

2SHB 1762 - H AMD 295

By Representative Schmidt

NOT ADOPTED 03/06/2023

1 On page 7, beginning on line 15, strike all of section 8 and
2 insert the following:

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4 "NEW SECTION. Sec. 8. For the purposes of this act, there shall
5 be a rebuttable presumption of unlawful retaliation if an employer in
6 any manner discriminates, retaliates, or takes any adverse action
7 against any employee within 90 days of the employee doing either of
8 the following:

9 (1) Initiating the employee's first request in a calendar year for
10 information about a quota or personal work speed data pursuant to
11 section 7 of this act; or

12 (2) Making a complaint related to a quota alleging any violations
13 of this act to the employer, the director, or any local, or state, or
14 federal governmental agency."

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EFFECT: Removes provisions: (1) prohibiting any person from taking retaliatory action against an employee or former employee for exercising, or being perceived as exercising, any rights established under the bill; (2) creating a rebuttable presumption of retaliation if adverse action was taken within 90 days of the employee or former employee engaging in any activities protected by the bill; (3) providing a standard of clear and convincing evidence to rebut the presumption; and (4) requiring the Department of Labor and Industries to enforce the retaliation provisions pursuant to the Minimum Wage Act.

Provides instead that a rebuttable presumption of retaliation is established if the employer takes adverse action against an employee within 90 days of: the employee's first request in a calendar year for information about a quota or personal work speed data; or the employee making a complaint related to a quota alleging any violations of the bill.

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