

HOUSE BILL REPORT

SB 6034

As Passed House:
March 4, 2020

Title: An act relating to extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.

Brief Description: Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.

Sponsors: Senators Keiser, Conway, Wellman, Dhingra, Stanford, Saldaña, Pedersen, Darneille, Frockt, Hunt, Kuderer, Lovelett, Nguyen, Randall, Cleveland and Wilson, C.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/21/20, 2/28/20 [DP].

Floor Activity:

Passed House: 3/4/20, 95-1.

Brief Summary of Bill

- Extends the time that a complaint alleging employment discrimination on the basis of pregnancy must be filed with the Washington State Human Rights Commission from six months to one year.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman, Hansen, Kirby, Klippert, Orwall, Peterson, Rude, Valdez, Walen and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Dufault, Assistant Ranking Minority Member.

Minority Report: Do not pass. Signed by 1 member: Representative Graham.

Staff: Emily Williams (786-7291) and Cece Clynch (786-7195).

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.

Background:

Washington Law Against Discrimination.

Under the Washington Law Against Discrimination (WLAD), it is an unfair practice for an employer to refuse to hire or discharge a person, or discriminate against any person in compensation or other terms of employment, because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. The WLAD defines "employer" as any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit.

The WLAD's prohibition on sex discrimination includes discrimination against a pregnant woman. Subject to some exceptions, an employer may not, because of pregnancy or childbirth, refuse to hire or promote, terminate, or demote, a woman; or impose different terms and conditions of employment on a woman. The employer may not make assumptions about future decisions a pregnant woman will make or about the capabilities of a pregnant woman.

In addition, the WLAD protects persons with disabilities. Pregnancy itself is not a disability, but pregnancy related disabilities must be reasonably accommodated in employment under the WLAD.

Washington State Human Rights Commission.

The WLAD is enforced and administered by the Washington State Human Rights Commission (HRC). If a person experiences employment discrimination covered under the WLAD, that person may file a civil suit in superior court or a complaint with the HRC.

If a complaint is filed with the HRC and the HRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If this process fails, the matter will be referred to an administrative law judge (ALJ). If the ALJ finds in favor of the complainant, relief may include an order to cease and desist, an order to rehire or promote, damages, or other action that would effectuate the purposes of the WLAD (except that damages for humiliation and mental suffering may not exceed \$20,000). Either party or the HRC may appeal the ALJ's decision in superior court.

There are three types of complaints that may be filed with the HRC. First, a person who claims to be aggrieved by an alleged unfair practice may file a complaint with the HRC. Second, an employer whose employees refuse to comply with the WLAD may file a complaint with the HRC requesting assistance with remedial action. Third, the HRC may issue a complaint if it has reason to believe that any person engaged in an unfair practice.

Generally, a complaint to the HRC must be filed within six months of the alleged discrimination. (In contrast, there is a three-year statute of limitations for a civil suit.) There are two exceptions to this six-month limitation period:

- A complaint related to certain real estate transactions must be filed within one year after the transaction occurred or terminated.
- A complaint alleging whistleblower retaliation must be filed within two years.

Summary of Bill:

A written complaint to the Washington State Human Rights Commission alleging employment discrimination on the basis of pregnancy must be filed within one year of the alleged unfair practice, rather than within six months.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.