

2SHB 1506 - H AMD 669

By Representative Smith

NOT ADOPTED 01/17/2018

1 On page 7, after line 2, insert the following:

2 "(6) (a) An employee who has filed a complaint under this chapter
3 with the department may elect to terminate the department's
4 administrative action, thereby preserving any private right of action,
5 by providing written notice to the department within ten business days
6 after the employee's receipt of the department's citation and notice
7 of assessment.

8 (b) If the employee elects to terminate the department's
9 administrative action: (i) The department shall immediately
10 discontinue its action against the employer; (ii) the department shall
11 vacate a citation and notice of assessment already issued by the
12 department to the employer; and (iii) the citation and notice of
13 assessment, and any related findings of fact or conclusions of law by
14 the department, and any payment or offer of payment by the employer of
15 amounts assessed by the department in the citation and notice of
16 assessment, shall not be admissible in any court action or other
17 judicial or administrative proceeding.

18 (c) Nothing in this section shall be construed to limit or
19 affect: (i) The right of any employee to pursue any judicial,
20 administrative, or other action available with respect to an employer;
21 (ii) the right of the department to pursue any judicial,
22 administrative, or other action available with respect to an employee
23 that is identified as a result of a complaint under this chapter; or
24 (iii) the right of the department to pursue any judicial,
25 administrative, or other action otherwise authorized."

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1 On page 7, line 3, after "Subject to" insert "section 7(6) of this
2 act and"
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EFFECT: Provides that an employee who files an administrative complaint preserves the right to a private right of action by providing written notice to the Department of Labor and Industries (Department) within 10 days after receiving the citation and notice of assessment. Provides that if the employee terminates the administrative action, the Department must discontinue its action and vacate a citation and notice of assessment. Provides that the citation and notice of assessment and related information are not admissible in another proceeding. Provides that the provisions do not limit or affect other rights.

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