

WAC 296-136-090 Retaliation protections. (1) A person including, but not limited to, an employer, his or her agent, or person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, may not discharge or in any way retaliate, discriminate, or take adverse action against an employee or former employee for exercising any rights established in this chapter, or for being perceived as exercising rights established in this chapter including, but not limited to:

(a) Initiating a request for information about a quota or personal work speed data pursuant to RCW 49.84.037 or associated rules; and

(b) Making a complaint to the employer, the director, or any local, state, or federal governmental agency or official, related to a quota that is allegedly in violation of this chapter.

(2) An employee or former employee need not explicitly refer to this section or the rights established in this chapter to be protected from an adverse action. The protection provided in this section applies to former employees and to employees who mistakenly but in good faith allege violations of this chapter.

(3)(a) If a person takes adverse action against an employee or former employee within 90 days of the employee engaging or attempting to engage in activities protected by this chapter, there is a rebuttable presumption that the adverse action is a retaliatory action in violation of this section.

(b) The presumption may be rebutted by a preponderance of the evidence that:

(i) The action was taken for other permissible reasons; and

(ii) The engaging or attempting to engage in activities protected by this chapter was not a motivating factor in the adverse action.

(4) An employee or former employee who believes that they were subject to retaliation under this section may file a complaint with the department in accordance with WAC 296-136-140.

[Statutory Authority: Chapter 49.84 RCW. WSR 24-12-045, § 296-136-090, filed 5/31/24, effective 7/1/24.]