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HOUSE BILL 2275

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Van De Wege, Sells, Fitzgibbon, Dunshee, Farrell, Pollet, Reykdal, Ryu, Morrell, Habib, Bergquist, and Ormsby

Read first time 01/15/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to whistleblowers in the electrical industry;  
2 amending RCW 19.28.006; and adding new sections to chapter 19.28 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.28 RCW  
5 to read as follows:

6 The use of unsafe practices and work in violation of this chapter  
7 can cause serious and preventable injury to employees and the public in  
8 addition to property damage. It is the policy of the legislature that  
9 employees should be protected from workplace reprisal or retaliatory  
10 action for the opposition to or reporting in good faith of practices  
11 that may violate the provisions of this chapter and the rules adopted  
12 hereunder, or of the safety, installation, repair, or maintenance  
13 policies of their employers. The legislature intends to protect  
14 employees by authorizing investigations of whistleblower complaints.

15 **Sec. 2.** RCW 19.28.006 and 2013 c 23 s 27 are each amended to read  
16 as follows:

17 The definitions in this section apply throughout this subchapter.

1 (1) "Administrator" means a person designated by an electrical  
2 contractor to supervise electrical work and electricians in accordance  
3 with the rules adopted under this chapter.

4 (2) "Basic electrical work" means the work classified in (a) and  
5 (b) of this subsection as class A and class B basic electrical work:

6 (a) "Class A basic electrical work" means the like-in-kind  
7 replacement of a: Contactor, relay, timer, starter, circuit board, or  
8 similar control component; household appliance; circuit breaker; fuse;  
9 residential luminaire; lamp; snap switch; dimmer; receptacle outlet;  
10 thermostat; heating element; luminaire ballast with an exact same  
11 ballast; ten horsepower or smaller motor; or wiring, appliances,  
12 devices, or equipment as specified by rule.

13 (b) "Class B basic electrical work" means work other than class A  
14 basic electrical work that requires minimal electrical circuit  
15 modifications and has limited exposure hazards. Class B basic  
16 electrical work includes the following:

17 (i) Extension of not more than one branch electrical circuit  
18 limited to one hundred twenty volts and twenty amps each where:

19 (A) No cover inspection is necessary; and

20 (B) The extension does not supply more than two outlets;

21 (ii) Like-in-kind replacement of a single luminaire not exceeding  
22 two hundred seventy-seven volts and twenty amps;

23 (iii) Like-in-kind replacement of a motor larger than ten  
24 horsepower;

25 (iv) The following low voltage systems:

26 (A) Repair and replacement of devices not exceeding one hundred  
27 volt-amperes in Class 2, Class 3, or power limited low voltage systems  
28 in one and two-family dwellings;

29 (B) Repair and replacement of the following devices not exceeding  
30 one hundred volt-amperes in Class 2, Class 3, or power limited low  
31 voltage systems in other buildings, provided the equipment is not for  
32 fire alarm or nurse call systems and is not located in an area  
33 classified as hazardous by the national electrical code; or

34 (v) Wiring, appliances, devices, or equipment as specified by rule.

35 (3) "Board" means the electrical board under RCW 19.28.311.

36 (4) "Chapter" or "subchapter" means the subchapter, if no chapter  
37 number is referenced.

38 (5) "Department" means the department of labor and industries.

1 (6) "Director" means the director of the department or the  
2 director's designee.

3 (7) "Electrical construction trade" includes, but is not limited  
4 to, installing or maintaining electrical wires and equipment that are  
5 used for light, heat, or power and installing and maintaining remote  
6 control, signaling, power limited, or communication circuits or  
7 systems.

8 (8) "Electrical contractor" means a person, firm, partnership,  
9 corporation, or other entity that offers to undertake, undertakes,  
10 submits a bid for, or does the work of installing or maintaining wires  
11 or equipment that convey electrical current.

12 (9) "Equipment" means any equipment or apparatus that directly  
13 uses, conducts, insulates, or is operated by electricity but does not  
14 mean: Plug-in appliances; or plug-in equipment as determined by the  
15 department by rule.

16 (10) "Industrial control panel" means a factory-wired or user-wired  
17 assembly of industrial control equipment such as motor controllers,  
18 switches, relays, power supplies, computers, cathode ray tubes,  
19 transducers, and auxiliary devices. The panel may include disconnect  
20 means and motor branch circuit protective devices.

21 (11) "Journey level electrician" means a person who has been issued  
22 a journey level electrician certificate of competency by the  
23 department.

24 (12) "Like-in-kind" means having similar characteristics such as  
25 voltage requirements, current draw, and function, and being in the same  
26 location.

27 (13) "Master electrician" means either a master journey level  
28 electrician or master specialty electrician.

29 (14) "Master journey level electrician" means a person who has been  
30 issued a master journey level electrician certificate of competency by  
31 the department and who may be designated by an electrical contractor to  
32 supervise electrical work and electricians in accordance with rules  
33 adopted under this chapter.

34 (15) "Master specialty electrician" means a person who has been  
35 issued a specialty electrician certificate of competency by the  
36 department and who may be designated by an electrical contractor to  
37 supervise electrical work and electricians in accordance with rules  
38 adopted under this chapter.

1 (16) "Specialty electrician" means a person who has been issued a  
2 specialty electrician certificate of competency by the department.

3 (17) "Whistleblower" means any employee who in good faith reports  
4 practices or opposes practices that may violate the provisions of this  
5 chapter or the rules adopted hereunder, or of the safety, installation,  
6 repair, or maintenance policies of his or her employer. The term also  
7 means (a) an employee who is believed to have reported such practices  
8 but who, in fact, has not reported such practices or (b) an employee  
9 who has assisted in the reporting of practices or has provided  
10 testimony or information in connection with the reporting of practices.

11 (18) "Workplace reprisal or retaliatory action" includes actions  
12 such as discharge or in any manner discrimination against any employee  
13 who has reported or filed any complaint or instituted or caused to be  
14 instituted any proceeding under or related to this chapter, or has  
15 testified or is about to testify in any such proceeding or because of  
16 the exercise by such employee on behalf of himself or herself or others  
17 of any right or responsibility afforded by this chapter.

18 NEW SECTION. Sec. 3. A new section is added to chapter 19.28 RCW  
19 to read as follows:

20 (1) An employee who is a whistleblower and who as a result of being  
21 a whistleblower has been subjected to workplace reprisal or retaliatory  
22 action has a right to the protections, procedures, and remedies  
23 provided under chapter 49.60 RCW.

24 (2) The identity of a whistleblower who reports, in good faith, to  
25 the department or to a political subdivision that regulates electrical  
26 installations, practices that may violate the provisions of this  
27 chapter or the rules adopted hereunder must remain confidential. The  
28 provisions of RCW 4.24.500 through 4.24.520, providing certain  
29 protections to persons who communicate to government agencies, apply to  
30 such reports.

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