

ESHB 1187 - S AMD 328

By Senator Padden

NOT ADOPTED 04/07/2023

1 On page 7, beginning on line 13, after "action, the" strike all
2 material through "member" on line 18 and insert "privilege is deemed
3 waived if the employee identifies the union representative as a
4 witness. Such a waiver shall not be construed to waive privilege on
5 behalf of other nonparty employees represented by the union without
6 those employees' consent, and a court may review such issues in
7 camera to determine the treatment of such communications"

EFFECT: Provides that testimonial privilege is waived if an employee is a party to a civil or criminal action and the employee identifies the employee's union representative as a witness. Provides that waiver of testimonial privilege for a party employee is not a waiver of privilege on behalf of nonparty employees represented by the union. Allows a court to review issues related to nonparty employee communications in private to determine how such communications should be treated.

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