

**WAC 296-35-500 Retaliation protections and enforcement.** (1) A person including, but not limited to, an employer, their agent, a person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, may not discharge or in any way retaliate, discriminate, or take adverse action against an employee or former employee for exercising any rights established in this chapter including, but not limited to:

(a) The right to make a complaint to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota that is allegedly in violation of chapter 49.17 RCW, RCW 49.84.032, or this chapter;

(b) The right to participate in any proceeding related to a quota that is allegedly in violation of chapter 49.17 RCW, RCW 49.84.032, or this chapter; and

(c) The right to testify in any proceeding related to a quota that is allegedly in violation of chapter 49.17 RCW, RCW 49.84.032, or this chapter, including any statements given in the course of judicial, quasi-judicial, and administrative proceedings, including inspections, investigations, administrative adjudications, and rules hearings.

(2)(a) If a person takes adverse action against an employee or former employee within 90 days of the employee engaging or attempting to engage in activities protected by this chapter, there is a rebuttable presumption that the adverse action is a retaliatory action in violation of this chapter.

(b) The presumption may be rebutted by a preponderance of the evidence that:

(i) The action was taken for other permissible reasons; and

(ii) Engagement or attempted engagement in activities protected by this chapter was not a motivating factor in the adverse action.

(3) An employee or former employee who believes that they were subject to retaliation under this section may file a complaint with the department in accordance with WAC 296-360-030.

(4) Complaints under this section will be investigated according to chapter 296-360 WAC, including appropriate relief, payment of damages, penalties, and appeal of citations of notices of assessment, except the presumption in subsection (3) of this section applies.

[Statutory Authority: RCW 49.84.060, 49.17.010, 49.17.040, 49.17.050, 49.17.060, chapters 49.17 and 49.84 RCW. WSR 24-12-048, § 296-35-500, filed 5/31/24, effective 7/1/24.]