

SSB 5110 - H AMD TO LAWS COMM AMD (H-1756.1/23) **620**

By Representative Robertson

NOT CONSIDERED 01/02/2024

1 On page 1, beginning on line 5 of the striking amendment,
2 beginning with "Unless" strike all material through "costs" on line 14
3 and insert the following:

4 "An employee or applicant aggrieved by a violation of RCW
5 49.44.180 or RCW 49.44.220 may bring a civil action in a court of
6 competent jurisdiction. The court may:

7 (1) Award a prevailing employee or applicant injunctive or other
8 equitable relief, actual damages, a penalty in the amount of five
9 hundred dollars, and reasonable attorneys' fees and costs; and

10 (2) Pursuant to RCW 4.84.185, award a prevailing party against
11 whom an action has been brought under this section reasonable
12 attorneys' fees and costs upon final judgment and written findings by
13 the court that the action was frivolous and advanced without
14 reasonable cause"

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EFFECT:

- Narrows the application of the cause of action to violations of the restrictions against screening for genetic information as a condition of employment under RCW 49.44.180 and the restrictions against obtaining or using information regarding an employee's participation in an employee assistance program under RCW 49.44.220 (rather than applying it to any violation of a provision under chapter 49.44 RCW where a civil or criminal penalty, civil remedy, or other enforcement is not specified).
- Removes language allowing a prospective applicant to bring a cause of action, thereby limiting the underlying bill to employees and applicants.
- Allows the court to award a prevailing employee or applicant a penalty of \$500 (rather than a penalty of no less than \$500 and no more than \$1,000), in addition to other relief specified in the underlying bill.

- Allows the court to award a prevailing employee or applicant reasonable attorney's fees and costs (rather than requiring the court to do so).
- Specifies that the court may award a prevailing party against whom an action has been brought reasonable attorneys' fees and costs upon final judgment and written findings that the action was frivolous and advanced without reasonable cause.

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