

**WAC 296-360-030 Filing a complaint of discrimination.** (1) Who may file. A complaint of RCW 49.17.160 discrimination may be filed by the employee him- or herself, or by a representative authorized to do so on his or her behalf.

(2) Nature of filing. No particular form of complaint is required.

(3) Place of filing. The complaint should be filed with the division.

(4) Time for filing. RCW 49.17.160(3) provides that an employee who believes that he or she has been discriminated against in violation of RCW 49.17.160 "may, within thirty days after such violation occurs" file a complaint with the assistant director. A major purpose of the thirty-day period is to allow the assistant director to decline to entertain complaints that have become stale. Accordingly, the division will presume that complaints not filed within thirty days of an alleged violation are untimely. There may be circumstances, however, that justify tolling the thirty-day period on recognized equitable principles or because strongly extenuating circumstances exist, e.g., where the employer has concealed, or misled the employee regarding the grounds for, discharge or other adverse action. In the absence of circumstances justifying a tolling of the thirty-day period, the division shall not accept untimely complaints.

[Statutory Authority: RCW 49.17.040 and 49.17.050. WSR 82-13-045 (Order 82-22), § 296-360-030, filed 6/11/82. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 43.22 and 42.30 RCW. WSR 80-17-015 (Order 80-21), § 296-360-030, filed 11/13/80.]