

Minority Report on RCW 42.56.250(2) - Applications for Public Employment

By Ramsey Ramerman, Sunshine Committee member.

This minority report is prepared pursuant to Article VII of the Public Records Exemption Accountability Committee Bylaws.

While I agree with the Sunshine Committee that the public has a right to know the qualifications of public employees who hold “executive” positions, I think that the changes proposed by the Sunshine Committee would make it more difficult for public agencies to hire qualified persons for those executive positions. This would be contrary to the public’s interest.

My disagreement with the majority is based on the proposed change to release applications and résumés for unsuccessful candidates who make the “finalist” list. Many applicants for “executive” positions will not want their current employer to know that they are looking for a new job until they have secured a new job. Therefore, if the Legislature amends the statute as proposed by the majority, agencies will see fewer qualified applicants for “executive” positions. If there are fewer applicants, inevitably agencies will have to hire less qualified people.

An open process, where applications are disclosed before the hiring decision is made, will also be harmful because it will unduly emphasize paper qualifications. This will negatively impact the hiring process because the best hiring decisions include consideration of intangibles that cannot be put down on paper.

Rather than allow disclosure of all finalists’ application material, I recommend the Legislature amend the application to allow for the disclosure of the successful candidate’s application material, subject to any other applicable exemptions. Application material for unsuccessful finalists would only be released if authorized by the unsuccessful candidate.

Accordingly, rather than the changes proposed by the majority, I instead propose that the statute be amended as proposed below so that (1) the application and résumé of the successful applicant for an executive position is subject to disclosure and (2) the applications and résumés of unsuccessful applicants are subject to disclosure if the applicants agree. Finally, a sentence could be added to make it clear that information on applications and résumés subject to other exemptions should be redacted. This would include social security numbers, addresses and phone numbers.

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