
SUBSTITUTE SENATE BILL 5586

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators King, Robinson, and Wellman)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to employees' paid family or medical leave data;
2 amending RCW 50A.25.040; and providing an effective date.

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

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

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

9 (2) An employer shall have access to:

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

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

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

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

20 (i) Type of leave being taken;

1 (ii) Requested duration of leave including the approved dates of
2 leave; and

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

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

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

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

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

23 (a) Specifically identifying the information that is to be
24 disclosed;

25 (b) That state government files will be accessed to obtain that
26 information;

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

30 (d) Indicating all the parties who may receive the information
31 disclosed.

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

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