



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119240

Record No.: CB 119240

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125576

In Control: City Clerk

File Created: 03/28/2018

Final Action: 05/11/2018

**Title:** AN ORDINANCE relating to the Human Rights code; extending the amount of time available to a person to file a charge with the Office for Civil Rights regarding unfair employment, public accommodations, and contracting processes; specifying that discrimination includes harassment; and amending Sections 14.04.030, 14.04.090, 14.06.020, 14.06.050, 14.08.020, 14.10.020, and 14.10.060 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	03/29/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	04/05/2018	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council						
	Notes:						
1	City Council	04/16/2018	referred	City Council			
	Action Text: The Council Bill (CB) was referred. to the Full Council						
	Notes:						
1	City Council	05/07/2018	passed				Pass

Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes: Motion was made and duly seconded to pass Council Bill 119240.

In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

- 1 City Clerk 05/10/2018 submitted for Mayor  
Mayor's signature
- 1 Mayor 05/11/2018 Signed
- 1 Mayor 05/11/2018 returned City Clerk
- 1 City Clerk 05/11/2018 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

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**CITY OF SEATTLE**

**ORDINANCE** 125576

**COUNCIL BILL** 119240

AN ORDINANCE relating to the Human Rights code; extending the amount of time available to a person to file a charge with the Office for Civil Rights regarding unfair employment, public accommodations, and contracting processes; specifying that discrimination includes harassment; and amending Sections 14.04.030, 14.04.090, 14.06.020, 14.06.050, 14.08.020, 14.10.020, and 14.10.060 of the Seattle Municipal Code.

WHEREAS, sexual violence, discrimination, and harassment have been in the national and local spotlight recently, and the City of Seattle's employees and residents have and likely are experiencing sexual discrimination and harassment in varied facets of their lives; and

WHEREAS, sexual harassment is illegal discrimination based on sex, and harassment based on race, sexual orientation, national origin, religion, or other protected classes is also illegal discrimination that is prohibited by Chapters 14.04, 14.06, 14.08 and 14.10 of the Seattle Municipal Code; and

WHEREAS, sexual harassment in the workplace is in violation of Title VII of the Civil Rights Act, 42 U.S.C. 2000e, *et seq.*, chapter 49.60 RCW, Seattle Municipal Code Chapter 14.04, and City policy; and

WHEREAS, harassment will not be tolerated by the City of Seattle, as the City is committed to fostering an environment free from discrimination, promoting equal employment opportunities, and equitable treatment, in line with the City's race and social justice values and City policy; and

WHEREAS, the Mayor and City Council adopted policies and procedures governing harassment complaints in 1989 through Resolution 28119 and have revised and updated them periodically since that time; and

1 WHEREAS, City employees and Seattle residents who allege sexual harassment under the City's  
2 fair employment, unfair public accommodations, or fair contracting laws and wish to file  
3 an administrative charge with the Seattle Office for Civil Rights must do so 180 days  
4 after the occurrence of the alleged incident, and if filing an administrative charge under  
5 the City's unfair housing laws, must file within one year of the alleged incident; and

6 WHEREAS, state and federal statutes provide a longer period of time for persons alleging  
7 harassment to file claims—the Equal Employment Opportunity Commission (EEOC)  
8 allows a person to file a charge of discrimination within 300 days of the alleged incident  
9 if there is a state or local law with prohibitions similar to federal law and the Fair  
10 Housing Act allows a person to file a charge of discrimination with one year of the  
11 alleged incident; and

12 WHEREAS, a person alleging sexual harassment should have longer than 180 days to decide  
13 whether to file an administrative charge with the Seattle Office for Civil Rights; and

14 WHEREAS, extending the statute of limitations for filing administrative charges with the City  
15 does not affect the statute of limitations for filing independent private civil actions under  
16 City, State, or Federal laws or filing administrative charges at other bodies at the state or  
17 federal level, though it might affect the order in which a person filing an administrative  
18 charge does so;<sup>1</sup> NOW, THEREFORE,

19 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

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<sup>1</sup> For example, with the current 180-day statute of limitation to file an administrative charge under Seattle Municipal Code Chapter 14.04, a race or sex discrimination filing would be dual filed with the EEOC within its 300-day statute of limitation. With an administrative charge statute of limitations longer than 300 days, the EEOC claim must be filed first for dual filing to result, and if a person only files an administrative charge with the City after 300 days, that person will lose the ability to gain relief through the EEOC, including the ability to file a lawsuit under Title VII of the Civil Rights Act of 1964.

1 Section 1. Section 14.04.030 of the Seattle Municipal Code, last amended by Ordinance  
2 124829, is amended as follows:

3 **14.04.030 Definitions((:))**

4 \* \* \*

5 I. “Discrimination,” “discriminate,” and/or “discriminatory act” means any act, by  
6 itself or as part of a practice, which is intended to or results in different treatment or  
7 differentiates between or among individuals or groups of individuals by reason of race, color,  
8 age, sex, marital status, sexual orientation, gender identity, genetic information, political  
9 ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military  
10 status, or the presence of any disability. “Discrimination,” “discriminate,” and/or “discriminatory  
11 act” includes harassment, such as racial and sexual harassment, as well as harassment based on  
12 other protected classes.

13 \* \* \*

14 Section 2. Section 14.04.090 of the Seattle Municipal Code, last amended by Ordinance  
15 123527, is amended as follows:

16 **14.04.090 Charge—Time for filing((:))**

17 A. Charges filed under this ((chapter)) Chapter 14.04 must be filed within ((180 days))  
18 one year and six months after the occurrence of the alleged unfair employment practice with the  
19 Office for Civil Rights.

20 \* \* \*

21 Section 3. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance  
22 124829, is amended as follows:

23 **14.06.020 Definitions((:))**

1 \* \* \*

2 L. "Discrimination" means any conduct, whether by single act or as part of a  
3 practice, the effect of which is to adversely affect or differentiate between or among individuals  
4 or groups of individuals, because of race, color, creed, religion, ancestry, national origin, age,  
5 sex, marital status, parental status, sexual orientation, gender identity, political ideology,  
6 honorably discharged veteran or military status, participation in a Section 8 program, the  
7 presence of any disability, the use of a service animal by a disabled person, or the right of a  
8 mother to breastfeed her child. "Discrimination" includes harassment, such as racial and sexual  
9 harassment, as well as harassment based on other protected classes.

10 \* \* \*

11 Section 4. Section 14.06.050 of the Seattle Municipal Code, enacted by Ordinance  
12 121593, is amended as follows:

13 **14.06.050 Charge—Filing((-))**

14 A. An aggrieved person may, not later than ~~((one hundred eighty (180) days))~~ one year  
15 after an alleged unfair practice has occurred or terminated, file a charge with the Director  
16 alleging such unfair practice. The charge shall be in writing and signed under oath or affirmation  
17 before the Director, one of the Department's employees, or any other person authorized to  
18 administer oaths. The charge shall describe the alleged unfair practice and should include a  
19 statement of the dates, places and circumstances, and the persons responsible for such acts and  
20 practices. Upon the filing of a charge alleging an unfair practice, the Director shall cause to be  
21 served upon the charging party a written notice acknowledging the filing, and notifying the  
22 charging party of the time limits and choice of forums provided in this ~~((chapter))~~ Chapter 14.06.

23 \* \* \*

1 Section 5. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance  
2 125228, is amended as follows:

3 **14.08.020 Definitions**

4 \* \* \*

5 “Discrimination” means any conduct, whether by single act or as part of a practice, the effect of  
6 which is to adversely affect or differentiate between or among individuals or groups of  
7 individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital  
8 status, parental status, sexual orientation, gender identity, political ideology, honorably  
9 discharged veteran or military status, alternative source of income, participation in a Section 8 or  
10 other subsidy program, the presence of any disability, or the use of a service animal by a disabled  
11 person. “Discrimination” includes harassment, such as racial and sexual harassment, as well as  
12 harassment based on other protected classes.

13 \* \* \*

14 Section 6. Section 14.10.020 of the Seattle Municipal Code, last amended by Ordinance  
15 124829, is amended as follows:

16 **14.10.020 Definitions**

17 \* \* \*

18 “Discrimination,” “discriminate,” and/or “discriminatory act” means any act (other than an  
19 action taken in accordance with a lawful affirmative action program) or failure to act whether by  
20 itself or as part of a practice, the effect of which is to adversely affect or differentiate between or  
21 among individuals or groups of individuals by reason of race, color, age, sex, marital status,  
22 sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin,  
23 honorably discharged veteran or military status or the presence of disability, unless based upon a

1 bona fide occupational qualification. “Discrimination,” “discriminate,” and/or “discriminatory  
2 act” includes harassment, such as racial and sexual harassment, as well as harassment based on  
3 other protected classes.

4 \* \* \*

5 Section 7. Section 14.10.060 of the Seattle Municipal Code, enacted by Ordinance  
6 119601, is amended as follows:

7 **14.10.060 Charge—Time for filing((:))**

8 Charges filed under this ((chapter)) Chapter 14.10 must be filed with the Department within  
9 ~~((one hundred eighty (180) days))~~ one year and six months after the occurrence of the alleged  
10 unfair contracting practice.

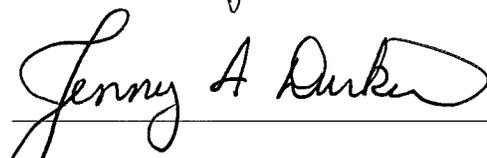
11

1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

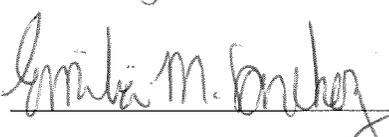
4 Passed by the City Council the 7<sup>th</sup> day of MAY, 2018,  
5 and signed by me in open session in authentication of its passage this 7<sup>th</sup> day of  
6 MAY, 2018.

7   
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 11<sup>th</sup> day of May, 2018.

10   
11 Jenny A. Durkan, Mayor

12 Filed by me this 11<sup>th</sup> day of May, 2018.

13   
14 for Monica Martinez Simmons, City Clerk

15 (Seal)