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**SENATE BILL 5186**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Liias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman, and C. Wilson

AN ACT Relating to requiring antidiscrimination clauses in public contracting; adding a new section to chapter 49.60 RCW; and providing an effective date.

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.60 RCW to read as follows:

(1) Any employer who is, or wishes to become, a contractor with the state for public works or for goods or services is subject to the provisions of this section relating to discrimination in employment and to the nondiscrimination requirements of this section and any rules and regulations to implement it.

(2) Every state contract and subcontract for public works or for goods or services must contain a nondiscrimination clause prohibiting discrimination on the bases enumerated in RCW 49.60.400. The nondiscrimination clause must contain a provision requiring contractors and subcontractors to give written notice of their obligations under that clause to labor organizations with which they have a collective bargaining or other agreement.

(3) The commission must develop rules and regulations for the application and implementation of this section. Those rules and regulations must describe and include, but are not limited to, the following:

(a) Procedures for the investigation, approval, certification, decertification, monitoring, and enforcement of nondiscrimination clauses;

(b) The size of contracts or subcontracts below which any particular provision of this section shall not apply;

(c) The circumstances, if any, under which a contractor or subcontractor is not subject to this section;

(d) Criteria for determining the appropriate plant, region, division, or other unit of a contractor or subcontractor's operation for which a nondiscrimination program is required;

(e) Procedures for coordinating the nondiscrimination requirements of this section and its implementing rules and regulations with all applicable state laws and with comparable federal laws and regulations concerning nondiscrimination, and equal employment opportunity by those who contract with the United States; and

(f) The basic principles and standards to guide the commission in administering and implementing this section.

(4) Where the commission determines and certifies that the provisions of this section or its implementing rules and regulations are violated or determines a contractor or subcontractor is engaging in practices made unlawful under this part, the commission may recommend appropriate sanctions to the awarding agency. Any such recommendation must take into consideration the severity of the violation or violations and any other penalties, sanctions, or remedies previously imposed.

NEW SECTION. **Sec.**  This act takes effect January 1, 2024.

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