

SENATE BILL REPORT

SB 6046

As Reported by Senate Committee On:
Commerce & Labor, January 22, 2014

Title: An act relating to whistleblowers.

Brief Description: Implementing procedures concerning certain whistleblowers.

Sponsors: Senators Keiser, Rolfes, Conway, Kohl-Welles, Braun, Honeyford and Kline.

Brief History:

Committee Activity: Commerce & Labor: 1/20/14, 1/22/14 [DPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, King and Kohl-Welles.

Staff: Mac Nicholson (786-7445)

Background: In 2012 the Legislature provided whistleblower protection to employees working for elevator contractors who report, in good faith, practices which may violate state law, regulation, or employer policies. An employee of an elevator contractor who was subject to retaliatory action as the result of being a whistleblower has remedies for this action through the Human Rights Commission (HRC).

When a whistleblower complaint is filed, HRC will first review and evaluate the complaint and determine whether the action constitutes an unfair practice. HRC will investigate the complaint if the action does constitute an unfair practice, and reduce the results of the investigation into written findings of fact. Based on the investigation, HRC will make a determination of whether there is reasonable cause for believing that an unfair practice has been or is being committed. If HRC determines there is or has been an unfair practice, it will work 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, and the complaint will be forwarded to an administrative law judge for a formal hearing on the complaint.

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.

Summary of Bill (Recommended Substitute): HRC must notify the whistleblower of completion of the investigation. HRC then has 90 days to 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 finding that there is reasonable cause to believe an unfair practice has been or is being committed, HRC has six months to try and reach an agreement for the elimination of the unfair practice through conference, conciliation, and persuasion. HRC may grant additional time to seek agreement for the elimination of the unfair practice based on extenuating facts and circumstances.

HRC must notify the whistleblower's union, if any, of the complaint and the results of the investigation.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): The substitute bill increases the time for HRC to try and reach an agreement for the elimination of the unfair practice from 90 days to six months, and allows HRC to grant additional time based on extenuating facts and circumstances.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is an attempt to perfect legislation passed a couple years ago that gave whistleblower protection to workers in the elevator and conveyance industry. The first complaint filed under the legislation took over nine months to report back to the worker about the complaint. The bill tightens up the process to resolve these complaints.

Persons Testifying: PRO: Swen Larson, IUEC 19; Charles Val, IUEC.