

2 **SHB 1159** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/9/94

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

7 "**Sec. 1.** RCW 42.41.020 and 1992 c 44 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1)(a) "Improper governmental action" means any action by a local
12 government officer or employee:

13 (i) That is undertaken in the performance of the officer's or
14 employee's official duties, whether or not the action is within the
15 scope of the employee's employment; and

16 (ii) That is in violation of any federal, state, or local law or
17 rule, is an abuse of authority, is of substantial and specific danger
18 to the public health or safety, or is a gross waste of public funds.

19 (b) "Improper governmental action" does not include personnel
20 actions including but not limited to employee grievances, complaints,
21 appointments, promotions, transfers, assignments, reassignments,
22 reinstatements, restorations, reemployments, performance evaluations,
23 reductions in pay, dismissals, suspensions, demotions, violations of
24 the local government collective bargaining and civil service laws,
25 alleged labor agreement violations, reprimands, or any action that may
26 be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW
27 or RCW 54.04.170 and 54.04.180.

28 (2) "Local government" means any governmental entity other than the
29 state, federal agencies, or an operating system established under
30 chapter 43.52 RCW. It includes, but is not limited to cities,
31 counties, school districts, and special purpose districts.

32 (3) "Retaliatory action" means: (a) Any adverse change in a local
33 government employee's employment status, or the terms and conditions of
34 employment including denial of adequate staff to perform duties,
35 frequent staff changes, frequent and undesirable office changes,
36 refusal to assign meaningful work, unwarranted and unsubstantiated

1 letters of reprimand or unsatisfactory performance evaluations,
2 demotion, transfer, reassignment, reduction in pay, denial of
3 promotion, suspension, dismissal, or any other disciplinary action; or
4 (b) hostile actions by another employee towards a local government
5 employee that were encouraged by a supervisor or senior manager or
6 official.

7 (4) "Emergency" means a circumstance that if not immediately
8 changed may cause damage to persons or property.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.41 RCW
10 to read as follows:

11 (1) A local government official or employee may not use his or her
12 official authority or influence, directly or indirectly, to threaten,
13 intimidate, or coerce an employee for the purpose of interfering with
14 that employee's right to disclose information concerning an improper
15 governmental action in accordance with the provisions of this chapter.

16 (2) Nothing in this section authorizes an individual to disclose
17 information prohibited by law."

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21 On page 1, line 1 of the title, after "action;" strike the
22 remainder of the title and insert "amending RCW 42.41.020; and adding
23 a new section to chapter 42.41 RCW."

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