
HOUSE BILL 1934

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By Representatives Chase, Doglio, and Schmidt

Read first time 02/11/25. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to the disclosure of information pertaining to
2 complainants, accusers, and witnesses in an employment investigation;
3 and reenacting and amending RCW 42.56.250.

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

5 **Sec. 1.** RCW 42.56.250 and 2023 c 458 s 1, 2023 c 361 s 15, and
6 2023 c 45 s 1 are each reenacted and amended to read as follows:

7 (1) The following employment and licensing information is exempt
8 from public inspection and copying under this chapter:

9 (a) Test questions, scoring keys, and other examination data used
10 to administer a license, employment, or academic examination;

11 (b) All applications for public employment other than for
12 vacancies in elective office, including the names of applicants,
13 resumes, and other related materials submitted with respect to an
14 applicant;

15 (c) Professional growth plans (PGPs) in educator license renewals
16 submitted through the eCert system in the office of the
17 superintendent of public instruction;

18 (d) The following information held by any public agency in
19 personnel records, public employment related records, volunteer
20 rosters, or included in any mailing list of employees or volunteers
21 of any public agency: Residential addresses, residential telephone

1 numbers, personal wireless telephone numbers, personal email
2 addresses, social security numbers, driver's license numbers,
3 identicard numbers, payroll deductions including the amount and
4 identification of the deduction, and emergency contact information of
5 employees or volunteers of a public agency, and the names, dates of
6 birth, residential addresses, residential telephone numbers, personal
7 wireless telephone numbers, personal email addresses, social security
8 numbers, and emergency contact information of dependents of employees
9 or volunteers of a public agency. For purposes of this subsection
10 (1)(d), "employees" includes independent provider home care workers
11 as defined in RCW 74.39A.240;

12 (e) Information that identifies a person who, while an agency
13 employee: (i) Seeks advice, under an informal process established by
14 the employing agency, in order to ascertain his or her rights in
15 connection with a possible unfair practice under chapter 49.60 RCW
16 against the person; and (ii) requests his or her identity or any
17 identifying information not be disclosed;

18 (f) Investigative records compiled by an employing agency in
19 connection with an investigation of a possible unfair practice under
20 chapter 49.60 RCW or of a possible violation of other federal, state,
21 or local laws or an employing agency's internal policies prohibiting
22 discrimination or harassment in employment. Records are exempt in
23 their entirety while the investigation is active and ongoing. After
24 the agency has notified the complaining employee of the outcome of
25 the investigation, the records may be disclosed only if the names,
26 images, employee agency job titles, email addresses, and phone
27 numbers of complainants, other accusers, and witnesses are redacted
28 and their voices on any audio recording taken during the course of
29 the investigation have been altered while retaining inflection and
30 tone, ((unless)) except to the extent that such a complainant, other
31 accuser, or witness has consented to the disclosure of ((his or her
32 name)) such information. The employing agency must inform a
33 complainant, other accuser, or witness that his or her name, image,
34 agency job title, email address, and phone number will be redacted
35 from the investigation records and their voice on any audio recording
36 taken during the course of the investigation will be altered in
37 accordance with this subsection unless he or she consents to
38 disclosure;

39 (g) Criminal history records checks for board staff finalist
40 candidates conducted pursuant to RCW 43.33A.025;

1 (h) Photographs and month and year of birth in the personnel
2 files of employees or volunteers of a public agency, including
3 employees and workers of criminal justice agencies as defined in RCW
4 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have
5 access to the photographs and full date of birth. For the purposes of
6 this subsection (1)(h), news media does not include any person or
7 organization of persons in the custody of a criminal justice agency
8 as defined in RCW 10.97.030;

9 (i)(i) Any employee's name or other personally identifying
10 information, including but not limited to birthdate, job title,
11 addresses of work stations and locations, work email address, work
12 phone number, bargaining unit, or other similar information,
13 maintained by an agency in personnel-related records or systems, or
14 responsive to a request for a list of individuals subject to the
15 commercial purpose prohibition under RCW 42.56.070(8), if the
16 employee (~~has provided~~):

17 (A) ((A)) Has provided a sworn statement, signed under penalty of
18 perjury and verified by the director of the employing agency or
19 director's designee, that the employee or a dependent of the employee
20 is a survivor of domestic violence as defined in RCW 10.99.020 or
21 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual
22 abuse as defined in RCW 7.105.010, stalking as described in RCW
23 9A.46.110 or defined in RCW 7.105.010, or harassment as described in
24 RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency
25 as to why the employee has a reasonable basis to believe that the
26 risk of domestic violence, sexual assault, sexual abuse, stalking, or
27 harassment continues to exist. A sworn statement under this
28 subsection expires after two years, but may be subsequently renewed
29 by providing a new sworn statement to the employee's employing
30 agency; or

31 (B) Provides proof to the employing agency of the employee's
32 participation or the participation of a dependent in the address
33 confidentiality program under chapter 40.24 RCW.

34 (ii) Any documentation maintained by an agency to administer this
35 subsection (1)(i) is exempt from disclosure under this chapter and is
36 confidential and may not be disclosed without consent of the employee
37 who submitted the documentation. Agencies may provide information to
38 their employees on how to submit a request to anonymize their work
39 email address.

1 (iii) For purposes of this subsection (1)(i), "verified" means
2 that the director of the employing agency or director's designee
3 confirmed that the sworn statement identifies the alleged perpetrator
4 or perpetrators by name and, if possible, image or likeness, or that
5 the director or designee obtained from the employee a police report,
6 protection order petition, or other documentation of allegations
7 related to the domestic violence, sexual assault or abuse, stalking,
8 or harassment.

9 (iv) The exemption in this subsection (1)(i) does not apply to
10 public records requests from the news media as defined in RCW
11 5.68.010(5);

12 (j) The global positioning system data that would indicate the
13 location of the residence of a public employee or volunteer using the
14 global positioning system recording device;

15 (k) Information relating to a future voter, as provided in RCW
16 29A.08.725;

17 (l) Voluntarily submitted information collected and maintained by
18 a state agency or higher education institution that identifies an
19 individual state employee's personal demographic details. "Personal
20 demographic details" means race or ethnicity, sexual orientation as
21 defined by RCW 49.60.040(~~((27))~~), immigration status, national
22 origin, or status as a person with a disability. This exemption does
23 not prevent the release of state employee demographic information in
24 a deidentified or aggregate format; and

25 (m) Benefit enrollment information collected and maintained by
26 the health care authority through its authority as director of the
27 public employees' benefits board and school employees' benefits board
28 programs as authorized by chapter 41.05 RCW. This subsection (1)(m)
29 does not prevent the release of benefit enrollment information in a
30 deidentified or aggregate format. "Benefit enrollment information"
31 means:

32 (i) Information listed in (d) of this subsection;

33 (ii) Personal demographic details as defined in (l) of this
34 subsection;

35 (iii) Benefit elections;

36 (iv) Date of birth;

37 (v) Documents provided for verification of dependency, such as
38 tax returns or marriage or birth certificates;

39 (vi) Marital status;

40 (vii) Primary language spoken;

1 (viii) Tobacco use status; and

2 (ix) Tribal affiliation.

3 (2) Upon receipt of a request for information located exclusively
4 in an employee's personnel, payroll, supervisor, or training file,
5 the agency must provide notice to the employee, to any union
6 representing the employee, and to the requestor. The notice must
7 state:

8 (a) The date of the request;

9 (b) The nature of the requested record relating to the employee;

10 (c) That the agency will release any information in the record
11 which is not exempt from the disclosure requirements of this chapter
12 at least ten days from the date the notice is made; and

13 (d) That the employee may seek to enjoin release of the records
14 under RCW 42.56.540.

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