
ENGROSSED SUBSTITUTE HOUSE BILL 2018

State of Washington

66th Legislature

2019 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Morgan, Jinkins, Harris, Bergquist, Appleton, Cody, Tharinger, Pollet, Fey, Tarleton, Goodman, Pettigrew, Doglio, Senn, Lovick, Dolan, Kilduff, Ryu, Thai, Stanford, Lekanoff, Wylie, Slatter, Hansen, Shewmake, Robinson, Chapman, Santos, Walen, Chopp, Fitzgibbon, Hudgins, Leavitt, Macri, Valdez, Irwin, Reeves, Pellicciotti, Frame, and Ormsby)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to harassment and discrimination by legislators
2 and legislative branch employees; and amending RCW 42.52.070 and
3 42.52.320.

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

5 **Sec. 1.** RCW 42.52.070 and 1994 c 154 s 107 are each amended to
6 read as follows:

7 (1) Except as required to perform duties within the scope of
8 employment, no state officer or state employee may use his or her
9 position to secure special privileges or exemptions for himself or
10 herself, or his or her spouse, child, parents, or other persons.

11 (2) It is a violation of this section for a legislator or
12 legislative branch employee to harass another person. As used in this
13 section:

14 (a) "Harass" means to engage in physical, verbal, visual, or
15 psychological conduct that:

16 (i) Has the purpose or effect of interfering with the person's
17 work performance;

18 (ii) Creates a hostile, intimidating, or offensive work
19 environment; or

20 (iii) Constitutes sexual harassment.

1 (b) "Sexual harassment" means unwelcome or unwanted sexual
2 advances, requests for sexual or romantic favors, sexually motivated
3 bullying, or other verbal, visual, physical, or psychological conduct
4 or communication of a sexual or romantic nature, when:

5 (i) Submission to the conduct or communication is either
6 explicitly or implicitly a term or condition of current or future
7 employment;

8 (ii) Submission to or rejection of the conduct or communication
9 is used as the basis of an employment decision affecting the person;
10 or

11 (iii) The conduct or communication unreasonably interferes with
12 the person's job performance or creates a work environment that is
13 hostile, intimidating, or offensive.

14 (c) Examples of conduct or communication of a sexual or romantic
15 nature include, but are not limited to:

16 (i) Lewd or suggestive comments, jokes, innuendos, questions,
17 conversations, pictures, or gestures;

18 (ii) Sexually oriented touching, pinching, or other physical
19 contact;

20 (iii) Requests for dates or other social encounters that may be
21 inappropriate because of past rejections, power dynamics, or other
22 circumstances;

23 (iv) Comments about a person's appearance that are
24 inappropriately sexual or suggestive or are made at unacceptable
25 times or with unacceptable frequency; or

26 (v) Repeated and unwelcome communication, including electronic
27 communication, of a sexual, suggestive, or inappropriately personal
28 nature.

29 **Sec. 2.** RCW 42.52.320 and 1994 c 154 s 202 are each amended to
30 read as follows:

31 (1) The legislative ethics board shall enforce this chapter and
32 rules adopted under it with respect to members and employees of the
33 legislature.

34 (2) The legislative ethics board shall:

35 (a) Develop educational materials and training with regard to
36 legislative ethics for legislators and legislative employees;

37 (b) Issue advisory opinions;

38 (c) Adopt rules or policies governing the conduct of business by
39 the board, and adopt rules defining working hours for purposes of RCW

1 42.52.180 and where otherwise authorized under chapter 154, Laws of
2 1994;

3 (d) Investigate, hear, and determine complaints by any person or
4 on its own motion;

5 (e) Impose sanctions including reprimands and monetary penalties;

6 (f) Recommend suspension or removal to the appropriate
7 legislative entity, or recommend prosecution to the appropriate
8 authority; and

9 (g) Establish criteria regarding the levels of civil penalties
10 appropriate for different types of violations of this chapter and
11 rules adopted under it.

12 (3) The board may:

13 (a) Issue subpoenas for the attendance and testimony of witnesses
14 and the production of documentary evidence relating to any matter
15 under examination by the board or involved in any hearing;

16 (b) Administer oaths and affirmations;

17 (c) Examine witnesses; and

18 (d) Receive evidence.

19 (4) Subject to RCW 42.52.540, the board has jurisdiction over any
20 alleged violation that occurred before January 1, 1995, and that was
21 within the jurisdiction of any of the boards established under
22 chapter 44.60 RCW. The board's jurisdiction with respect to any such
23 alleged violation shall be based on the statutes and rules in effect
24 at (~~the~~) the time of the violation.

25 (5) The board shall adopt rules to coordinate its investigation
26 of a complaint that alleges a violation of RCW 42.52.070(2),
27 prohibiting harassment and sexual harassment, with any other
28 investigations into whether the same conduct violates the legislative
29 code of conduct or respectful workplace policies.

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