

# HOUSE OF REPRESENTATIVES

Olympia, Washington

## Bill Analysis

Bill No. SSB 5672

Retaliation against whistleblower.

Brief title

Hearing Date 3/23/99

Senator Kain of Post and Prentice.

Sponsor(s)

Staff Steve Andin

State Government Committee

Phone 786-7127

### BACKGROUND:

Legislation enacted in 1982 establishing whistleblower protection program for state employees, encourages state employees to report improper governmental actions and protect their rights if state employees make such disclosures.

Employees provide information about improper governmental action in good faith and are protected from retaliation and have remedies available under the Human Rights Commission laws. A retaliation could include a number of actions such as requests for changes, frequent undesirable changes, refusal to assign meaningful work, demotion, reduction in pay, denial of a promotion, suspension, dismissal, and supervisor's encouragement of coworkers' behavior hostile toward the whistleblower.

An agency is allowed to exercise supervisory authority over a whistleblower including terminating, suspending and disciplining employees. However, the agency is required to implement any order made by the Human Rights Commission, other than an order of suspension if the agency has terminated the retaliator.

### SUMMARY:

Changes are made to the retaliation provisions of the state whistleblower

A presumption is established that cause of a retaliation is, including the listed types of retaliation. The agency is presumed to have taken retaliation if the presumption provides no preponderance of evidence that the agency's actions are justified as reasons unrelated to the employee's status as a whistleblower.

The list of retaliations is expanded to include a change in the physical location of the employee, a change in the employee's workplace or a change in the basic nature of the employee's job, if there is no opposition from the employee expressed.

**FISCANOTE:** Available.

**EFFECTIVE DATE:** Ninety days after adjournment session which bill passed.