ORDINANCE _____

AN ORDINANCE relating to Human Rights; amending sections 14.04.130, 14.06.090, and 14.08.150 of the Seattle Municipal Code to revise deadlines for appeal decisions by the Human Rights Commission.

WHEREAS, the Seattle Office for Civil Rights (SOCR) receives, investigates, and passes upon charges brought by persons alleging unfair employment, housing, and public accommodation practices; and

WHEREAS, if a determination is made by SOCR that there is no reasonable cause for believing an unfair practice has been committed, a charging party has a right to seek an appeal before the Human Right Commission (Commission); and

WHEREAS, in cases involving unfair housing and public accommodation practices, if the Commission has not decided the appeal within 60 days from the date the appeal statement is filed, the determination of no reasonable cause is deemed final; and

WHEREAS, the members of the Human Rights Commission serve without compensation and volunteer freely of their own time; and

WHEREAS, because of the timing of the filing of appeals and scheduling conflicts among Commissioners, it is sometimes difficult for the Commission to fully consider and to render written appeals decisions within 60 days; and

WHEREAS, in cases involving unfair employment practices, there is no deadline for the Commission to issue written appeals decisions; and

WHEREAS, it is appropriate to extend the period in which the Commission should render decisions in housing and public accommodations appeals to 90 days and to establish a 90 day period for issuance of decisions in employment appeals; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.04.130 of the Seattle Municipal Code, last amended by Ordinance 118392, is amended as follows:

14.04.130 - Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair employment practice under this chapter has been committed, the charging party shall have the

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right to appeal such determination to the Commission within ((~~thirty (~~))30((~~)~~)) days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or, if the Commission believes the Director should investigate further, remanding it to the Director with ((~~appropriate instructions~~)) a request for specific further investigation. In the event no appeal is taken or such appeal results in affirmance or if the Commission has not decided the appeal within 90 days from the date the appeal statement is filed, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on the records of the Department.

Section 2. Section 14.06.090 of the Seattle Municipal Code, last amended by Ordinance 121593, is amended as follows:

14.06.090 - Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair practice under this chapter has been, is being or is about to be committed, the charging party may appeal such determination to the Commission within ((~~thirty (~~))30((~~)~~)) days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or, if the Commission believes the Director should investigate further, remanding it to the Director with a request for specific further investigation. In the event no appeal is taken or such appeal results in affirmance or if the Commission has not decided the appeal within ((~~sixty (60)~~)) 90 days from the date the appeal statement is filed, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on

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the records of the Department. Any party aggrieved by the final dismissal may appeal the order on the record to an appropriate court.

Section 3. Section 14.08.150 of the Seattle Municipal Code, last amended by Ordinance 121593, is amended as follows:

14.08.150 - Determination of no reasonable cause—Appeal from and dismissal.

A. If a determination is made that there is no reasonable cause for believing an unfair practice under this chapter has been, is being or is about to be committed, the charging party may appeal such determination to the Commission within ((~~thirty (30)~~)) 30 days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or, if the Commission believes the Director should investigate further, remanding it to the Director with a request for specific further investigation. In the event no appeal is taken, or such appeal results in affirmance or if the Commission has not decided the appeal within ((~~sixty (60)~~))90 days from the date the appeal statement is filed, the determination of the Director shall be final and the charge deemed dismissed and the same shall be entered on the records of the Department. Any party aggrieved by the final dismissal may appeal the order on the record to an appropriate court.

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Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Office for Civil Rights	Felicia Yearwood / 206-684-4537	Karl Stickel / 206-684-8085

Legislation Title:

AN ORDINANCE relating to Human Rights; amending sections 14.04.130, 14.06.090, and 14.08.150 of the Seattle Municipal Code to revise deadlines for appeal decisions by the Human Rights Commission.

Summary of the Legislation:

The ordinance extends the deadline from 60 days to 90 days for the Human Rights Commission to issue a decision when it reviews a housing or public accommodations case on appeal from the Seattle Office for Civil Rights and establishes a 90 day deadline to issue a decision in an employment case.

Background:

The Seattle Office for Civil Rights (SOCR) receives, investigates, and passes upon charges brought by persons alleging unfair employment, housing, and public accommodation practices. If SOCR determines that there is no reasonable cause to believe that an unfair practice occurred, a charging party has a right to seek an appeal before the Human Rights Commission, whose members serve as volunteers. If the Commission has not decided the appeal within 60 days from the date the appeal statement is filed in a housing or public accommodations case, the original determination of no reasonable cause is deemed final. There is no deadline for deciding an appeal in an employment case. Because of the timing of the filing of appeals and scheduling conflicts among Commissioners, it is sometimes difficult for the Commission to issue housing and public accommodations decisions within 60 days. Therefore, this legislation would allow an extra 30 days (from 60 days to 90 days) for Commissioners to consider the appeal and issue a decision in housing and public accommodations cases and would establish a uniform deadline for all three types of cases.

Please check one of the following:

__✓__ This legislation does not have any financial implications.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?
No.

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b) What is the financial cost of not implementing the legislation?
None.

c) Does this legislation affect any departments besides the originating department?
No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?
None.

e) Is a public hearing required for this legislation?
No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

g) Does this legislation affect a piece of property?
No.

h) Other Issues:
None.

List attachments to the fiscal note below:
None.

CITY CLERK

City of Seattle
Office of the Mayor

February 14, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that establishes consistency in the time for the Human Rights Commission to review cases appealed from the Office for Civil Rights.

Currently, Commissioners must review cases and return a written decision within sixty days of the date that the appeal was filed in housing and public accommodations cases. There is no deadline for issuance of an appeal decision in employment cases. Commissioners serve on a volunteer basis and meet just once per month to review appeals. Because of scheduling conflicts it sometimes becomes difficult for Commissioners to issue a decision within the sixty day time limit. Extending the time to ninety days would ease the burden on the Commissioners and provide them with more time for thoughtful analysis. Establishing a ninety day deadline for appeals orders in employment cases would create consistency across all appeals before the Commission.

Thank you for your consideration of this legislation. Should you have questions, please contact Julie Nelson at 206-233-7822.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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