

**Business of the City Council
City of Ruston, WA**

**Subject: Resolution #798 - Adoption of
Employee Survivor Exemption
Policy**

Dept. Origin: City Clerk

**Prepared by: Jennifer Robertson
City Attorney's Office**

For Agenda of: August 20, 2024

Exhibits: Resolution #798

Proposed Council Action:

Adopt Resolution #798

Concurred by Mayor:

Initial & Date

Approved/form by City Atty:

JSR/8-12-24

Approved by Planning Director:

Approved by City Bldg Official:

INFORMATION / BACKGROUND

In 2023, the Washington Legislature passed HB 1533 regarding protection of personal information for government employees who are victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment or who have family members in that category or who are included in the Address Confidentiality Program (ACP). HB 1533 permits cities to protect information about employees who are victims (or have family members who are victims) and provides a procedure for cities to verify qualification for that program. When an employee is qualified for such program, the City can redact information from public records about that employee that would otherwise not be redacted under the Public Records Act (PRA). RCW 42.56.250(1)(i).

Under the law, if an employee is a "survivor" under HB 1533, then his or her personally identifiable information is exempt from disclosure under the PRA including his/her birthdate, job title, addresses of workstations and locations, work email address, work phone number, or bargaining unit. In order to qualify for having this information withheld, the employee must establish that the employee or their dependent is a survivor of domestic violence, sexual assault, stalking, or harassment, as defined under the state law. Any documentation maintained by the City to administer the exemption is confidential and may not be disclosed. The City is also permitted to provide information to its employees on how to anonymize their work email address when an employee meets the "survivor" standard.

Attached to Resolution No. 798 is a policy along with an application form that the City may use to administer the policy. This policy is consistent with State law and will help the City to determine if an employee meets the standards for exempting their personal information from public records request responses.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Adopt Resolution #798.

MOTION: I move adoption of Resolution #798 adopting a policy to protect the safety and privacy of employees that are, or who have family members that are, victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment in accordance with HB 1533.

RESOLUTION NO. 798

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RUSTON, WASHINGTON, ADOPTING A
POLICY TO PROTECT THE SAFETY AND
PRIVACY OF EMPLOYEES THAT ARE OR WHO
HAVE FAMILY MEMBERS THAT ARE VICTIMS OF
DOMESTIC VIOLENCE, SEXUAL ASSAULT,
SEXUAL ABUSE, STALKING, OR HARASSMENT IN
ACCORDANCE WITH HB 1533.**

WHEREAS, in 2023, the Washington Legislature passed a law regarding protection of personal information for government employees who are victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment or who have family members in that category (HB 1533); and

WHEREAS, HB 1533 permits cities to protect information about employees who are victims (or have family members who are victims) and provides a procedure for cities to verify qualification for that program; and

WHEREAS, when an employee is qualified for such program, the City can redact information from public records about that employee that would otherwise not be redacted under the Public Records Act (Ch. 42.56 RCW); and

WHEREAS, the attached policy and application form are consistent with State law; and

WHEREAS, the City Council finds it in the public interest to adopt a Policy on Employee Survivor Protection, as attached hereto as Exhibit “A”;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RUSTON,
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Policy Adopted. The City Council hereby adopts the “City of Ruston Administrative Policy and Procedure for Employee-Survivor Exemption” in the form attached hereto as Exhibit “A”.

RESOLVED this 20th day of August, 2024.

APPROVED:

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: 798

City of Ruston

Administrative Policy and Procedure for

Employee-Survivor Protection

RCW 42.56.250(1)(i)

1. PURPOSE

To ensure the safety and privacy of employees that are victims of or have dependents that are victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment. It is the policy of the City of Ruston to protect the confidentiality and privacy of those victims and to hold confidential all personally identifying or individual information, communications, observations, and information made by, between, or about victims to the extent permitted under State law.

2. ORGANIZATIONS AFFECTED

All employees or volunteers.

3. REFERENCES

Washington State House Bill 1533 – 2023-2024,
RCW 5.68.010
RCW 7.105.010
RCW 7.125.030
RCW 9A.46.020
RCW 9A.46.110
RCW 10.99.020
RCW 40.24
RCW 42.56.250(1)(i)

4. DEFINITIONS

- 4.1 Employee.** Personnel that are appointed or hired for a regular, temporary, extra hire, or project position within the City.
- 4.2 Confidential Information.** Any written or spoken information shared in confidence, which includes any information that might identify the location or identity of someone who is a victim or has a dependent that is a victim of: domestic violence, dating violence, sexual assault, or stalking.
- 4.3 Personally Identifying Information.** Individually identifying information about an individual and includes information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking.
- 4.4 Verified Statement.** A statement signed under penalty of perjury, in accordance with RCW 42.56.250(1)(i) that identifies the alleged perpetrator(s) by name and, if possible, image or likeness, or from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment which has been verified by the City.

- 4.5 Domestic Violence.** The intentional, willful, or reckless action of inflicting physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member or by one intimate partner against another intimate partner (RCW 10.99.020(4) & RCW 7.105.010(9)).
- 4.6 Sexual Assault.** Rape or rape of a child; Assault with intent to commit rape or rape of a child; Incest or indecent liberties; Child molestation; Sexual misconduct with a minor; Custodial sexual misconduct; Crimes with a sexual motivation; Sexual exploitation or commercial sex abuse of a minor; Promoting prostitution; or an attempt to commit any of the aforementioned offense (RCW 70.125.030(7)).
- 4.7 Sexual Abuse.** Any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, or sexual harassment (RCW 7.105.010(2)(e)).
- 4.8 Stalking.** Anyone who intentionally and repeatedly harasses or repeatedly follows another person; The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person (the feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances); and the stalker either intends to frighten, intimidate, or harass the person; or knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person (RCW 9A.46.110 & RCW 7.105.010(34)).
- 4.9 Harassment.** Intent to harass or intimidate any other person, uses any lewd, lascivious, indecent, or obscene words, images, or language, or suggests the commission of any lewd or lascivious act; is made anonymously or repeatedly; contains a threat to inflict bodily injury immediately or in the future on the person threatened or to any other person; or contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person; without lawful authority, the person knowingly threatens to cause bodily injury immediately or in the future to the person threatened or to any other person; or to cause physical damage to the property of a person other than the actor; or to subject the person threatened or any other person to physical confinement or restraint; or maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and the person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication (RCW 9A.46.020 & RCW 7.105.010(36)).

5. RESPONSIBILITIES

- 5.1 Employee.** It is the responsibility of the employee to provide information to the City in the form of a sworn statement and to disclose documentation to support the sworn

statement in order for the City to verify that the exception in RCW 42.56.250(1)(i) applies.

5.2 Human Resources. It is the responsibility of Human Resources to apply this Policy and to verify the supported documents.

6. STATEMENTS OF POLICY AND PROCEDURE

6.1 General.

The Washington State legislature passed House Bill 1533 April 19, 2023, and became effective May 15, 2023. HB 1533 adopts a Public Redaction Act (PRA) exemption protecting an employee's personally identifiable information if they or a dependent are a survivor of domestic violence, sexual assault, stalking or harassment as defined in state law.

6.2 Verified Sworn Statement. Except as applied to public records requests from the news media or as otherwise required by law, during the time an employee's verified sworn statement is in effect, the City redacts as exempt the employee's personally identifiable information such as job title, address of workstations and locations, work email address, work phone number, or bargaining unit, from disclosures under the PRA.

6.3 Exemption Bases. There shall two bases for an exemption under RCW 42.56.250(1)(i): (1) being a victim or having a dependent that is a victim of domestic violence, sexual assault, sexual abuse, stalking, or harassment, as defined under the specific criminal procedure statute, Victims of Sexual Assault Act, civil protection order statute, or criminal code; or (2) employees who participated in the Address Confidentiality Program (ACP) as administered by the Washington Secretary of State. Either basis requires the employee to submit a sworn statement with information or evidence to establish eligibility which will be verified by the City.

6.4 Information Required. For employees who are participants of the ACP, the employee shall provide proof of such participation) as administered by the Washington Secretary of State and complete and submit the Application for Exemption form (available via the Human Resources division). If the employee is not a participant of the ACP, they shall provide a sworn statement (included on the Application for Exemption form) verified by the Human Resources Manager or the City Administrator) that the employee or their dependent is a survivor of domestic violence, sexual assault, stalking, or harassment as defined in state law. In addition to the sworn statement, the employee is required to provide documentation that identifies the alleged perpetrator by name and, if possible, image or likeness, or by providing a copy of the police report, protection order petition, or other documentation of the allegation. The sworn statement expires after two years but may be renewed by providing a new sworn statement or providing proof of enrollment in the ACP.

6.5 Storage of Verified Statement. The completed Verified Statement form will be saved in the employee's personnel file and will be kept confidential in accordance with State law and may not be disclosed without consent of the employee who submitted the documentation unless otherwise required by law. Any additional supporting documentation as listed in this section will not be kept by city personnel. Folders containing the Sworn Statement will be kept in a

separate folder that is marked “confidential” and shall be kept and maintained in such a manner as to safeguard its contents.

6.6 List of Employees Maintained and Updated. The Human Resources Manager shall provide lists of employees who are subject to the exemption in RCW 42.56.250(1)(i) to the Public Records Officers. Such list shall include the date upon which such exemption will expire. This list will be updated whenever a new employee is added or removed from the list. The Public Records Officers shall include review of the list anytime a public records request is made that will result in release of employee information. The list of employees under this section shall be kept confidential and stored or managed in such a manner as to safeguard its contents.

6.7 Notice to Police or Other Employees. With the permission of the employee, information about the alleged perpetrator(s) of domestic violence, sexual assault, stalking, or harassment which are described in the verified statement may be provided to police or other employees if such information would be likely to increase safety and security for the employee or other people who may be working or doing business at City facilities.

**APPLICATION FOR EXEMPTION OF PERSONAL INFORMATION FOR AN
EMPLOYEE OR FAMILY MEMBER OF EMPLOYEE
(Statutory Authority RCW 42.56.250(1)(i))**

Name: _____ Employee ID: _____

Title: _____ Department: _____

Phone: _____ Email: _____

This request is based on any one of the following grounds:

- Domestic violence as defined by RCW 10.99.020 or 7.105.010
- Sexual assault as defined by RCW 70.125.030
- Sexual abuse as defined in RCW 7.105.010
- Stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010
- Harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010
- The Employee or a dependent of the Employee is a participant in the Address Confidentiality Program (ACP) under chapter 40.24 RCW. (Provide documentation)

Name of person(s) committing the above behavior: _____

(Optional) Name of person(s) being subjected to the above behavior: _____

Relationship of person being subjected to the above behavior to the employee: ☐ Self ☐ Other

If Other: Name **(Optional)**: _____ Relationship to Employee: _____

If not Employee, does the person live with the Employee? ☐ Yes ☐ No

Is the person a minor? ☐ Yes ☐ No Is this person a dependent of the Employee? ☐ Yes ☐ No

As of the date this form is completed, the Employee named above has a current basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment (circle applicable) continues to exist. This belief is based on the following information:

Please provide one of the following to the Mayor (or Designee) for review only:

- Current protection order in place
- Protection order petition
- One or more police reports demonstrating the behavior
- Any other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment
- Proof to the City of the employee's participation or participation of a dependent in the address confidentiality program under Chapter 40.24 RCW

I am requesting to anonymize my work email address. ☐ Yes ☐ No

Optional - Please check all applicable boxes to provide permission as to who else may be informed about the person that is committing the behavior that is the subject of the verification request. Information you may want to reveal could include, name, physical description, contact information, date of birth, and image of person (provide photo if available)

☐ City of Ruston Police Department

☐ Front desk staff in any building where I work

☐ My Department Director

☐ My Supervisor

☐ My Co-Workers (List names if limited): _____

☐ Other (Provide Name(s)): _____

I declare under penalty of perjury under the laws of the State of Washington that the information contained in this application is true and correct to the best of my knowledge.

Executed at _____, Washington, this ____ day of _____, 20__.

Employee Signature: _____

Printed Name: _____

Important notes:

1. If granted, the exemption in RCW 42.56.250(1)(i) regarding personally identifying employee information, does not apply to public records requests from the news media as defined in RCW 5.68.010(5). Any documentation maintained by the City to administer the employee's application for exemption pursuant to RCW 42.56.250(1)(i) is confidential and exempt from disclosure.
2. If granted, this exemption will expire in two (2) years but may be subsequently renewed by providing a new sworn statement to the City. Please keep track of the expiration date and apply for a new exemption prior to expiration if an exemption is needed at that time.

-----Internal Use Only-----

VERIFICATION

Person performing the verification review: _____

Documentation provided:

☐ police report ☐ protection order petition

☐ protection order ☐ other (list): _____

Description and/or photo of perpetrator obtained: ☐ Yes ☐ No

Verified/Approved: ☐ Yes ☐ No

If yes, expiration date: _____