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**SENATE BILL 5807**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senator Takko

AN ACT Relating to prohibiting unlawful employment practices; and amending RCW 49.60.180.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 49.60.180 and 2007 c 187 s 9 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person 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, unless based upon a bona fide occupational qualification((~~: PROVIDED, That~~)). The prohibition against discrimination because of ((~~such~~)) disability shall not apply if the particular disability prevents the proper performance of the particular worker involved((~~: PROVIDED, That~~)). This section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from 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.

(3) To discriminate against any person in compensation or in other terms or conditions 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((~~: PROVIDED, That~~)). It shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to 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, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification((~~: PROVIDED,~~)). Nothing contained herein ((~~shall~~)) prohibits advertising in a foreign language.

(5)(a) To require, as a condition of employment, that any employee or prospective employee refrain from using a substance that is lawful to use under the laws of this state during nonworking hours, except when the restriction relates to:

(i) A bona fide occupational qualification; or

(ii) The performance of work while impaired.

(b) Subsection (5)(a) of this section does not apply if an applicable collective bargaining agreement prohibits off-duty use of the substance.

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