**1506-S2 AMS RIVE S4617.1 - NOT FOR FLOOR USE**

**2SHB 1506** - S AMD **759**

By Senator Rivers

**WITHDRAWN 03/01/2018**

On page 7, after line 16, insert the following:

"NEW SECTION. **Sec.**  (1) An employee who has filed a gender pay equity complaint 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.

(2) If the employee elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the employer; (b) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (c) 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 the wages, including interest, assessed by the department in the citation and notice of assessment, are not admissible in any court action or other judicial or administrative proceeding.

(3) Nothing in this section limits or affects: (a) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (b) 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 gender pay equity complaint; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to an employer in the absence of a gender pay equity complaint."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 1, after "through" strike "11" and insert "12"

EFFECT: Allows an employee to elect to terminate the department's administrative action and preserve any private right of action. Requires action by the department if an election is made.