

SENATE BILL REPORT

SB 5783

As of February 17, 1995

Title: An act relating to internal discrimination complaint procedures for state departments.

Brief Description: Establishing complaint procedures for state departments.

Sponsors: Senators Haugen, McCaslin, Long, Rasmussen and Winsley.

Brief History:

Committee Activity: Government Operations: 2/21/95.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Rod McAulay (786-7754)

Background: In 1949, the Legislature enacted the law to prevent and eliminate discrimination in employment against persons because of race, creed, color or national origin. This statute has been amended and broadened in scope on numerous occasions since 1949, and is now administered by the state Human Rights Commission.

The law now prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained guide dog. Discrimination is prohibited with respect to employment, use of public accommodations, purchase of real estate, access to credit and insurance, and the ability to engage in commerce, free from any discriminatory boycotts or blacklists. The law applies to all state and local governmental entities, as well as all private entities other than nonprofit religious organizations.

The Human Rights Commission has authority to adopt rules; receive complaints of unfair practices; conduct investigations, studies and educational programs; create advisory agencies and conciliation councils; conduct hearings and negotiate or impose remedies.

In state government there are 15 departments: Social and Health Services, Ecology, Labor and Industries, Agriculture, Fish and Wildlife, Transportation, Licensing, General Administration, Community, Trade, and Economic Development, Veterans Affairs, Revenue, Retirement Systems, Corrections, Health, and Financial Institutions. There are no requirements in law that these departments adopt any procedure for receiving and resolving discrimination complaints.

Information revealing the identity of persons who are witnesses to or victims of crime who file complaints with investigative, law enforcement, or penology agencies, other than the Public Disclosure Commission, is exempt from public disclosure if disclosure would endanger any persons's life, physical safety or property. It is believed that this exemption should be extended to persons who are respondents in complaints filed with investigative, law enforcement, or penology agencies.

Summary of Bill: The Legislature finds that state departments should adopt internal discrimination complaint procedures, that investigation of discrimination complaints be completed within reasonable time limits, and that the informal settlement of discrimination complaints be strongly encouraged.

Prior to December 1, 1995, state departments must adopt rules governing discrimination complaint procedures for filing and investigating civil rights complaints against the employees, contractors, vendors, and customers of the departments. The rules must fix time limits, provide for issuance of findings and authorize appropriate discipline. All reports and correspondence generated by a discrimination complaint that by law can be disclosed, must be disseminated simultaneously to all affected parties and to any requesting party.

State departments are required to report annually to the Legislature on civil rights enforcement activity, describing proceedings, investigations and their outcome. Before January 1, 1997, the departments must report to the Clerk of the House and the Secretary of the Senate the results of a review of the sufficiency of the rules adopted pursuant to this act.

Information revealing the identity of respondents in complaints filed with investigative, law enforcement, or penology agencies, other than the Public Disclosure Commission, is exempt from public disclosure if disclosure endangers any person's life, physical safety, or property.

Appropriation: None.

Fiscal Note: Requested on February 17, 1995.

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