

SENATE BILL REPORT

HB 2564

As Reported By Senate Committee On:
Government Operations & Elections, February 21, 2006

Title: An act relating to protecting persons with veteran or military status from discrimination.

Brief Description: Including persons with veteran or military status within antidiscrimination provisions.

Sponsors: Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway.

Brief History: Passed House: 2/07/06, 96-2.

Committee Activity: Government Operations & Elections: 2/21/06 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Benton, Fairley, Haugen, Kline, McCaslin and Pridemore.

Minority Report: Do not pass.

Signed by Senator Mulliken.

Staff: Cindy Fazio (786-7405)

Background: Washington's Law Against Discrimination establishes that it is a civil right to be free from discrimination based on race, color, creed, national origin, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. This right applies to employment; places of public resort, accommodation, or amusement; commerce; and real estate, credit, and insurance transactions.

To effectuate the right to be free from discrimination, the law defines certain practices as being unfair. For example, it is deemed to be an unfair practice to fire or to refuse to hire a person based on sex, race, creed, color, national origin, marital status, the presence of any sensory or physical disability, or the use of a trained dog guide or service animal.

There are some exceptions to the Law Against Discrimination. For example, in the employment context, employers with fewer than eight employees and non-profit religious or sectarian organizations are exempt from these laws.

The Washington State Human Rights Commission (WSHRC) is responsible, in part, for administering and enforcing the Law Against Discrimination. The WSHRC receives and investigates complaints made by persons alleging unfair practices in violation of this law. If the WSHRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If this process

fails, the WSHRC must refer the matter to an administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

Summary of Bill: The Washington Law Against Discrimination (WLAD) is expanded to prohibit discrimination based on a person's status as a veteran or member of the military, as it relates to employment; commerce; real estate transactions; places of public resort, accommodation, or amusement; and insurance transactions, transactions with health maintenance organizations, and credit transactions.

"Veteran or military status" is defined to include any honorably discharged veteran, as defined in RCW 41.04.007, and any active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and armed forces reserves.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill was created out of information I received when I met with guard members who had served in Iraq. I heard stories of problems they were having with re-employment after returning from deployment. Employers were declining to hire them because they were afraid the guard members might suffer from post traumatic stress syndrome or might get deployed again. One Vietnam veteran told me he leaves off all reference to his military status from his resume for fear of not being able to get a job. In another case, a member was about to close on a house, and the seller pulled out when he or she found out about the military status - the person told the guard member they were opposed to the war. The Department of Veterans Affairs has heard similar stories. I believe these are valid concerns for the guard members and I believe this is a values issue over protecting and supporting our people who go into battle to protect our country. The Human Rights Commission does a thorough investigation to determine if discrimination is occurring because of the protected status, or because of something else. The bill is not politically based, it is based on discrimination. Under current law, small business employers are exempted from the statute.

Testimony Against: None.

Who Testified: PRO: Representative Kilmer, Sponsor; Jerry Hebert, Washington State Human Rights Commission.