1762-S2 AMH SCHM TANG 071

**2SHB 1762** - H AMD **295**

By Representative Schmidt

**NOT ADOPTED 03/06/2023**

On page 7, beginning on line 15, strike all of section 8 and insert the following:

"NEW SECTION. **Sec. 8.**  For the purposes of this act, there shall be a rebuttable presumption of unlawful retaliation if an employer in any manner discriminates, retaliates, or takes any adverse action against any employee within 90 days of the employee doing either of the following:

(1) Initiating the employee’s first request in a calendar year for information about a quota or personal work speed data pursuant to section 7 of this act; or

(2) Making a complaint related to a quota alleging any violations of this act to the employer, the director, or any local, or state, or federal governmental agency."

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|  | EFFECT:   Removes provisions: (1) prohibiting any person from taking retaliatory action against an employee or former employee for exercising, or being perceived as exercising, any rights established under the bill; (2) creating a rebuttable presumption of retaliation if adverse action was taken within 90 days of the employee or former employee engaging in any activities protected by the bill; (3) providing a standard of clear and convincing evidence to rebut the presumption; and (4) requiring the Department of Labor and Industries to enforce the retaliation provisions pursuant to the Minimum Wage Act.  Provides instead that a rebuttable presumption of retaliation is established if the employer takes adverse action against an employee within 90 days of: the employee's first request in a calendar year for information about a quota or personal work speed data; or the employee making a complaint related to a quota alleging any violations of the bill. |

**--- END ---**