1506-S2 AMH SMIN ELGE 158

**2SHB 1506** - H AMD **669**

By Representative Smith

**NOT ADOPTED 01/17/2018**

On page 7, after line 2, insert the following:

"(6) (a) An employee who has filed a complaint under this chapter with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(b) If the employee elects to terminate the department's administrative action: (i) The department shall immediately discontinue its action against the employer; (ii) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (iii) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of amounts assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(c) Nothing in this section shall be construed to limit or affect: (i) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (ii) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under this chapter; or (iii) the right of the department to pursue any judicial, administrative, or other action otherwise authorized."

On page 7, line 3, after "Subject to" insert "section 7(6) of this act and"

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|  | EFFECT: Provides that an employee who files an administrative complaint preserves the right to a private right of action by providing written notice to the Department of Labor and Industries (Department) within 10 days after receiving the citation and notice of assessment. Provides that if the employee terminates the administrative action, the Department must discontinue its action and vacate a citation and notice of assessment. Provides that the citation and notice of assessment and related information are not admissible in another proceeding. Provides that the provisions do not limit or affect other rights. |

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