

2SHB 1506 - S AMD 759  
By Senator Rivers

WITHDRAWN 03/01/2018

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

2 "NEW SECTION. **Sec. 9.** (1) An employee who has filed a gender  
3 pay equity complaint with the department may elect to terminate the  
4 department's administrative action, thereby preserving any private  
5 right of action, by providing written notice to the department within  
6 ten business days after the employee's receipt of the department's  
7 citation and notice of assessment.

8 (2) If the employee elects to terminate the department's  
9 administrative action: (a) The department shall immediately  
10 discontinue its action against the employer; (b) the department shall  
11 vacate a citation and notice of assessment already issued by the  
12 department to the employer; and (c) the citation and notice of  
13 assessment, and any related findings of fact or conclusions of law by  
14 the department, and any payment or offer of payment by the employer  
15 of the wages, including interest, assessed by the department in the  
16 citation and notice of assessment, are not admissible in any court  
17 action or other judicial or administrative proceeding.

18 (3) Nothing in this section limits or affects: (a) The right of  
19 any employee to pursue any judicial, administrative, or other action  
20 available with respect to an employer; (b) the right of the  
21 department to pursue any judicial, administrative, or other action  
22 available with respect to an employee that is identified as a result  
23 of a gender pay equity complaint; or (c) the right of the department  
24 to pursue any judicial, administrative, or other action available  
25 with respect to an employer in the absence of a gender pay equity  
26 complaint."

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

29 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.

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