
SENATE BILL 5672

State of Washington

56th Legislature

1999 Regular Session

By Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe

Read first time 02/01/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to retaliatory action against a whistleblower; and
2 amending RCW 42.40.050.

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

4 **Sec. 1.** RCW 42.40.050 and 1992 c 118 s 3 are each amended to read
5 as follows:

6 (1) Any person who is a whistleblower, as defined in RCW 42.40.020,
7 and who ~~((as a result of being a whistleblower))~~ has been subjected to
8 workplace reprisal or retaliatory action ~~((has))~~ is presumed to have
9 established a cause of action for the remedies provided under chapter
10 49.60 RCW. For the purpose of this section "reprisal or retaliatory
11 action" means but is not limited to any of the following:

12 ~~((+1))~~ (a) Denial of adequate staff to perform duties;

13 ~~((+2))~~ (b) Frequent staff changes;

14 ~~((+3))~~ (c) Frequent and undesirable office changes;

15 ~~((+4))~~ (d) Refusal to assign meaningful work;

16 ~~((+5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or
17 unsatisfactory performance evaluations;

18 ~~((+6))~~ (f) Demotion;

19 ~~((+7))~~ (g) Reduction in pay;

1 (~~(8)~~) (h) Denial of promotion;
2 (~~(9)~~) (i) Suspension;
3 (~~(10)~~) (j) Dismissal;
4 (~~(11)~~) (k) Denial of employment; and
5 (~~(12)~~) (l) A supervisor or superior encouraging coworkers to
6 behave in a hostile manner toward the whistleblower.

7 (2) The agency presumed to have taken retaliatory action under
8 subsection (1) of this section may rebut that presumption by proving by
9 a preponderance of the evidence that the agency action or actions were
10 justified by reasons unrelated to the employee's status as a
11 whistleblower.

12 (3) Nothing in this section prohibits an agency from making any
13 decision exercising its authority to terminate, suspend, or discipline
14 an employee who engages in workplace reprisal or retaliatory action
15 against a whistleblower. However, the agency also shall implement any
16 order under chapter 49.60 RCW (other than an order of suspension if the
17 agency has terminated the retaliator).

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