

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1159

Chapter 210, Laws of 1994

53rd Legislature
1994 Regular Session

LOCAL GOVERNMENT WHISTLEBLOWER PROTECTION--INTIMIDATION

EFFECTIVE DATE: 6/9/94

Passed by the House March 9, 1994
Yeas 96 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 9, 1994
Yeas 44 Nays 1

JOEL PRITCHARD

President of the Senate

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1159** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

April 1, 1994 - 10:05 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1159

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 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: (a) 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; or
18 (b) hostile actions by another employee towards a local government
19 employee that were encouraged by a supervisor or senior manager or
20 official.

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

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

25 (1) A local government official or employee may not use his or her
26 official authority or influence, directly or indirectly, to threaten,
27 intimidate, or coerce an employee for the purpose of interfering with
28 that employee's right to disclose information concerning an improper
29 governmental action in accordance with the provisions of this chapter.

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

Passed the House March 9, 1994.

Passed the Senate March 9, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.