

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5672

56th Legislature
1999 Regular Session

Passed by the Senate April 23, 1999
YEAS 41 NAYS 1

President of the Senate

Passed by the House April 19, 1999
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5672** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5672

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe)

Read first time 02/18/1999.

1 AN ACT Relating to retaliatory action against a whistleblower; and
2 amending RCW 42.40.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.40.050 and 1992 c 118 s 3 are each amended to read
5 as follows:

6 (1) Any person who is a whistleblower, as defined in RCW 42.40.020,
7 and who ~~((as a result of being a whistleblower))~~ has been subjected to
8 workplace reprisal or retaliatory action ~~((has))~~ is presumed to have
9 established a cause of action for the remedies provided under chapter
10 49.60 RCW. For the purpose of this section "reprisal or retaliatory
11 action" means but is not limited to any of the following:

- 12 ~~((+1))~~ (a) Denial of adequate staff to perform duties;
- 13 ~~((+2))~~ (b) Frequent staff changes;
- 14 ~~((+3))~~ (c) Frequent and undesirable office changes;
- 15 ~~((+4))~~ (d) Refusal to assign meaningful work;
- 16 ~~((+5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or
17 unsatisfactory performance evaluations;
- 18 ~~((+6))~~ (f) Demotion;
- 19 ~~((+7))~~ (g) Reduction in pay;

1 ~~((8))~~ (h) Denial of promotion;
2 ~~((9))~~ (i) Suspension;
3 ~~((10))~~ (j) Dismissal;
4 ~~((11))~~ (k) Denial of employment; ~~((and))~~
5 ~~((12))~~ (l) A supervisor or superior encouraging coworkers to
6 behave in a hostile manner toward the whistleblower; and
7 (m) A change in the physical location of the employee's workplace
8 or a change in the basic nature of the employee's job, if either are in
9 opposition to the employee's expressed wish.
10 (2) The agency presumed to have taken retaliatory action under
11 subsection (1) of this section may rebut that presumption by proving by
12 a preponderance of the evidence that the agency action or actions were
13 justified by reasons unrelated to the employee's status as a
14 whistleblower.
15 (3) Nothing in this section prohibits an agency from making any
16 decision exercising its authority to terminate, suspend, or discipline
17 an employee who engages in workplace reprisal or retaliatory action
18 against a whistleblower. However, the agency also shall implement any
19 order under chapter 49.60 RCW (other than an order of suspension if the
20 agency has terminated the retaliator).

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