
SENATE BILL 6321

State of Washington 52nd Legislature 1992 Regular Session

By Senators Skratek, Metcalf, Gaspard and von Reichbauer

Read first time 01/24/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to local government whistleblowers; adding new
2 sections to chapter 42.40 RCW; and adding a new section to chapter
3 43.09 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.40 RCW
6 to read as follows:

7 (1) Each city, county, port district, public utility district, and
8 school district is encouraged to adopt a whistleblower program so that
9 its employees can disclose improper governmental actions without fear
10 of retaliation. Each city, county, port district, public utility
11 district, and school district and its employees are subject to the
12 provisions of this chapter as if the city, county, port district,
13 public utility district, or school district were a state agency and its
14 employees state employees. However, the auditor may decline to

1 investigate a report of improper governmental action from a city,
2 county, port district, public utility district, or school district
3 employee if the city, county, port district, public utility district,
4 or school district has a whistleblower program that has been approved
5 under subsection (2) of this section and if the city, county, port
6 district, public utility district, or school district has agreed to
7 conduct an investigation of the report. For purposes of applying the
8 provisions of this chapter to a city, county, port district, public
9 utility district, or school district and its employees, the reference
10 to a "state law or rule" in RCW 42.40.020(3)(a)(ii) also includes city,
11 county, port district, public utility district, or school district and
12 laws or rules; and the term "improper governmental action" in RCW
13 42.40.020(3)(b) also does not include actions covered by a city,
14 county, port district, public utility district, or school district
15 civil service system, personnel system, or collective bargaining system
16 or law. A city, county, port district, public utility district, or
17 school district employee who is a whistleblower as a result of this
18 subsection is also a whistleblower under chapter 49.60 RCW.

19 (2) Any city, county, port district, public utility district, or
20 school district may submit its whistleblower program to the auditor and
21 request the auditor to approve the program. The auditor shall approve
22 any city, county, port district, public utility district, or school
23 district program that the auditor finds accomplishes the purposes of
24 the provisions of the state whistleblower program. In considering
25 whether or not to approve a city, county, port district, public utility
26 district, or school district whistleblower program, the auditor shall
27 take into consideration the degree to which city, county, port
28 district, public utility district, or school district whistleblower
29 complaints will be investigated and the amount of protection offered to
30 whistleblowers against retaliatory actions.

1 (3) Any person who is a whistleblower under an approved city,
2 county, port district, public utility district, or school district
3 whistleblower program also is a whistleblower under RCW 42.40.020 for
4 purposes of the application of chapter 49.60 RCW.

5 (4) This section shall apply to cities with a population of over
6 thirty thousand and counties with a population of over one hundred
7 thousand on July 1, 1993. This section shall apply to all other cities
8 and counties, and all public utility districts, port districts, and
9 school districts on July 1, 1994. Nothing in this subsection is
10 intended to prohibit the submission of a whistleblower program in
11 advance of these dates.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.40 RCW
13 to read as follows:

14 (1) The auditor shall establish and consult with a committee to
15 develop model whistleblower programs that meet the intent and
16 requirements of section 1 of this act and that conform to the structure
17 and procedures of the different types and sizes of affected cities,
18 counties, public utility districts, port districts, and school
19 districts. The committee shall include but not be limited to
20 representatives from cities with a population of over thirty thousand,
21 cities with a population of thirty thousand or less, counties with a
22 population of over one hundred thousand, counties with a population of
23 one hundred thousand or less, public utility districts, port districts,
24 school districts, and at least three employee organizations that
25 represent employees of cities, counties, public utility districts, port
26 districts, or school districts. The auditor shall also consult with
27 the state human rights commission with respect to the development of
28 the model programs.

1 (2) The committee established in subsection (1) of this section and
2 the auditor may make recommendations to the legislature by December 1,
3 1992, on amendments to this act that are necessary to develop workable
4 whistleblower programs, focusing on larger cities and counties; and may
5 make further recommendations to the legislature by December 1, 1993,
6 focusing on smaller cities and counties, and port districts, public
7 utility districts, and school districts.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.09 RCW
9 to read as follows:

10 The expense of approving whistleblower programs and investigating
11 improper city, county, port district, public utility district, and
12 school district activity as provided in section 1 of this act shall be
13 borne by each city, county, port district, public utility district, or
14 school district submitting a program for approval or subject to such
15 investigation. Procedures established by the division of municipal
16 corporations concerning the municipal revolving fund shall be made
17 applicable to these investigations and their expenses.