
State Government Committee

SB 5777

Brief Description: Concerning state employee whistleblower protection.

Sponsors: Senators Becker, Rivers, O'Ban, Hewitt, Dammeier, Litzow, Schoesler, Dandel, Padden, Angel, Baumgartner, King, Bailey, Warnick, Honeyford, Hill, Parlette, Fain, Braun, Sheldon, Brown, Ericksen and Benton.

Brief Summary of Bill

- Includes state whistleblower protection for reporting on prohibited ex parte communications between a state employee and a presiding officer or judge in a matter involving the employee's agency.

Hearing Date: 3/18/15

Staff: Sean Flynn (786-7124).

Background:

The Legislature enacted the State Employee Whistleblower Protection Act (Act) to encourage state employees to report improper governmental action by providing protections for whistleblowers against retaliation for the disclosure of improper actions. Any whistleblower who has been subject to workplace reprisal or retaliation by his or her employer has a cause of action for relief as an unfair practice, pursuant to the law against discrimination.

A whistleblower is a state employee who reports alleged improper governmental action in good faith to the state auditor, the Attorney General, the executive ethics board, or to the appropriate person within the employee's agency, which initiates an investigation by the state auditor or is part of an existing investigation. Whistleblower protection also covers an employee who is perceived by his or her employer to have reported any alleged improper governmental action, even if the employee did not do so.

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.

An improper government action that is subject to whistleblower protection under the Act includes any action taken within the performance of an employee's official duties which: constitutes gross mismanagement or waste of public funds or resources; violates a state or federal law or rule; substantially and specifically endangers the public health or safety; or prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless disclosure is prohibited by state or common law privilege.

Improper government action does not include personnel actions where other remedies exist, including: employee grievances and complaints; promotions; transfers; performance evaluations; reductions in pay; dismissals or suspensions; labor agreement disputes; claims of discriminatory treatment; and matters addressed under the state civil service law.

Summary of Bill:

Improper governmental action under the Act includes action taken within the performance of an employee's official duties, which violates the prohibition against ex parte communication under Administrative Procedures Act or analogous provisions of law, between an agency employee and a presiding officer or administrative law judge, in regards to cases or matters to which the employee's agency is a party. Such an improper action may be investigated by the state auditor even if other avenues are available for addressing ex parte communications.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.