

3568

(GENERAL)

B

COMPTROLLER  
FILE NUMBER 278005

COMMUNICATION

C. B. NO. 95850 OF

MAYOR WES UHLMAN AND COUNCIL MEMBER  
BRUCE K. CHAPMAN FOR CORRECTION OF THE  
FAIR EMPLOYMENT PRACTICES ORDINANCE TO  
INCLUDE THOSE PERSONS WITH "SENSORY, MENTAL,  
OR PHYSICAL HANDICAPS" WITH RESPECT TO  
EMPLOYMENT, AND COUNCIL CONSIDERATION OF  
SAME.

*1-2-74 report as presented  
1-2-74 report - should report  
5-28-74 adopt*

FILED JANUARY 30, 1974

C. G. ERLANDSON  
COMPTROLLER AND CITY CLERK

BY *JWA* DEPUTY

ACTION OF THE COUNCIL

REFERRED	TO
FEBRUARY 4, 1974	HUMAN RESOURCES & JUD.
REFERRED	TO
REFERRED	TO
REPORTED	DISPOSITION
APR 8 1974	<i>Majority Report</i> ADOPTED
RE-REFERRED	TO
REPORTED	DISPOSITION

REPORT OF COMMITTEE

Mr. President:  
Your HUMAN RESOURCES AND JUDICIARY

to which was referred the within communication

Committee

would respectfully report that we have considered the same and respectfully recommend that

ADOPT AND PREPARE LEGISLATION AS

AMENDED (DEPARTMENT OF HUMAN RESOURCES

TO HANDLE INVESTIGATIONS)

ADOPT AND PREPARE LEGISLATION AS

AMENDED, AND FURTHER AMEND THAT THE

DEPARTMENT OF HUMAN RIGHTS HANDLE







# THE CITY COUNCIL OF THE CITY OF SEATTLE

1106 SEATTLE MUNICIPAL BUILDING

600 FOURTH AVENUE, SEATTLE, WASHINGTON 98104

TELEPHONE 583-2640

April 8, 1974

SAM SMITH  
PRESIDENT OF THE COUNCIL  
583-2387

GEORGE E. BENSON  
CHAIRMAN  
TRANSPORTATION  
COMMITTEE  
583-2357

BRUCE K. CHAPMAN  
CHAIRMAN  
PARKS & PUBLIC  
GROUNDS COMMITTEE  
583-2364

TIM HILL  
CHAIRMAN  
FINANCE COMMITTEE  
583-2356

PHYLLIS LAMPHERE  
CHAIRMAN  
INTERGOVERNMENTAL  
RELATIONS COMMITTEE  
583-2355

WAYNE D. LARKIN  
CHAIRMAN  
UTILITIES COMMITTEE  
583-2358

JOHN R. MILLER  
CHAIRMAN  
PLANNING & URBAN  
DEVELOPMENT COMMITTEE  
583-2391

RANDY REVELLE  
CHAIRMAN  
PUBLIC SAFETY &  
HEALTH COMMITTEE  
583-2359

JEANETTE WILLIAMS  
CHAIRMAN  
HUMAN RESOURCES &  
JUDICIARY COMMITTEE  
583-2346

John Harris  
Corporation Counsel  
City of Seattle

Dear Mr. Harris:

I am sending you, for official legislation, CF 278005, a draft ordinance amending the Fair Employment Practices Ordinance. State law (HB 445), passed in April of 1973, guarantees equal rights in employment to any qualified individual, although there may be "the presence of any sensory, mental or physical handicap". The amended City law would establish enforcement procedures at the local level.

The draft ordinance was amended by adding a new paragraph, Section 4 (C), which reads as follows:

- (C) The provisions of this section, insofar as they declare discrimination on the basis of the presence of any sensory, mental or physical handicap, shall not apply, if the particular disability prevents the proper performance of the particular worker involved.

In addition to this amendment, there was some discussion on whether discrimination complaints should be filed with the Human Rights Department or with the Human Resources Department. The majority of Council members voted for the Human Resources Department, since aging complaints are filed there also.

In the process of amending this ordinance, I believe one more house-keeping amendment should be made. Since we will now have both aging and handicapped complaints filed in the Department of Human Resources and since there is no longer a Division on Aging, please change all references to the Director of the Division on Aging in the Fair Employment Practices Ordinance, to the Director of the Department of Human Resources.

Thank you for your assistance.

Sincerely,

JEANETTE WILLIAMS, Chairman  
Human Resources & Judiciary Committee

JW:sf:dk

DIVIDED REPORT FORM

COMMITTEE (S): Human Resources and Judiciary

CF &/OR CB NUMBER: CF 278005

CODE NUMBER: 3S 68

COMMITTEE VOTE:

3 members voted to file complaints and to have investigations handled by the Department of Human Resources.

1 member voted to file complaints and to have investigations handled by the Department of Human Rights.

COMMENTS:

Ms. Williams, Ms. Lamphere and Mr. Chapman voted to have handicapped complaints filed with the Department of Human Resources, since they felt an advocate group (Handicapped Division) could best handle investigations of discrimination.

Mr. Hill voted to have complaints filed with the Department of Human Rights in order to work toward the ideal of having one department to handle all discrimination complaints and investigations.



Ed Grinrod  
Division of Vocational Rehabilitation  
1700 East Cherry, Room 202  
Seattle, Washington 98122

John Spencer  
Division of Vocational Rehabilitation  
1511 - 3rd Avenue  
Seattle, Washington 98101

Clyde Mott  
Seattle Hearing and Speech Center  
1620 - 18th Avenue  
Seattle, Washington 98122

Robert Vukich  
Arthritis Foundation  
526 Seaboard Building  
Seattle, Washington 98101

Gary Hammons  
Northwest Center for the Retarded  
Pier 91  
Building 270  
15th Avenue and West Lawton  
Seattle, Washington 98119

Kenneth Schellhase  
Seattle Handicapped Center  
2106 - 2nd Avenue  
Seattle, Washington 98121

Mrs. Helen Mickelson  
Seattle Goodwill Industries  
1400 South Lane Street  
Seattle, Washington 98144

Mrs. Charles Dunham  
1605 - 17th Avenue  
Seattle, Washington 98122

Mr. Russ Arwine  
Seattle Public Schools  
815 - 4th Avenue North  
Seattle, Washington 98109

Ida Pflugrath  
2121 - 26th South  
Seattle, Washington 98144

Mike Clowers  
PMR - RC74  
University Hospital  
Seattle, Washington 98105

Cornelia Young  
Employment Security  
515 Thomas Street  
Seattle, Washington 98109

Jerome Dunham  
Services for the Blind  
3411 South Alaska Street  
Seattle, Washington 98118

Albert G. Ross  
King County Personnel  
3rd and James, E 245  
Seattle, Washington 98104

Dorothy Bostrum  
Easter Seal Society  
521 Second Avenue West  
Seattle, Washington 98119

Bud Coffey  
Corporate Director of Public Affairs  
The Boeing Company  
P.O. Box 3707  
Seattle, Washington 98124

Sharon Vercimak  
Administrative Personnel Director  
Pacific Northwest Bell  
821 - 2nd Avenue  
Room 1428  
Seattle, Washington 98101

Donald Elkins  
Regional Coordinator  
Muscular Dystrophy Association of America, Inc.  
1011 Seaboard Building  
P.O. Box 1825  
Seattle, Washington 98111

Charles E. Brown  
Community Services for the Blind  
1530 Queen Anne Avenue North  
Seattle, Washington 98109

March 22, 1974

Dear Friend:

I am writing to let you know about the hearing to be held next week on amendments to the Fair Employment Practices Ordinance. These amendments will provide inclusion of those persons with mental, sensory or physical handicaps. I have enclosed a copy of the press release, which gives more details.

This hearing will take place in the City Council Chambers, 1106 Municipal Building on Tuesday, April 2, 1974 at 10:00 a.m. It will be conducted by the Human Resources and Judiciary Committee. You are cordially invited to attend and testify, if you so desire.

Sincerely,

JEANETTE WILLIAMS, Chairman  
Human Resources and Judiciary Committee

JW:sf:dk



Tue. ~~###~~ Apr. 2, 10:00 a.m. PUBLIC HEARING: PROTECTING THE HANDICAPPED  
AGAINST EMPLOYMENT DISCRIMINATION will be considered by the Human Resources &  
Judiciary Committee, Jeanette Williams, chairman. Amendments to the Seattle  
Fair Employment Practices Ordinance would extend rights to any qualified  
individual, although there may be "the presence of any sensory, mental or  
physical handicap." (CF 278005)

(Add to hearings calendar 3-14-1974 -- Hugh)

IN THE LEGISLATURE  
of the  
STATE OF WASHINGTON



CERTIFICATION OF ENROLLED ENACTMENT

SUBSTITUTE HOUSE BILL NO. 445

CHAPTER 214, LAWS OF 1973  
(43rd Leg., 1st Ex. Sess.)

PV

EFFECTIVE DATE: July 16, 1973, with the exception  
on one item in Section 6 and all of Section 7 which  
were vetoed by the Governor.

Passed the House April 7, 1973

Yeas 92 Nays 3

Passed the Senate April 15, 1973

Yeas 41 Nays 2

The House concurred in  
the Senate amendments and  
passed the bill as amended,  
April 15, 1973.

Yeas 97 Nays 0

CERTIFICATE

I, Dean R. Foster, Chief Clerk of the House of Rep-  
resentatives of the State of Washington, do hereby  
certify that the attached is enrolled Substitute House  
Bill No. 445 as passed by the House of Rep-  
resentatives and the Senate on the dates hereon set forth.

Dean R. Foster  
Chief Clerk



SUBSTITUTE HOUSE BILL NO. 445

State of Washington  
43rd Legislature  
First Extraordinary Session

by Committee on Social and Health Services  
(Originally sponsored by Representatives  
Adams, Paris, McCormick, DeJahn, Conner,  
Callagher, Bagnariol, Smythe, Douthwaite,  
Swyze, Charotte, Colts, Eng, Ceccarelli,  
Johnson, Lysen, Jastad, Freeman and Parker)

Read first time April 2, 1973, and passed to second reading.

1 AN ACT relating to the law against discrimination; amending section  
2 1, chapter 183, Laws of 1949 as last amended by section 1,  
3 chapter 141, Laws of 1973 and RCW 49.60.010; amending section  
4 12, chapter 183, Laws of 1949 as last amended by section 2,  
5 chapter 141, Laws of 1973 and RCW 49.60.020; amending section  
6 2, chapter 183, Laws of 1949 as last amended by section 3,  
7 chapter 141, Laws of 1973 and RCW 49.60.030; amending section  
8 15, chapter 270, Laws of 1955 as amended by section 16,  
9 chapter 37, Laws of 1957 and RCW 49.60.230; amending section  
10 6, chapter 270, Laws of 1955 as last amended by section 7,  
11 chapter 141, Laws of 1973 and RCW 49.60.120; amending section  
12 9, chapter 270, Laws of 1955 as last amended by section 8,  
13 chapter 141, Laws of 1973 and RCW 49.60.170; amending section  
14 9, chapter 37, Laws of 1957 as last amended by section 10,  
15 chapter 141, Laws of 1973 and RCW 49.60.180; amending section  
16 10, chapter 37, Laws of 1957 as last amended by section 11,  
17 chapter 141, Laws of 1973 and RCW 49.60.190; and amending  
18 section 11, chapter 37, Laws of 1957 as last amended by  
19 section 12, chapter 141, Laws of 1973 and RCW 49.60.200.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:  
21 Section 1. Section 1, chapter 183, Laws of 1949 as last  
22 amended by section 1, chapter 141, Laws of 1973 and RCW 49.60.010 are  
23 each amended to read as follows:  
24 This chapter shall be known as the "law against  
25 discrimination". It is an exercise of the police power of the state  
26 for the protection of the public welfare, health, and peace of the  
27 people of this state, and in fulfillment of the provisions of the

1 Constitution of this state concerning civil rights. The legislature  
2 hereby finds and declares that practices of discrimination against  
3 any of its inhabitants because of race, creed, color, national  
4 origin, sex, marital status ((or)), age, or the presence of any  
5 sensory, mental, or physical handicap are a matter of state concern,  
6 that such discrimination threatens not only the rights and proper  
7 privileges of its inhabitants but menaces the institutions and  
8 foundation of a free democratic state. A state agency is herein  
9 created with powers with respect to elimination and prevention of  
10 discrimination in employment, in credit and insurance transactions,  
11 in places of public resort, accommodation, or amusement, and in real  
12 property transactions because of race, creed, color, national origin,  
13 sex, marital status ((or)), age, or the presence of any sensory,  
14 mental, or physical handicap; and the board established hereunder is  
15 hereby given general jurisdiction and power for such purposes.

16 Sec. 2. Section 12, chapter 183, Laws of 1949 as last amended  
17 by section 2, chapter 141, Laws of 1973 and RCW 49.60.020 are each  
18 amended to read as follows:

19 The provisions of this chapter shall be construed liberally  
20 for the accomplishment of the purposes thereof. Nothing contained in  
21 this chapter shall be deemed to repeal any of the provisions of any  
22 other law of this state relating to discrimination because of race,  
23 color, creed, national origin, sex, marital status ((or)), age, or  
24 the presence of any sensory, mental, or physical handicap, other than  
25 a law which purports to require or permit doing any act which is an  
26 unfair practice under this chapter. Nor shall anything herein  
27 contained be construed to deny the right to any person to institute  
28 any action or pursue any civil or criminal remedy based upon an  
29 alleged violation of his civil rights.

30 Sec. 3. Section 2, chapter 183, Laws of 1949 as last amended  
31 by section 3, chapter 141, Laws of 1973 and RCW 49.60.030 are each  
32 amended to read as follows:

33 (1) The right to be free from discrimination because of race,



1 creed, color, national origin, ~~((et))~~ sex, or the presence of any  
2 sensory, mental, or physical handicap is recognized as and declared  
3 to be a civil right. This right shall include, but not be limited  
4 to:

5 (a) The right to obtain and hold employment without  
6 discrimination;

7 (b) The right to the full enjoyment of any of the  
8 accommodations, advantages, facilities, or privileges of any place of  
9 public resort, accommodation, assemblage, or amusement;

10 (c) The right to engage in real estate transactions without  
11 discrimination;

12 (d) The right to engage in credit or insurance transactions  
13 without discrimination~~((t))~~;

14 (2) Any person deeming himself injured by any act in violation  
15 of this chapter shall have a civil action in a court of competent  
16 jurisdiction to enjoin further violations, to recover the actual  
17 damages sustained by him, or both, together with the cost of suit  
18 including a reasonable attorney's fees or any other remedy authorized  
19 by this chapter or the United States Civil Rights Act of 1964; and

20 (3) Notwithstanding any other provisions of this chapter, any  
21 act prohibited by this chapter related to sex discrimination which is  
22 committed in the course of trade or commerce in the state of  
23 Washington as defined in the Consumer Protection Act, chapter 19.86  
24 RCW, shall be deemed an unfair practice within the meaning of RCW  
25 19.86.020 and subject to all the provisions of chapter 19.86 RCW as  
26 now or hereafter amended.

27 Sec. 4. Section 8, chapter 270, Laws of 1955 as last amended  
28 by section 7, chapter 141, Laws of 1973 and RCW 49.60.120 are each  
29 amended to read as follows:

30 The board shall have the functions, powers and duties:

31 (1) To appoint an executive secretary and chief examiner, and  
32 such investigators, examiners, clerks, and other employees and agents  
33 as it may deem necessary, fix their compensation within the

1 limitations provided by law, and prescribe their duties.

2 (2) To obtain upon request and utilize the services of all  
3 governmental departments and agencies.

4 (3) To adopt, promulgate, amend, and rescind suitable rules  
5 and regulations to carry out the provisions of this chapter, and the  
6 policies and practices of the board in connection therewith.

7 (4) To receive, investigate, and pass upon complaints alleging  
8 unfair practices as defined in this chapter because of sex, race,  
9 creed, color, ~~((or))~~ national origin, ~~OR THE PRESENCE OF ANY SENIORITY,~~  
10 ~~MENTAL, OR PHYSICAL HANDICAP.~~

11 (5) To issue such publications and such results of  
12 investigations and research as in its judgment will tend to promote  
13 good will and minimize or eliminate discrimination because of sex,  
14 race, creed, color, national origin, ~~((sex))~~ marital status, ~~((or))~~  
15 age, ~~OR THE PRESENCE OF ANY SENIORITY, MENTAL, OR PHYSICAL HANDICAP.~~

16 (6) To make such technical studies as are appropriate to  
17 effectuate the purposes and policies of this chapter and to publish  
18 and distribute the reports of such studies.

19 Sec. 5. Section 9, chapter 270, Laws of 1955 as last amended  
20 by section 8, chapter 141, Laws of 1973 and SCW 49.60.130 are each  
21 amended to read as follows:

22 The board has power to create such advisory agencies and  
23 conciliation councils, local, regional, or state-wide, as in its  
24 judgment will aid in effectuating the purposes of this chapter. The  
25 board may empower them to study the problem of discrimination in all  
26 or specific fields of human relationships or in specific instances of  
27 discrimination because of sex, race, creed, color, national origin,  
28 ~~((or))~~ marital status, ~~OR THE PRESENCE OF ANY SENIORITY, MENTAL, OR~~  
29 ~~PHYSICAL HANDICAP;~~ to foster through community effort or otherwise  
30 good will, cooperation, and conciliation among the groups and  
31 elements of the population of the state, and to make recommendations  
32 to the board for the development of policies and procedures in  
33 general and in specific instances, and for programs of formal and



1 informal education which the board may recommend to the appropriate  
2 state agency.

3 Such advisory agencies and conciliation councils shall be  
4 composed of representative citizens, serving without pay, but with  
5 reimbursement for actual and necessary traveling expenses, and the  
6 board may make provision for technical and clerical assistance to  
7 such agencies and councils and for the expenses of such assistance.  
8 The board may use organizations specifically experienced in dealing  
9 with questions of discrimination.

10 Sec. 6. Section 9, chapter 37, Laws of 1957 as last amended  
11 by section 10, chapter 141, Laws of 1973 and RCW 49.60.180 are each  
12 amended to read as follows:

13 It is an unfair practice for any employer:

14 (1) To refuse to hire any person because of such person's age,  
15 sex, marital status, race, creed, color, ((or)) national origin, or  
16 the presence of any sensory, mental, or physical handicap, unless  
17 based upon a bona fide occupational qualification; PROVIDED, That the  
18 prohibition against discrimination because of such handicap shall not  
19 apply if the particular disability prevents the prompt performance of  
20 the particular work involved.

21 (2) To discharge or bar any person from employment because of  
22 such person's age, sex, marital status, race, creed, color, ((or))  
23 national origin, or the presence of any sensory, mental, or physical  
24 handicap.

25 (3) To discriminate against any person in compensation or in  
26 other terms or conditions of employment because of such person's age,  
27 sex, marital status, race, creed, color, ((or)) national origin, or  
28 the presence of any sensory, mental, or physical handicap; PROVIDED,  
29 That it shall not be an unfair practice for an employer to segregate  
30 washrooms or locker facilities on the basis of sex, or to base other  
31 terms and conditions of employment on the sex of employees where the  
32 board by regulation or ruling in a particular instance has found the  
33 employment practice to be appropriate for the practical realization

1 of equality of opportunity between the sexes; PROVIDED, FURTHER,

2 That it shall not be an unfair practice for an employer to reasonably  
3 exclude or restrict participation of handicapped employees from, or  
4 reasonably restrict their participation in, life insurance, medical  
5 or disability benefits programs.

*added  
page*

6 (4) To print, or circulate, or cause to be printed or  
7 circulated any statement, advertisement, or publication, or to use  
8 any form of application for employment, or to make any inquiry in  
9 connection with prospective employment, which expresses any  
10 limitation, specification, or discrimination as to age, sex, marital  
11 status, race, creed, color, ((or)) national origin, or the presence  
12 of any sensory, mental, or physical handicap, or any intent to make  
13 any such limitation, specification, or discrimination, unless based  
14 upon a bona fide occupational qualification: PROVIDED, Nothing  
15 contained herein shall prohibit advertising in a foreign language.

16 Sec. 7. Section 15, chapter 270, Laws of 1955 as amended by  
17 section 16, chapter 37, Laws of 1957 and RCW 49.60.230 are each  
18 amended to read as follows:

19 Who may file a complaint:

20 (1) Any person claiming to be aggrieved by an alleged unfair  
21 practice may, by himself or his attorney, make, sign, and file with  
22 the board a complaint in writing under oath. The complaint shall  
23 state the name and address of the person alleged to have committed  
24 the unfair practice and the particulars thereof, and contain such  
25 other information as may be required by the board.

*added  
page*

26 (2) Whenever it has reason to believe that any person has been  
27 engaged or is engaging in an unfair practice, the board may issue a  
28 complaint.

29 (3) Any employer or principal whose employees, or agents, or  
30 any of them, refuse or threaten to refuse to comply with the  
31 provisions of this chapter may file with the board a written  
32 complaint under oath asking for assistance by conciliation or other  
33 remedial action.



1 Any complaint filed pursuant to this section must be so filed  
2 within six months after the alleged act of discrimination: PROVIDED  
3 FURTHER, ANY PERSON filing a complaint of an alleged unfair labor  
4 practice based upon a handicap shall, if requested by the commission  
5 or one of its duly authorized employees, submit himself for medical  
6 and/or psychiatric examination as provided by the commission before  
7 further action on the complaint is taken by the commission.

8 Sec. 8. Section 10, chapter 37, Laws of 1957 as last amended  
9 by section 11, chapter 141, Laws of 1973 and RCW 49.60.190 are each  
10 amended to read as follows:

11 It is an unfair practice for any labor union or labor  
12 organization:

13 (1) To deny membership and full membership rights and  
14 privileges to any person because of age, sex, marital status, race,  
15 creed, color, ((or)) national origin, ~~OR THE PRESENCE OF ANY HANDICAP,~~  
16 ~~MENTAL, OR PHYSICAL HANDICAP.~~

17 (2) To expel from membership any person because of age, sex,  
18 marital status, race, creed, color, ((or)) national origin, ~~OR THE~~  
19 ~~PRESENCE OF ANY HANDICAP, MENTAL, OR PHYSICAL HANDICAP.~~

20 (3) To discriminate against any member, employer, or employee  
21 because of age, sex, marital status, race, creed, color, ((or))  
22 national origin, ~~OR THE PRESENCE OF ANY HANDICAP, MENTAL, OR~~  
23 ~~HANDICAP.~~

24 Sec. 9. Section 11, chapter 37, Laws of 1957 as last amended  
25 by section 12, chapter 141, Laws of 1973 and RCW 49.60.200 are each  
26 amended to read as follows:

27 It is an unfair practice for any employment agency to fail or  
28 refuse to classify properly or refer for employment, or otherwise to  
29 discriminate against, an individual because of age, sex, marital  
30 status, race, creed, color, ((or)) national origin, ~~OR THE PRESENCE~~  
31 ~~OF ANY HANDICAP, MENTAL, OR PHYSICAL HANDICAP,~~ or to print or  
32 circulate, or cause to be printed or circulated any statement,  
33 advertisement, or publication, or to use any form of application for

1 employment, or to make any inquiry in connection with prospective  
2 employment, which expresses any limitation, specification or  
3 discrimination as to age, sex, race, creed, color, or national  
4 origin, or the presence of any sensory, mental, or physical handicap,  
5 or any intent to make any such limitation, specification, or  
6 discrimination, unless based upon a bona fide occupational  
7 qualification: PROVIDED, Nothing contained herein shall prohibit  
8 advertising in a foreign language.

FILED  
APR 20 1973  
11:14 P.M.  
A. LUDWIG, MEMBER  
SECRETARY OF STATE

Passed the House April 15, 1973.

*Sam Rayburn*  
Speaker of the House

Passed the Senate April 15, 1973.

*John A. Chafee*  
President of the Senate

Approved April 26, 1973  
with the exception of  
one item in section 6  
and all of section 7,  
which are vetoed.

*James J. Finner*  
Governor of the State of Massachusetts





# THE CITY COUNCIL OF THE CITY OF SEATTLE

1106 SEATTLE MUNICIPAL BUILDING  
TELEPHONE 583-2640

600 FOURTH AVENUE, SEATTLE, WASHINGTON 98104  
SEATTLE CITY COUNCIL

January 28, 1974

'74 JAN 29 AM 10:05

**LIEM ENG TUAI**  
PRESIDENT OF THE COUNCIL  
583-2357

**BRUCE K. CHAPMAN**  
CHAIRMAN  
PARKS & PUBLIC GROUNDS  
COMMITTEE  
583-2354

**GEORGE E. COOLEY**  
CHAIRMAN  
FINANCE COMMITTEE  
583-2359

**TIM HILL**  
CHAIRMAN  
TRANSPORTATION  
COMMITTEE  
583-2356

**PHYLLIS LAMPHERE**  
CHAIRMAN  
INTERGOVERNMENTAL  
RELATIONS COMMITTEE  
583-2355

**WAYNE D. LARKIN**  
CHAIRMAN  
UTILITIES COMMITTEE  
583-2358

**JOHN R. MILLER**  
CHAIRMAN  
PLANNING & URBAN  
DEVELOPMENT COMMITTEE  
583-2355

**SAM SMITH**  
CHAIRMAN  
PUBLIC SAFETY & HEALTH  
COMMITTEE  
583-2367

**JEANETTE WILLIAMS**  
CHAIRMAN  
HUMAN RESOURCES &  
JUDICIARY COMMITTEE  
583-2366

The Honorable Sam Smith, President  
The City Council  
City of Seattle

Dear Councilman Smith:

Some time ago the two of us independently requested the Department of Human Resources to propose legislation to eliminate discrimination against the handicapped in employment.

Last year's passage of a Fair Employment Practices ordinance extended protection to many individuals, but not to those persons with "sensory, mental, or physical handicaps." The attached ordinance corrects that omission.

State passage of S.H.B. 445 guarantees equal rights in employment to any qualified individual, though there may be the "presence of any sensory, mental, or physical handicap." We urge that the City adopt a similar provision. Without it, our ordinance is not fully responsive to the needs of all the City's people.

Sincerely,

Wes Uhlman  
Mayor

Bruce K. Chapman  
Councilman

Attachment

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Anna K. Chapman*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

*H/27*

*[Signature]*

PRESIDENT'S SIGNATURE



ORDINANCE \_\_\_\_\_

174 JAN 29 AM 10:05

AN ORDINANCE relating to and prohibiting discriminatory practices based on race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry or national origin, or the presence of any sensory, mental or physical handicap with respect to employment; defining offenses and prescribing penalties, remedies, and enforcement procedures: and repealing Ordinance 100642.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SHORT TITLE. This ordinance shall constitute the "Seattle Fair Employment Practices Ordinance" and may be cited as such.

Section 2. DECLARATION OF POLICY. It is hereby declared to be the policy of The City of Seattle, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, age, creed, religion, ancestry, ~~or~~ national origin, or the presence of any sensory, mental or physical handicap.

The provisions of this ordinance shall apply to both private employers and The City of Seattle, and shall be liberally construed for accomplishment of its policies and purposes; provided that nothing in this ordinance shall be construed so as to infringe upon the administrative authority vested in the Civil Service Commission and City Departments by the City Charter.

Nothing herein shall be deemed to deny any person in any way the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.

Section 3. DEFINITIONS. When used in this ordinance, unless the content otherwise requires --

(A) "Department" means the Department of Human Rights of The City of Seattle.

(B) "Director" means the Director of the Department of Human Rights; the Director of the Office of Women's Rights, Director of the resources, and/or the Director of the Division on

(C) "Commission" means the Seattle Human Rights Commission, the Seattle Women's Commission, the Mayor's Committee on Opportunities for the Handicapped, and/or the Seattle Technical Advisory Committee on Aging, as the context requires.

(D) "Discrimination", "discriminate", and/or "discriminatory act" means any act, whether by itself or as part of a practice, the effect of which is to differentiate between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, political ideology, creed, religion, ancestry, ~~or~~ national origin, or the presence of any sensory, mental or physical handicap, unless based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, enterprise or employment.

(E) "Employer" means any employer who employs four or more persons and includes the head of any department, division or office of The City of Seattle or their designee and any person acting in the interest of such an employer.

(F) "Employee" means any person employed by an employer.

(G) "Employment agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place employees for an employer or in employment.

(H) "Labor organization" means any organization existing for the purpose of (1) collective bargaining for or on behalf of employees, (2) dealing with employers concerning grievances, terms or conditions of employment, or (3) other mutual aid or protection in relation to employment.

(I) "Party" shall include the person charging or making a complaint alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice, the Department of Human Rights, the Office of Women's Rights, <sup>and</sup> Department of Human Resources, and the Division on Aging of the Department of Human Resources.

(J) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes The City of Seattle and any department, division, office, agency or instrumentality thereof.



(K) "Respondent" means any person alleged or found to have committed an unfair employment practice.

Section 4. UNFAIR EMPLOYMENT PRACTICES.

(A) It is an unfair employment practice within the City of Seattle for any --

(1) Employer to discriminate against any person with respect to hiring, tenure, promotion, terms, conditions, wages or privileges of employment, or with respect to any matter directly or indirectly related to employment;

(2) Employer, employment agency, or labor organization to discriminate by establishing, announcing or following a policy of denying or limiting employment or membership opportunities to any person;

(3) Employer, employment agency, or labor organization to print, circulate, or cause to be printed, published or circulated, any statement, advertisement, or publication relating to employment or membership, or to use any form of application therefor, which indicates any preference, limitation, specification, or discrimination based upon race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, ~~or~~ national origin, or the presence of any sensory, mental or physical handicap, unless based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, enterprise or employment; provided that nothing herein shall prevent an employer from ascertaining and recording data as to race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, ~~or~~ national origin, or the presence of any sensory, mental or physical handicap, whether before or after employment, for the purpose of making reports specifically required by agencies of federal, state or local government for the purpose of eliminating and preventing discrimination or overcoming its effects, or for other purposes authorized by state law or the rules and regulations of the Washington State Human Rights Commission;

(4) Employment agency to discriminate against any person with respect to any reference for employment, assignment as to job classification or otherwise;

(5) Labor organization to discriminate against any person by limiting, segregating, or classifying its membership in any way that would:

- (a) deprive or tend to deprive any person of employment opportunities;
- (b) limit any person's employment opportunities or otherwise adversely affect such person's status as an applicant for employment or as an employee;
- (c) adversely affect the wages, hours, or conditions of employment of any person;

(6) Employer, employment agency, or labor organization to penalize or discriminate in any manner against any individual because he/she has opposed any practice forbidden by this ordinance or because he/she has made a charge, testified or assisted in any manner in any investigation, proceeding, or hearing initiated under the provisions of this ordinance.

(7) Employer, employment agency, labor organization, or any joint labor-management committee controlling apprentice training programs to discriminate against any person with respect to admission to or participation in any guidance program, apprenticeship training program or other occupational training program.

(8) Publisher, firm, corporation, organization, or association printing, publishing or circulating any newspaper, magazine or other written publication, to print or cause to be printed or circulated any advertisement with knowledge that the same is in violation of above paragraph (3) of this section, or to segregate and separately designate advertisements as applying only to men or women unless as to any such advertisement, sex is a bona fide occupational qualification reasonably necessary to the particular business or employment.

(9) Person to:

- (a) Knowingly and wilfully aid, abet, incite, compel, or coerce the doing of any act declared herein to be an unfair employment practice; provided that this subparagraph (9) (a) shall have no application to any act declared to be an unfair employment practice under paragraph (8) of this section.



- (b) Obstruct or prevent any person from complying with the provisions of this ordinance.
- (c) Attempt directly or indirectly to commit any act declared by this Section 4 to be an unfair employment practice.

(B) The provisions of this section insofar as they declare discrimination on the basis of age to be an unfair employment practice shall not be applicable with respect to individuals who are sixty-five years or age or older.

Section 5. ENFORCEMENT.

(A) A complaint alleging an unfair employment practice shall be in writing and signed by the charging party, describing the unfair employment practice complained of and must be filed within six months of the occurrence of the alleged unfair employment practice by:

(1) Any person, or the person's attorney, when the person claims to be aggrieved by an unfair employment practice.

(2) Any Commission or Director as defined in Section 3 of this ordinance whenever any such Commission or Director has reason to believe that any person has been engaged or is engaging in an unfair employment practice.

(3) A State or Federal agency concerned with discrimination in employment whenever any such agency has reason to believe that an unfair employment practice has been or is being committed.

(4) Any labor organization which has reason to believe that an unfair employment practice has been or is being committed.

Complaints pertaining solely to race, color, creed, religion, ancestry, national origin, or political ideology shall be filed with the Department of Human Rights which shall have primary enforcement responsibility with respect thereto; complaints pertaining solely to sex, marital status or sexual orientation shall be filed with the Office of Women's Rights which shall have primary enforcement responsibility with respect thereto; and complaints pertaining solely to age shall be filed with the <sup>Department of Human Resources</sup> Division on Aging which shall have primary enforcement responsibility with respect thereto; complaints pertaining

solely to sensory, mental or physical handicaps shall be filed with the Department of Human Resources, which shall have primary enforcement responsibility with respect thereto: provided that a complaint alleging more than one or a combination of such factors may be filed with the department or division having jurisdiction over any one of such factors. In such case the receiving Office, Division or Department shall, promptly and before investigation, notify any other Office, Division or Department wherein the complaint could have been filed that the complaint has been received and provide a copy thereof upon request.

(B) A complaint shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the information requirements necessary for processing. The charging party may amend a complaint in any respect before notice of hearing on the matter and thereafter may amend the complaint only with permission of the hearing examiner which permission shall be granted when justice will be served thereby and all parties are allowed time to prepare their case with respect to additional or expanded charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

(C) After the filing of a complaint, the Director or in case of joint enforcement responsibility, the Director of Human Rights, jointly with the Director of the Office of Women's Rights, <sup>and/or</sup> Director of the Department of Human Resources, and/or the Division on Aging as the complaint requires, shall promptly refer for investigation and ascertainment of the facts. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or is not reasonable cause for believing that an unfair practice has been or is being committed.

(D) If the finding is made that there is no reasonable cause, said finding shall be furnished to the charging party and to the respondent. Within thirty days after receipt of the finding, the charging party shall have the right to appeal such finding to the commission having hearing responsibility by filing a written statement of appeal with it. In the event that no appeal is taken or such appeal is unsuccessful, the complaint shall be dismissed.



(E) If the finding is made initially or on appeal that reasonable cause exists to believe that an unfair employment practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement the elimination of the unfair employment practice, hiring, reinstatement or upgrading with or without back pay, admittance or restoration to membership in a labor organization, admittance to participation in a guidance apprentice-training or retraining program, or such other requirements as may lawfully be agreed upon by the parties, and the Director. Any settlement agreement shall be reduced to writing and signed by the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties and the original thereof filed with the City Clerk. If no agreement can be reached, a finding to that effect shall be made and reduced to writing with a copy thereof furnished to the charging party and the respondent.

(F) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of a finding to that effect, the complaint and any and all findings made, shall be certified by the Director to the appropriate Commission(s) for hearing. The Director shall then cause to be issued and served in the name of the Commission or Commissions having hearing responsibility written notice of hearing to all parties as provided by law.

The hearing shall be conducted by a hearing examiner from the office of Hearing Examiner, if available, or otherwise by a hearing examiner appointed by the Director from staff, the Commission, or such other persons as the Director may find qualified. The hearing examiner shall conduct the hearing according to such rules as may be adopted therefor by the Director of Human Rights jointly with the Director of the Office of Women's Rights, <sup>and the</sup> Director of the Department of Human Resources, and the Director of the ~~Division on Aging~~ consistent with this ordinance and the Seattle Administrative Code.

The President of the Commission, or where joint enforcement responsibility is involved, the President of the Human Rights

Commission jointly with the President of the Women's Commission, Chairman of the Mayor's Committee on Opportunities for the Handicapped, and/or the President of the Technical Advisory Committee on Aging as the case requires, shall appoint a hearing panel of not more than three Commissioners or persons acting in the name of the Commission with the majority determined by the nature of the complaint, who shall represent the Commission(s) at the hearing.

The final decision after hearing shall be made by the hearing panel, within 30 days after receipt of and upon full consideration of the report and recommendations of the hearing examiner, as provided in the Seattle Administrative Code.

(G) In the event the hearing panel shall determine that respondent has been engaged in or is engaged in any unfair employment practice, the hearing panel shall issue, in the name of the Commission, and cause to be served on the respondent an order setting forth its decision and reasons therefor and requiring the respondent to cease and desist from such unfair practice or practices and to take such affirmative action, including but not limited to, hiring, reinstatement or upgrading with or without back pay, admit or restore to membership in a labor organization, admit to participation in a guidance, apprentice training or retraining program, or to take such other action as, in the judgment of the hearing panel will effectuate the purposes of this ordinance which may include a requirement for report on the matter of compliance.

(H) In the event the respondent refuses or fails to comply with any order of a Director or hearing panel, the Director of the department having primary enforcement responsibility shall certify the case and the entire record of its proceedings to the Corporation Counsel, who shall invoke the aid of the appropriate court to secure enforcement or compliance with the order, or to impose a civil penalty as set forth in Section 6, or both; provided, that in any case in which the order is directed to the City, or to any department, division, board, or agency thereof, a copy of such order shall be transmitted to the Mayor who shall take appropriate action to secure compliance therewith.



(I) The Department, the Office of Women's Rights, the Department of Human Resources, and the Division on Aging, in the performance of their functions, may enlist the aid of all departments of the city government, and all said departments are hereby directed to fully cooperate therewith.

(J) ~~The Department of Human Rights, the Office of Women's Rights, the Department of Human Resources, and the Division on Aging,~~ in carrying out the specific duties imposed by this ordinance, may request the aid of the City Council through its proper committee in the conduct of any further investigation and enforcement.

Section 6. PENALTIES. Any person who shall knowingly and wilfully resist, prevent, impede or interfere with a Director or Hearing Panel in the performance of duties pursuant to this ordinance, or shall fail, refuse, or neglect to comply with any lawful decision or order of a Director or Hearing Panel or any person who knowingly makes a false complaint under this ordinance shall be subject to a civil penalty or not more than five hundred dollars, in addition to any other penalty, sanction, injunction or remedial decree imposed by order of any court.

Section 7. SEVERABILITY. If any clause, sentence, paragraph, or part of this ordinance, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 8. Ordinance 100642 entitled:

"AN ORDINANCE relating to and prohibiting discrimination in employment or in advertisements therefor, defining offenses, and prescribing penalties."

is hereby repealed; provided that such repeal shall not affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of such ordinance.