

RCW 49.95.070 Compliance investigations—When authorized. (1)

The department may conduct investigations to ensure compliance when information is obtained that a covered employer may be committing a violation under this chapter or in response to complaints from employees or employee representatives for the following requirements of this chapter:

(a) A written policy as required by RCW 49.95.020 that includes the minimum elements under RCW 49.95.020(2) and is updated annually;

(b) The written policy is provided to employees in accordance with RCW 49.95.020(1) (a) through (c) and (e);

(c) A current plan as required by RCW 49.95.030 that includes the minimum elements under RCW 49.95.030(2);

(d) The prior notice requirement under RCW 49.95.040(1);

(e) The recordkeeping and retention requirements under RCW 49.95.050; and

(f) The retaliation prohibition under RCW 49.95.040(4) upon receipt of a complaint by an employee who believes that he or she was subject to retaliation.

(2) The department may prioritize investigations as needed to allow for timely resolution.

(3) Nothing in this chapter limits the department's ability to investigate under any other authority.

(4) Nothing in this chapter limits a worker's right to pursue private legal action.

(5) Nothing in this chapter authorizes the department to investigate individual allegations of harassment, abuse, or discrimination made by employees against recipients of care or other individuals.

(6) The department of social and health services and its agents shall not be liable for the acts or omissions of a covered employer that are in violation of this chapter.

(7) Covered employers shall not be liable for the acts or omissions of the department of social and health services or agents thereof that are in violation of this chapter.

(8) Failure of a covered employer to comply with the requirements under subsection (1)(a) through (e) of this section shall subject the covered employer to citation under chapter 49.17 RCW. Claims of retaliation under subsection (1)(f) of this section are subject to the provisions of RCW 49.17.160. [2020 c 309 s 8.]