

SENATE BILL REPORT

SB 5564

As of January 14, 2022

Title: An act relating to protecting the confidentiality of employees using employee assistance programs.

Brief Description: Protecting the confidentiality of employees using employee assistance programs.

Sponsors: Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C..

Brief History:

Committee Activity: Labor, Commerce & Tribal Affairs: 1/17/22.

Brief Summary of Bill

- Prohibits employers from obtaining individually identifiable information regarding an employee's participation in an employee assistance program.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Staff: Matt Shepard-Koningsor (786-7627)

Background: An employee assistance program (EAP) is a program offered by employers to assist employees with work and life concerns. EAPs may provide support to employees for depression, stress, addictions, anger, parenting, relationships, and grief and loss. EAPs may also provide support regarding legal and financial concerns. Many state employees have access to the Washington State Employee Assistance Program (WSEAP).

WSEAP is a free, confidential program created to promote the health, safety, and well-being of state employees. WSEAP is administered by the Washington State Department of Enterprise Services. Under WSEAP, employees' participation and all individually identifiable information gathered in the process of conducting WSEAP must be kept

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confidential, however, agency management may be provided with certain information in the case of poor job performance. Participation or nonparticipation in WSEAP must not be a factor in a decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

Employees of private employers may have access to an EAP through their employer's human resources or benefits department.

Summary of Bill: It is unlawful for an employer to obtain individually identifiable information regarding an employee's participation in an EAP. Individually identifiable information gathered in the process of conducting an EAP must be kept confidential.

An employee's participation or nonparticipation in an EAP must not be a factor in a decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.