

SENATE BILL REPORT

HB 2932

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

Title: An act relating to resolving claims of illegal discrimination.

Brief Description: Allowing the human rights commission to offer alternative dispute resolution to parties involved in a claim of illegal discrimination.

Sponsors: Representatives Sheahan, Smith and McMahan.

Brief History:

Committee Activity: Law & Justice: 2/21/96, 2/22/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: The Human Rights Commission is charged with administering and enforcing the state's law against discrimination. That law declares it is a person's civil right to be free from discrimination based on race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability, or on the use of a trained guide dog or service dog by a disabled person. The right extends to: employment; public accommodations; real estate transactions; credit transactions; insurance; and commerce.

When a person files a complaint with the Human Rights Commission, the commission is to investigate and determine if there is reasonable cause to believe discrimination has occurred. If a finding of reasonable cause is made, the commission's staff is to "immediately endeavor to eliminate the unfair practice by conference, conciliation, and persuasion."

If through this process an agreement is reached for the elimination of an unfair practice, the agreement is to be reduced to writing and entered by the commission.

If no such agreement can be reached, a finding to that effect is to be made and a copy of the finding is to be given to the complainant and the respondent. In such a case, the chairperson of the commission is to request the appointment of an administrative law judge under Title 34 RCW to hear the complaint through a formal hearing process.

In other contexts, the Legislature has provided for the creation and use of alternative dispute resolution centers as a means of reducing the use of formal court proceedings. In doing so, the Legislature has declared that:

- the resolution of many disputes can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures; and
- alternative dispute resolution centers can meet the needs of Washington's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere.

Alternative dispute resolution involves use of a third-party mediator or other person to facilitate agreement between the disputants.

Summary of Amended Bill: The Legislature finds that:

- equal protection under the law is essential;
- government entities should not violate the law against discrimination;
- government entities should review their policies to insure that employment-related discrimination does not occur; and
- existing methods of resolving discrimination claims are difficult, lengthy, and costly.

The Human Rights Commission is authorized to use alternative dispute resolution methods.

Amended Bill Compared to Original Bill: Alternative dispute resolution is one process by which people can seek to resolve a claim of discrimination. The processes set out in current statute remain options also.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Current law requires the Human Rights Commission to investigate claims of discrimination, make findings, and administratively resolve issues. The number of cases filed with the commission is rising. It is taking 13 to 14 months to close a case. Alternative dispute resolution is less costly, people come away with a more positive outlook, and resolution is faster.

Testimony Against: Alternative dispute resolution should not be provided as an alternative to the current available processes. Instead, it should be in addition to current options.

Testified: Merritt Long, Executive Director, Human Rights Commission (pro); Clif Finch, Assn. of WA Business (pro); Harriet Strasberg, NW Women's Law Center (concerns).