
SUBSTITUTE SENATE BILL 5564

State of Washington

67th Legislature

2022 Regular Session

By Senate Labor, Commerce & Tribal Affairs (originally sponsored by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford, and C. Wilson)

READ FIRST TIME 01/21/22.

1 AN ACT Relating to protecting the confidentiality of employees
2 using employee assistance programs; and adding a new section to
3 chapter 49.44 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44
6 RCW to read as follows:

7 (1)(a) It is unlawful for an employer to obtain individually
8 identifiable information regarding an employee's participation in an
9 employee assistance program. Individually identifiable information
10 gathered in the process of conducting an employee assistance program
11 must be kept confidential.

12 (b) Subsection (1)(a) of this section does not apply to:

13 (i) Authorized disclosures under RCW 41.04.730;

14 (ii) Disclosures to an employer regarding an employee's
15 attendance in an employee assistance program, which the employee was
16 required to attend as a condition of continued employment; and

17 (ii) Disclosures that are:

18 (A) Made to prevent or lessen a perceived threat to the health or
19 safety of an individual or the public; or

20 (B) Permitted or required under RCW 18.225.105, 70.02.050, or
21 71.05.120.

1 (2) An employee's participation or nonparticipation in an
2 employee assistance program must not be a factor in a decision
3 affecting an employee's job security, promotional opportunities,
4 corrective or disciplinary action, or other employment rights.

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