
SUBSTITUTE SENATE BILL 6494

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen and Winsley)

Read first time 02/08/94.

1 AN ACT Relating to practices of discrimination in the department of
2 transportation; adding a new chapter to Title 47 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

6 Practices of discrimination against the employees, contractors,
7 vendors, and customers of the Washington state department of
8 transportation because of race, creed, color, national origin,
9 religion, age, gender, marital status, disability, or status as a
10 disabled or Vietnam-era veteran are a matter of state concern that
11 demand the department adopt an internal discrimination complaint
12 procedure that protects the rights and privileges of both complainants
13 and respondents;

14 Undefined time limits for investigating and resolving civil rights
15 complaints against the department can result in undue economic and
16 social hardship on complainants and respondents;

17 Continuing conflicts debilitate the morale and productivity of the
18 department. The informal settlement of discrimination complaints,

1 where appropriate, that may make unnecessary more elaborate proceedings
2 is strongly encouraged;

3 The potential disparity between the working conditions for
4 Washington state ferry workers established under labor union collective
5 bargaining agreements and the reasonable accommodations requirements of
6 the Americans with Disabilities Act of 1990 (P.L. 101-336; 29 C.F.R.
7 Part 1630), as well as the enormous fiscal impact on the department
8 resulting from implementation of the act's requirements, warrant the
9 development of a uniform strategy for treatment of this issue.

10 NEW SECTION. **Sec. 2.** The department, in accordance with chapter
11 34.05 RCW, shall adopt rules governing discrimination complaint
12 procedures that address, at a minimum, the following:

13 (1) Procedures for filing and investigating a civil rights
14 complaint against the employees, contractors, vendors, and customers of
15 the department; and

16 (2) Reasonable time limits for filing a complaint, complaint
17 investigation and the issuance of findings by the office of equal
18 opportunity, and the imposing of discipline by the department, if
19 required. The time limits established must provide a maximum time
20 limit for the completion of each stage of an investigation, including
21 final disposition by the department. The rules shall permit extensions
22 of these time limits only for specified exceptions beyond the control
23 of the department. The rules must provide for adequate notice of the
24 pertinent time limits to all persons affected.

25 The department shall adopt rules implementing the requirements of
26 this section by December 1, 1994.

27 NEW SECTION. **Sec. 3.** All reports and correspondence generated by
28 the complaint procedure established under rules adopted to implement
29 this chapter, that by law can be disclosed, must be disseminated
30 simultaneously to all affected parties and their representatives and to
31 any requesting party.

32 NEW SECTION. **Sec. 4.** The department, in consultation with the
33 legislative transportation committee, shall review: (1) Delays in the
34 investigative process caused by either claimant or respondent; (2)
35 administrative leave policies; (3) the consistency and appropriateness
36 of disciplinary action taken in similar cases; and (4) multiple

1 complaints against the employees, contractors, vendors, and customers
2 of the department, of the same or different nature, by a singular
3 complainant.

4 The review shall determine if current practice sufficiently
5 protects the rights and privileges of both complainants and respondents
6 and whether changes in current practice and procedure are necessary.
7 The results of this review, including any recommendations and proposed
8 legislation shall be reported to the house of representatives and
9 senate transportation committees on or before January 1, 1995.

10 NEW SECTION. **Sec. 5.** The department shall report annually,
11 beginning January 1, 1995, to the legislative transportation committee
12 on the activities of the office of equal opportunity, describing the
13 office's proceedings, investigations conducted and their outcome, and
14 other work performed; and shall make recommendations regarding
15 legislation needed to assist the office in the execution of its duties.

16 NEW SECTION. **Sec. 6.** The office of financial management, in
17 conjunction with the governor's committee on disability issues and
18 employment shall examine the correlations and disparities between the
19 collective bargaining agreements negotiated under chapter 47.64 RCW and
20 the reasonable accommodation provisions of the Americans with
21 Disabilities Act (P.L. 101-336; 29 C.F.R. Part 1630). The examination
22 shall result in the development of recommendations on a uniform
23 strategy for use by the department and the legislature.
24 Recommendations shall be submitted to the legislative transportation
25 committee by December 1, 1994.

26 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act shall
27 constitute a new chapter in Title 47 RCW.

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