

NEW SECTION

WAC 296-360-200 Retaliation protections and enforcement - RCW 49.84.032

(1) A person, including but not limited to an employer, their agent, a 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) The right to make 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 chapter 49.17 RCW, RCW 49.84.032, or any associated rules;

(b) The right to participate in any proceeding related to a quota that is allegedly in violation of chapter 49.17 RCW, RCW 49.84.032, or any associated rules; and,

(c) The right to testify in any proceeding related to a quota that is allegedly in violation of chapter 49.17 RCW, RCW 49.84.032, or any associated rules, including any statements given in the course of judicial, quasi-judicial, and administrative proceedings, including inspections,

investigations, administrative adjudications, and rules hearings; or

(d) For failing to meet a quota that violates RCW 49.84.032, or chapter 296-35 WAC.

(2) 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 296-360-030.

(3) Complaints under this section will be investigated according to this chapter, including appropriate relief, payment of damages, penalties, and appeal of citations or notices of assessment, except the presumption below in subsection (4) applies.

(4) 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 RCW 49.84.032 or chapter 296-35 WAC, there is a rebuttable presumption that the adverse action is a retaliatory action in violation of this section.

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

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

(b) Engagement or attempted engagement in activities

protected by this chapter was not a motivating factor in the adverse action.