
SUBSTITUTE HOUSE BILL 1159

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson)

Read first time 02/08/93.

1 AN ACT Relating to improper governmental action; amending RCW
2 42.41.020; and adding a new section to chapter 42.41 RCW.

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

4 **Sec. 1.** RCW 42.41.020 and 1992 c 44 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1)(a) "Improper governmental action" means any action by a local
9 government officer or employee:

10 (i) That is undertaken in the performance of the officer's or
11 employee's official duties, whether or not the action is within the
12 scope of the employee's employment; and

13 (ii) That is in violation of any federal, state, or local law or
14 rule, is an abuse of authority, is of substantial and specific danger
15 to the public health or safety, or is a gross waste of public funds.

16 (b) "Improper governmental action" does not include personnel
17 actions including but not limited to employee grievances, complaints,
18 appointments, promotions, transfers, assignments, reassignments,
19 reinstatements, restorations, reemployments, performance evaluations,

1 reductions in pay, dismissals, suspensions, demotions, violations of
2 the local government collective bargaining and civil service laws,
3 alleged labor agreement violations, reprimands, or any action that may
4 be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW
5 or RCW 54.04.170 and 54.04.180.

6 (2) "Local government" means any governmental entity other than the
7 state, federal agencies, or an operating system established under
8 chapter 43.52 RCW. It includes, but is not limited to cities,
9 counties, school districts, and special purpose districts.

10 (3) "Retaliatory action" means any adverse change in a local
11 government employee's employment status, or the terms and conditions of
12 employment including denial of adequate staff to perform duties,
13 frequent staff changes, frequent and undesirable office changes,
14 refusal to assign meaningful work, unwarranted and unsubstantiated
15 letters of reprimand or unsatisfactory performance evaluations,
16 demotion, transfer, reassignment, reduction in pay, denial of
17 promotion, suspension, dismissal, or any other disciplinary action.
18 "Retaliatory action" also means hostile actions by another employee
19 towards the whistleblower that were encouraged by a supervisor.

20 (4) "Emergency" means a circumstance that if not immediately
21 changed may cause damage to persons or property.

22 NEW SECTION. Sec. 2. A new section is added to chapter 42.41 RCW
23 to read as follows:

24 (1) It is unlawful for a local government official or employee to
25 directly or indirectly use or attempt to use his or her official
26 authority or influence for the purpose of intimidating, threatening,
27 coercing, or influencing an employee not to disclose information
28 concerning improper governmental action to a person designated under
29 RCW 42.41.030(3).

30 (2) Nothing in this section authorizes an employee to disclose
31 information otherwise prohibited by law.

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