

FINAL BILL REPORT

ESSB 5577

C 190 L 13
Synopsis as Enacted

Brief Description: Protecting public employees who act ethically and legally.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Carrell).

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Government Operations & Elections

Background: The Executive Ethics Board (EEB), Legislative Ethics Board, and Commission on Judicial Conduct investigate and may initiate complaints regarding the conduct of state government employees. Any person may file a complaint with an ethics board alleging violations of the ethics law. An investigation is limited to the assertions made in the complaint. The staff of an ethics board may issue an order of dismissal based on the complaint not being within the ethic board's jurisdiction, the complaint being unfounded or frivolous, or the complaint alleging violations that do not constitute material violations of the ethics laws. If the staff issues an order of dismissal, the order may be appealed to the appropriate ethics board.

If the investigation results in a determination of reasonable cause that a violation occurred, the ethics board must hold a public hearing regarding the merits of the complaint. The staff of the appropriate ethics board must present the case in support of the complaint. The respondent must file a response to the complaint and may appear in person at the hearing and submit testimony. If the ethics board finds, upon a preponderance of evidence, that the respondent has violated ethics laws, an enforcement action may be taken. If the ethics board finds that the respondent has not violated the law, it must file an order dismissing the complaint.

Whistleblower protection applies to a person who reports alleged improper governmental action in good faith report to the State Auditor, Attorney General, the director of the employee's agency, or the EEB. Such a person receives protection from retaliatory action.

Summary: A state employee who files an ethics complaint after making a reasonable attempt to ascertain the correctness of the information furnished must be afforded protection from retaliation similar to protection provided to whistleblowers, even if the complaint is subsequently denied. A retaliator may be subject to a civil penalty of up to \$5,000.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The EEB may not delegate its authority to issue complaints to the board's executive director. The EEB may request the assistance of the Attorney General or a contract investigator when investigating the conduct of an employee.

The identity of a person filing an ethics complaint in good faith is made exempt from public disclosure under the Public Records Act.

An ethics action is deemed to have been commenced when the appropriate ethics board or the board's executive director accepts a complaint for filing and initiates a preliminary investigation. Each executive branch agency must designate an ethics advisor to assist the agency's employees in understanding their obligations under the Ethics in Public Service Act. Executive branch employees are encouraged to attend an ethics training at least once every 36 months.

Votes on Final Passage:

Senate	47	0	
Senate	47	0	(Senate reconsidered)
House	96	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2013.