.

The director of OFM, working with the risk management division within DES, must report annually on the following data:

- the number of sexual harassment claims for violation of state or federal law filed by employees by employer;
- the number of claims that have resulted in settlement, judgment, or other payment of damages by employer;
- the number of claims that have resulted in work reassignment or other remedial action;
- the total cost of the claims including damages, attorneys' fees, and other costs, by employer; and
- the total cost to the state's liability account.

This report 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 OFM's agency web site. The initial report is due December 1, 2019, and must include required data for each of the past three fiscal years.

The cost of the training programs and reporting requirements must be borne by the employer within existing resources.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.