

HOUSE BILL REPORT

SSB 6046

As Passed House:
March 7, 2014

Title: An act relating to whistleblowers.

Brief Description: Implementing procedures concerning certain whistleblowers.

Sponsors: Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Rolfes, Conway, Kohl-Welles, Braun, Honeyford and Kline).

Brief History:

Committee Activity:

Labor & Workforce Development: 2/25/14 [DP].

Floor Activity:

Passed House: 3/7/14, 97-0.

Brief Summary of Substitute Bill

- Creates timelines and notification requirements for the processing of elevator whistleblower complaints by the Human Rights Commission.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 9 members: Representatives Sells, Chair; Reykdal, Vice Chair; Manweller, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Christian, Green, G. Hunt, Moeller and Ormsby.

Staff: Joan Elgee (786-7106).

Background:

In 2012 the Legislature provided whistleblower protection to employees working for elevator contractors who in good faith report or oppose practices that violate the laws on conveyances or the employer's policies. An employee who is subjected to workplace reprisal or retaliatory action as the result of being a whistleblower has remedies under the Washington Law Against Discrimination, which is administered by the Human Rights Commission (Commission).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When any complaint is filed with the Commission, the Commission first reviews and evaluates the complaint. If the Commission determines that the facts as stated could constitute an unfair practice, the Commission investigates the complaint and makes findings of fact and a finding that there is or is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of the finding must be provided to the complainant and the respondent. If the Commission determines there is or has been an unfair practice, it works to eliminate the unfair practice by conference, conciliation, and persuasion. If an agreement to eliminate the unfair practice cannot be reached, a finding to that effect must be made with a copy provided to the complainant and respondent, and the complaint is forwarded to an administrative law judge for a formal hearing on the complaint. If the judge finds that an unfair practice has occurred, the judge must order the respondent to cease and desist from the unfair practice and may order other relief.

Summary of Bill:

Specific provisions for the processing of elevator whistleblower complaints are enacted.

The Commission must notify an elevator whistleblower of completion of an investigation. Within 90 days after the notification that the investigation is complete, the Commission must issue written findings of fact and a finding that there is or there is not reasonable cause for believing an unfair practice has been or is being committed. After a reasonable cause finding, the Commission has six months to try and reach an agreement for the elimination of the unfair practice through conference, conciliation, and persuasion. The Commission may grant additional time to seek agreement based on extenuating facts and circumstances.

The Commission must notify the whistleblower's union, if any, of the complaint, the results of the investigation, and any finding that an agreement to eliminate the unfair practice cannot be reached.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill perfects a law passed a couple of years ago. The first use of the law was a constituent who red-tagged an escalator and was retaliated against. The complaint was not well processed and dragged on for over 18 months, during which time the constituent was out of work. The union was not notified. The current process is not achieving the goal of the prior legislation, which was to allow whistleblowing without fear of retaliation.

(Opposed) None.

Persons Testifying: Senator Keiser, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.