

SENATE BILL REPORT

SB 5788

As Reported By Senate Committee On:
State & Local Government, March 5, 2001

Title: An act relating to the definition of "whistleblower".

Brief Description: Revising the definition of "whistleblower."

Sponsors: Senators Kline, Swecker, Patterson, Oke, Shin, Rasmussen, Costa, Prentice, Sheahan, McAuliffe, McCaslin, Benton, Fraser, Deccio, Finkbeiner, Johnson and Winsley.

Brief History:

Committee Activity: State & Local Government: 2/21/01, 3/5/01 [DPS].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline, Roach, T. Sheldon and Swecker.

Staff: Diane Smith (786-7410)

Background: Whistleblowers are state employees who in good faith report alleged improper governmental action to the State Auditor. This includes employees who are believed to have reported improper governmental action but who actually have not, and employees who provide information in good faith to the Auditor in connection with a whistleblower investigation. Improper governmental action does not include personnel actions.

The report to the Auditor triggers a cascade of activities required for the Auditor to complete within various time limits. These activities include deciding whether to investigate the report; acknowledging receipt of the report and giving notice of the Auditor's decision to investigate; forwarding of the assertions made by the whistleblower to other relevant governmental entities; conducting a preliminary investigation; deciding whether further investigation is warranted; notifying the whistleblower and the subject of the investigation of the continued investigation; completing the investigation and reporting the results to the whistleblower; determining whether there is reasonable cause to believe the subject engaged in improper governmental action and reporting the finding to the relevant entities.

Summary of Substitute Bill: The remedies for retaliation against a whistleblower are extended to anyone who has reported alleged improper governmental action to a public body.

Whistleblower also means an employee who refuses to obey an order that would require him or her to violate a law.

Substitute Bill Compared to Original Bill: The substitute bill does not change the State Auditor's process for whistleblower complaints. The remedies for retaliation are extended to any person who reports improper governmental action to a public body. A public body includes the employee's supervisor and other governmental authorities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Restrictions on the whistleblower (only reporting to the Auditor) are unnecessary. A broader definition is necessary to protect the public interest. Washington should be in conformity with the federal law. Thirty-eight states do not require a whistleblower to report to a single body to be eligible for protection. Some clarification is needed as to when a cause of action arises.

Testimony Against: None.

Testified: PRO: Tom Carpenter, Government Account Proj.; Cindy Briclar; Joe Cole, Larry Dudley, WWTC; Linda Long, State Auditor's Office; Sharon Whitehead, Department of Personnel; Lynn McKinnon, WPEA.