

SSB 5186 - S AMD 183
By Senator Liiias

ADOPTED 03/07/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60
4 RCW to read as follows:

5 (1) After January 1, 2024, any contractor or prospective
6 contractor, including subcontractors, with the state for public works
7 or for goods or services is subject to the nondiscrimination
8 requirements of this section and any rules and regulations to
9 implement it.

10 (2) Every state contract and subcontract for public works or for
11 goods or services must contain a nondiscrimination clause prohibiting
12 discrimination on the bases enumerated in subsection (3) of this
13 section. The nondiscrimination clause must contain a provision
14 requiring contractors and subcontractors to give written notice of
15 their obligations under that clause to labor organizations with which
16 they have a collective bargaining or other agreement.

17 (3) The antidiscrimination clauses required by this section must
18 prohibit any covered contractor or subcontractor from:

19 (a) Refusing to hire any person because of age, sex, marital
20 status, sexual orientation, gender identity, race, creed, color,
21 national origin, citizenship or immigration status, honorably
22 discharged veteran or military status, the presence of any sensory,
23 mental, or physical disability, or the use of a trained dog guide or
24 service animal by a person with a disability, unless based upon a
25 bona fide occupational qualification: PROVIDED, That the prohibition
26 against discrimination because of such disability shall not apply if
27 the particular disability prevents the proper performance of the
28 particular worker involved: PROVIDED, That this section shall not be
29 construed to require an employer to establish employment goals or
30 quotas based on sexual orientation;

31 (b) Discharging or barring any person from employment because of
32 age, sex, marital status, sexual orientation, gender identity, race,

1 creed, color, national origin, citizenship or immigration status,
2 honorably discharged veteran or military status, the presence of any
3 sensory, mental, or physical disability, or the use of a trained dog
4 guide or service animal by a person with a disability;

5 (c) Discriminating against any person in compensation or in other
6 terms or conditions of employment because of age, sex, marital
7 status, sexual orientation, gender identity, race, creed, color,
8 national origin, citizenship or immigration status, honorably
9 discharged veteran or military status, the presence of any sensory,
10 mental, or physical disability, the use of a trained dog guide or
11 service animal by a person with a disability: PROVIDED, That it shall
12 not be an unfair practice for an employer to segregate washrooms or
13 locker facilities on the basis of sex, or to base other terms and
14 conditions of employment on the sex of employees where the commission
15 by regulation or ruling in a particular instance has found the
16 employment practice to be appropriate for the practical realization
17 of equality of opportunity between the sexes; or

18 (d) Printing or circulating, or causing to be printed or
19 circulated, any statement, advertisement, or publication, or to use
20 any form of application for employment, or to make any inquiry in
21 connection with prospective employment, which expresses any
22 limitation, specification, or discrimination as to age, sex, marital
23 status, sexual orientation, gender identity, race, creed, color,
24 national origin, citizenship or immigration status, honorably
25 discharged veteran or military status, or the presence of any
26 sensory, mental, or physical disability, the use of a trained dog
27 guide or service animal by a person with a disability, or any intent
28 to make any such limitation, specification, or discrimination, unless
29 based upon a bona fide occupational qualification: PROVIDED, That
30 nothing contained herein shall prohibit advertising in a foreign
31 language.

32 (4) The department of enterprise services, in collaboration with
33 the office of minority and women's business enterprises, the office
34 of equity, and the commission, must develop a standard template for
35 public works and goods and services contracts to meet the provisions
36 of this section.

37 **Sec. 2.** RCW 39.26.245 and 2010 c 5 s 6 are each amended to read
38 as follows:

1 (1) All contracts entered into and purchases made, including
2 leasing or renting, under this chapter on or after September 1, 1983,
3 are subject to the requirements established under chapter 39.19 RCW.

4 (2) All procurement contracts entered into under this chapter on
5 or after June 10, 2010, are subject to the requirements established
6 under RCW 43.60A.200.

7 (3) All contracts with the state for goods or services entered
8 into under this chapter on or after January 1, 2024, are subject to
9 the requirements established under section 1 of this act.

10 **Sec. 3.** RCW 39.04.160 and 1983 c 120 s 11 are each amended to
11 read as follows:

12 (1) All contracts entered into under this chapter by the state on
13 or after September 1, 1983, are subject to the requirements
14 established under chapter 39.19 RCW.

15 (2) All contracts entered into under this chapter by the state on
16 or after January 1, 2024, are subject to the requirements established
17 under section 1 of this act."

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18 On page 1, line 2 of the title, after "contracting;" strike the
19 remainder of the title and insert "amending RCW 39.26.245 and
20 39.04.160; and adding a new section to chapter 49.60 RCW."

EFFECT: Removes the provision applying the Washington law against discrimination to all state contractors for public works and goods or services. Requires the antidiscrimination clauses required by the bill to prohibit the contractor from refusing to hire, discharging or barring a person from employment, or discriminating against a person in compensation in employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, as well as printing or circulating any statement, advertisement, or publication, using any form of employment application, or making an inquiry in connection with prospective employment which expresses any limitation,

specification, or discrimination as to these protected classes,
unless based upon a bona fide occupational qualification.

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