

2 **SSB 5672 - H COMM AMD ADOPTED 04/14/99**
3 By Committee on State Government

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.40.050 and 1992 c 118 s 3 are each amended to read
8 as follows:

9 (1) Any person who is a whistleblower, as defined in RCW 42.40.020,
10 and who ~~((as a result of being a whistleblower))~~ has been subjected to
11 workplace reprisal or retaliatory action ~~((has))~~ is presumed to have
12 established a cause of action for the remedies provided under chapter
13 49.60 RCW. For the purpose of this section "reprisal or retaliatory
14 action" means but is not limited to any of the following:

- 15 ~~((+1))~~ (a) Denial of adequate staff to perform duties;
- 16 ~~((+2))~~ (b) Frequent staff changes;
- 17 ~~((+3))~~ (c) Frequent and undesirable office changes;
- 18 ~~((+4))~~ (d) Refusal to assign meaningful work;
- 19 ~~((+5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or
20 unsatisfactory performance evaluations;
- 21 ~~((+6))~~ (f) Demotion;
- 22 ~~((+7))~~ (g) Reduction in pay;
- 23 ~~((+8))~~ (h) Denial of promotion;
- 24 ~~((+9))~~ (i) Suspension;
- 25 ~~((+10))~~ (j) Dismissal;
- 26 ~~((+11))~~ (k) Denial of employment; ~~((and))~~
- 27 ~~((+12))~~ (l) A supervisor or superior encouraging coworkers to
28 behave in a hostile manner toward the whistleblower; and
- 29 (m) A change in the physical location of the employee's workplace
30 or a change in the basic nature of the employee's job, if either are in
31 opposition to the employee's expressed wish.

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

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

7 Correct the title.

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