

SENATE BILL REPORT

SB 6037

As of January 23, 2014

Title: An act relating to whistleblowers in the electrical industry.

Brief Description: Concerning whistleblowers in the electrical industry.

Sponsors: Senators Rolfes, Roach, Hasegawa, Keiser, Kline, Conway, Mullet and Kohl-Welles.

Brief History:

Committee Activity: Commerce & Labor: 1/20/14, 1/22/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jessica Stevenson (786-7465)

Background: Electricians, electrical installations, and telecommunication installations are regulated by the Department of Labor and Industries (L&I). Current law requires strict compliance with the electrical statutes and the rules adopted by L&I. Individuals in the electrical industry must also comply with approved methods of construction for safety and the policies of the electrical employer. Additionally, all materials, devices, appliances, and equipment must meet standards set by L&I.

Washington law provides whistleblower protections for workers in a variety of contexts. Generally, whistleblower statutes provide protection against retaliatory action for workers who report or are involved with potential violations. Washington law also gives protection to whistleblowers who are discriminated against by characterizing retaliatory action as an unfair practice and by providing procedures and remedies under the Laws Against Discrimination statute, which is administered by the Human Rights Commission.

Summary of Bill: A whistleblower is an employee who, in good faith, reports or opposes practices that may violate the Electricians and Electrical Installations statute, the rules adopted, or the employer's policies on safety, installation, repair, or maintenance. Whistleblower also means an employee who: is believed to have reported such practices but that employee did not report the practices, assists in the reporting of practices, or provides testimony or information in the reporting of practices.

A whistleblower who is subject to workplace reprisal or retaliatory action as a result of being a whistleblower has a right to the protections, procedures, and remedies provided under

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington's Laws Against Discrimination statute. Workplace reprisal or retaliatory action includes discharge or discrimination against an employee who:

- reported or filed a complaint or started a proceeding under the Electricians and Electrical Installations statute;
- testified or is about to testify in a proceeding; or
- exercised on behalf of themselves or others any right or responsibility afforded by the Electricians and Electrical Installations statute.

The identity of a whistleblower who reports, in good faith, practices that may violate the Electricians and Electrical Installations statute or the rules adopted must remain confidential.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Providing a framework for protections in the electrical industry is significant to public and personal safety. Many employees in the electrical industry are scared of retaliation if they report violations. Employees in the industry are pressured into doing dangerous tasks because they are afraid of losing their jobs. The bill will hold people accountable for electrical violations.

CON: The administration of whistleblower claims for the electrical industry is outside the scope of the Human Rights Commission, and it will cost the Human Rights Commission a lot of money. Since the bill does not provide any penalty for unwarranted claims, there will be an increase in unwarranted claims. It is unnecessary to single out the electrical industry for whistleblower claims.

Persons Testifying: PRO: Senator Rolfes, prime sponsor; Nicole Grant, Certified Electrical Workers of WA; Conor Bronsdon, WA State Labor Council; Bob Guenther, Int'l Brotherhood of Electrical Workers Local 77; Dave Myers, WA State Building and Construction Trades Council; Dennis Callies, Int'l Brotherhood of Electrical Workers Local 76 Tacoma.

CON: Gary Smith, Independent Business Assn.; Lawrence Stevens, National Electrical Contractors Assn.