
SENATE BILL 5845

State of Washington

66th Legislature

2019 Regular Session

By Senators Braun, Brown, Keiser, Palumbo, Rivers, and Schoesler

Read first time 02/06/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to sexual harassment policies, training, and
2 reporting requirements throughout state government; amending RCW
3 43.01.135; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** All state employees have the right to work
6 in an environment that is safe and respectful, free from sexual
7 harassment. The state has the responsibility to ensure that every
8 state government employer has adopted policies and procedures to
9 maintain a respectful workplace environment free from sexual
10 harassment and that appropriate training is provided to give effect
11 to those policies. Moreover, in order to identify trends and the cost
12 of sexual harassment in the state government workplace, the
13 legislature intends to require annual reporting of claims made by
14 state employees.

15 **Sec. 2.** RCW 43.01.135 and 2011 1st sp.s. c 43 s 450 are each
16 amended to read as follows:

17 (~~Agencies as defined in RCW 41.06.020, except for~~) (1) Every
18 employer within the legislative, executive, and judicial branches of
19 state government, including institutions of higher education, shall:

1 ~~((1))~~ (a) Update or develop and disseminate among all
2 ~~((agency))~~ its employees and contractors a policy that:
3 ~~((a))~~ (i) Defines and prohibits sexual harassment in the
4 workplace;
5 ~~((b))~~ (ii) Includes procedures that describe how the ~~((agency))~~
6 employer will address concerns of employees who are affected by
7 sexual harassment in the workplace;
8 ~~((c))~~ (iii) Identifies appropriate sanctions and disciplinary
9 actions; and
10 ~~((d))~~ (iv) Complies with guidelines adopted by the director of
11 ~~((personnel))~~ financial management under RCW 41.06.395;
12 ~~((2))~~ (b) Respond promptly and effectively to sexual harassment
13 concerns;
14 ~~((3))~~ (c) Conduct training and education for all employees in
15 order to prevent and eliminate sexual harassment in the organization;
16 ~~((4))~~ (d) Inform employees of their right to file a complaint
17 with the Washington state human rights commission under chapter 49.60
18 RCW, or with the federal equal employment opportunity commission
19 under Title VII of the civil rights act of 1964; ~~((and~~
20 ~~5))~~ (e) Report to the department of enterprise services and
21 division of human resources in the office of financial management on
22 compliance with this section; and
23 (f) (i) Report annually to the director on the following data:
24 (A) The number of sexual harassment reports and complaints made
25 by employees and the change compared to the previous report;
26 (B) The number of those complaints that were reviewed and
27 determined not to require an investigation, the number that were
28 investigated, and the number that were determined to be substantiated
29 after investigation;
30 (C) The nature of the corrective action taken for each complaint
31 using categories developed by the director; and
32 (D) A narrative of the changes made over this period to the
33 employer's policies and procedure in response to complaint trends and
34 experience;
35 (ii) The initial report must include the data required under
36 (f) (i) of this subsection for each of the past three fiscal years.
37 (2) (a) The director, working with the risk management division in
38 the department of enterprise services, shall report annually on the
39 following data:

1 (i) The number of sexual harassment claims for violation of state
2 or federal law filed by employees by employer;

3 (ii) The number of claims that have resulted in settlement,
4 judgment, or other payment of damages by employer;

5 (iii) The number of claims that have resulted in work
6 reassignment or other remedial action;

7 (iv) The total cost of the claims including damages, attorneys'
8 fees, and other costs, by employer; and

9 (v) The total cost to the state's liability account.

10 (b) The report under this subsection is due to the governor and
11 the appropriate committees of the legislature no later than December
12 1st of each year, and must be posted for the public on the office of
13 financial management's agency web site.

14 (c) The initial report due December 1, 2019, must include the
15 data required under (a) of this subsection for each of the past three
16 fiscal years.

17 (3) The cost of the training programs and reporting requirements
18 shall be borne by ((state agencies)) the employer within existing
19 resources.

20 NEW SECTION. Sec. 3. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

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