

1 **SHB 1445 - H AMDS 000193 LOST 03-16-93**

2 By Representative Stevens and others

3 On page 2, line 27, after "includes" insert ", for purposes of
4 the jurisdiction of the Washington state human rights commission,"

5 On page 2, line 34, after "activities" insert ". "Employer"
6 shall continue to include, for purposes of a private right of
7 action based on a violation of this chapter, any person acting in
8 the interest of an employer, directly or indirectly, who employs
9 eight or more persons, and does not include any religious
10 corporation, association, educational institution, or society only
11 with respect to the employment of individuals of a particular
12 religion to perform work connected with the carrying on by such
13 corporation, association, educational institution, or society of
14 its activities"

15 On page 4, after line 24, insert:

16 "NEW SECTION. Sec. 3. The commission shall study the
17 differences between federal and state laws and regulations
18 governing employment discrimination and shall report to the
19 appropriate committees of the house of representatives and the
20 senate the following information by December 31, 1993:

21 (1) Every instance where Washington statutory law,
22 regulations, or case law appears to be less protective of employee
23 rights than federal law; and the reason why, if any, the law or
24 regulation should not be repealed so as to avoid confusion;

25 (2) Every instance where Washington statutory law,
26 regulations, or case law appears to be equally protective of
27 employee rights as federal law but is worded in a different manner;
28 and the reason why, if any, the state law or regulation should not
29 be amended to conform in wording to the federal law so as to avoid

1 confusion;

2 (3) Every instance where Washington statutory law,
3 regulations, or case law appears to be more protective of employee
4 rights than federal laws or regulations and the reason, if any, for
5 providing such protections; and

6 (4) Every instance where Washington statutory law,
7 regulations, or case law does not provide clear and concise
8 guidance to employers regarding compliance with the state
9 discrimination laws.

10 In addition, the report shall make recommendations on how the
11 more protective state laws might be mitigated to assist small
12 employers and expedite the resolution of discrimination claims.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.60
14 RCW to read as follows:

15 (1) The commission shall prepare an employer's manual for the
16 employment activities described herein, designed to be relied upon
17 by small businesses employing seven or fewer employees to engage in
18 employment without discrimination. The manual shall provide small
19 businesses with specific compliance steps regarding the following
20 subjects:

21 (a) Employment discrimination;

22 (b) Recordkeeping;

23 (c) Preemployment and hiring;

24 (d) Sexual harassment;

25 (e) Reasonable accommodation; and

26 (f) Employee discharge for legitimate non-discriminatory
27 reasons.

28 The commission is encouraged to consult with representatives of
29 small businesses in the design and composition of the manual to
30 ensure that the manual is useful and practical to employers of
31 seven or fewer employees.

32 (2) The commission shall hold at least one public education

1 session, at a cost not to exceed fifty dollars per participant, in
2 the largest city in each of the congressional districts in the
3 state, not less than thirty days after mailing a notice of the
4 education session to all employers that employ one to seven
5 employees, as identified by the Employment Security Department."

6 Renumber the remaining sections consecutively and correct internal
7 references accordingly.

EFFECT: Various means are employed to provide information and to reduce potential costs to small businesses, including: (1) The amendment provides that the threshold level of one employee in the definition of employer applies only to an administrative action. The threshold for a private right of action is eight employees; (2) The amendment requires that the Human Rights Commission conduct a study of the differences and similarities between federal and state discrimination laws. The commission is also urged to make recommendations to the Legislature about how to mitigate the impact on small businesses of the policy embodied in the bill; (3) The commission, in consultation with small businesses, is required to prepare an employer's manual for businesses employing fewer than eight employees. The manual will address employment discrimination, recordkeeping, preemployment and hiring, sexual harassment, reasonable accommodation, and employee discharge for non-discriminatory reasons; and (4) The commission is required to hold at least one public education session in the largest city in each congressional district in the state.