

# SENATE BILL REPORT

## SB 6228

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As Reported by Senate Committee On:  
Labor, Commerce & Consumer Protection, February 2, 2012

**Title:** An act relating to employment status discrimination.

**Brief Description:** Making employment status discrimination an unfair labor practice.

**Sponsors:** Senators Keiser, Conway, Kline and Kohl-Welles.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 1/23/12, 1/30/12, 1/31/12, 2/02/12 [DPS, DNP, w/oRec].

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

**Minority Report:** Do not pass.

Signed by Senator King, Assistant Ranking Minority Member.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Holmquist Newbry, Ranking Minority Member; Hewitt.

**Staff:** Stephanie Christensen (786-7405)

**Background:** Washington's law against discrimination, Chapter 49.60 RCW, governs unfair practices of employers or employment agencies. It is an unfair practice for any employer or employment agency to discriminate against a person because of 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 disability.

**Summary of Bill (Recommended Substitute):** Employers are prohibited from publishing job advertisements that discriminate against unemployed persons. Employers are not prohibited, however, from advertising other qualifications for a job, such as a minimum level of experience or training. Any employer who violates this section is subject to a civil

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monetary penalty. L&I must notify employers of this legislation at least 30 days before the effective date of the legislation.

**EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute):** The substitute removes the provision in the underlying bill that made employment status a protected class. Instead, the substitute prohibits employers from publishing job advertisements that discriminate against unemployed persons. L&I must provide notice to employers of this legislation at least thirty days prior to the effective date of this act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The unemployment rate is still high, and many individuals have been out of work for an extended period of time. Discriminating against the unemployed is unfair and doesn't make sense. The fact that someone is unemployed does not mean that they are not qualified for a particular job.

CON: This bill will create another place for disgruntled individuals to file complaints against small employers. Small businesses will suffer from the high cost of defending against complaints.

OTHER: Meaningful employment is a human right that the government cannot take away.

**Persons Testifying:** PRO: Rebecca Johnson, WA State Labor Council; Lonnie Johns-Brown, National Organization for Women; Philip Lindquist, International Union of Painters and Allied Trades; Sean O'Sullivan, Assn. of Western Pulp and Paper Workers.

CON: Krist Tefft, Assn. of WA Business; Gary Smith, Independent Business Assn.

OTHER: Yoshe Revelle, citizen.