

SSB 5586 - H COMM AMD

By Committee on Labor & Workplace Standards

ADOPTED 04/05/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 50A.25.040 and 2019 c 13 s 73 are each amended to
4 read as follows:

5 (1) An individual shall have access to all records and
6 information concerning that individual held by the department unless
7 the information is exempt from disclosure under RCW 42.56.410.

8 (2) An employer shall have access to:

9 (a) Its own records relating to any claim or determination for
10 family or medical leave benefits by an individual;

11 (b) Records and information relating to a decision to allow or
12 deny benefits if the decision is based on material information
13 provided by the employer; and

14 (c) Records and information related to that employer's premium
15 assessment.

16 (3) (a) Any interested party may have access to the following
17 records and information related to an employee's paid family or
18 medical leave claim:

19 (i) Type of leave being taken;

20 (ii) Requested duration of leave including the approved dates of
21 leave; and

22 (iii) Whether the employee was approved for benefits and was paid
23 benefits for any given week.

24 (b) Any information provided under this subsection shall be
25 considered accurate to the extent possible based on information
26 available to the department at the time the request is processed.

27 (c) Any information provided under this subsection may only be
28 used for the purpose of administering internal employer leave or
29 benefit practices under established employer policies. The department
30 may investigate unauthorized uses of records and information obtained
31 under this subsection in accordance with RCW 50A.40.010.

1 (d) For the purposes of this subsection, "interested party" means
2 a current employer, a current employer's third-party administrator,
3 or an employee. "Interested party" may be specified further in rule
4 by the department.

5 (4) The department may disclose records and information deemed
6 confidential under this chapter to a third party acting on behalf of
7 an individual or employer that would otherwise be eligible to receive
8 records under subsection (1) or (2) of this section when the
9 department receives a signed release from the individual or employer.
10 The release must include a statement:

11 (a) Specifically identifying the information that is to be
12 disclosed;

13 (b) That state government files will be accessed to obtain that
14 information;

15 (c) Of the specific purpose or purposes for which the information
16 is sought and a statement that information obtained under the release
17 will only be used for that purpose or purposes; and

18 (d) Indicating all the parties who may receive the information
19 disclosed.

20 NEW SECTION. Sec. 2. This act takes effect January 1, 2024."

21 Correct the title.

EFFECT: Removes the following from the list of information an interested party may access with respect to an employee's paid family or medical leave claim: Remaining hours of leave available in the employee's entitlement; weekly benefit amount; and actual benefits paid and hours claimed. Instead, allows an interested party to access information as to whether the employee was approved for benefits and was paid benefits for any given week.

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