
HOUSE BILL 2543

State of Washington

57th Legislature

2002 Regular Session

By Representatives Wood, Cooper, Kenney, Conway, Chase, Edwards, Simpson, Veloria and Santos

Read first time 01/21/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to discharge or adverse employment action for just
2 cause; and adding a new section to chapter 49.12 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 49.12 RCW
5 to read as follows:

6 (1) Without just cause, an employer may not discharge an employee
7 from employment or take any other adverse employment action against an
8 employee if:

9 (a) The employer required the employee to give notice of his or her
10 intent to terminate his or her employment;

11 (b) The employee gave the employer such notice; and

12 (c) The employer discharged or took adverse action against the
13 employee after the employee gave the employer such notice.

14 (2) For the purposes of this section, "just cause" means a fair and
15 honest cause or reason that is regulated by good faith on the part of
16 the employer, based on facts supported by substantial evidence, and
17 reasonably believed by the employer to be true. "Just cause" does not
18 mean an arbitrary, capricious, or illegal reason.

1 (3) The employer has the burden of proving just cause for the
2 discharge or the other adverse employment action.

3 (4)(a) An employee who believes he or she was discharged or
4 subjected to other adverse employment actions in violation of this
5 section may file a complaint alleging the violation with the director.
6 The employee may allege a violation only by filing such a complaint
7 within ninety days of the alleged violation.

8 (b) Upon receipt of the complaint, the director must cause an
9 investigation to be made as the director deems appropriate and must
10 determine whether this section has been violated. Notice of the
11 director's determination must be sent to the complainant and the
12 employer within ninety days of receipt of the complaint.

13 (c) If the director determines that this section was violated and
14 the employer fails to compensate the employee for any lost wages and
15 fails to withdraw any other adverse employment action taken against the
16 employee, within thirty days of receipt of notice of the director's
17 determination, the employee may bring an action against the employer
18 alleging a violation of this section and seeking compensation of lost
19 wages and withdrawal of adverse employment actions.

20 (d) In any action brought under this section, the superior court
21 has jurisdiction, for cause shown, to restrain violations under this
22 section and to order compensation of lost wages and withdrawal of
23 adverse employment actions.

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