

Part II: Narrative Explanation

This bill will add a new chapter to the “Worker Protection Act, RCW 49, allowing for individuals to bring actions on behalf of the state for violations of a specified workplace protection laws.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 3- Would add a new chapter to the “Worker Protection Act, RCW 49, allowing for individuals to bring actions on behalf of the state for violations of a specified workplace protection laws. The qui tam action would allow the prevailing relator to be entitled to reasonable attorneys’ fees and costs. No qui tam action may brought if the agency, regarding the same facts, has already issued a notice of assessment, determination of compliance or order, or otherwise resolved the complaint.

Section 4 – Would allow a qui tam action for the following laws:

- RCW 49.46, known as the Minimum Wage Act,
- RCW 49.48, relating to the payment of wages,
- RCW 49.52, relating to wage rebates,
- RCW 49.28.130 through 49.28.150, relating to health care facility employee overtime,
- RCW 39.12, relating to prevailing wage,
- RCW 49.40, relating to seasonal labor,
- RCW 49.17, the Washington Industrial Safety and Health act of 1973,
- RCW 49.19, relating to safety in health care settings,
- RCW 49.22, relating to safety in late night retail establishments,
- RCW 49.24, relating to safety for underground workers,
- RCW 49.26, relating to asbestos safety,
- RCW 49.77, known as military family leave,
- RCW 49.58, known as Gender Equal Pay and Advancement Opportunities,
- RCW 49.60, known as the Washington Law Against Discrimination,
- RCW 19.30, relating to farm labor contractors,
- RCW 49.30, relating to agricultural labor,
- RCW 43.70.075, relating to health care employee whistleblower retaliation protection,
- RCW 49.12, known as the Industrial Welfare Act

Section 5 – Would require the relator to file with the agency, via online submission. The bill would establish a seventy-five dollar filing fee be made to the agency and it would be up to the agency to establish rules on when the filing fee could be waived. The agency would need to notify the relator and make a determination within sixty days on whether they were going to investigate the alleged violation and the agency may attempt to remedy the violation through settlement. The agency would also have the ability to deny representation by the chosen attorney if there is justification based on the attorney’s past conduct.

Section 6 – Would allow the agency to intervene in a qui tam action as a right, if it is within thirty days of the filing or for good cause as determined after the expiration of the thirty-day period. If the agency does not intervene the relator would be able to move forward with litigation. Any proposed settlement to the court must be submitted to the agency and Attorney General. The agency and the Attorney General both have the ability to intervene at this point.

Section 9 – Would allow for a employees that have been retaliated against by their employer for filing a complaint to bring a second action in court for compensatory damages or equitable relief, which could include lost wages, benefits, reinstatement, and reasonable attorney’s costs.

II.B - Cash Receipt Impact

Indeterminate. There is no data available to estimate the number of new civil filings that would result from this bill.

II.C – Expenditures

Indeterminate. There is no data available to estimate the number of new petitions in superior courts resulting from this bill.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:					

III.B – Detail:

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.