

December 9, 1985  
5580A/TB:ple:mls

Introduced by: AUDREY GRUGER, LOIS NORTH  
RUBY CHOW, CYNTHIA SULLIVAN  
Proposed No.: 84 - 524

ORDINANCE NO. 7430

AN ORDINANCE relating to employment practices within King County; specifying unfair employment practices and prohibiting the same; providing for enforcement and administration; providing for investigation of complaints and specifying penalties for violation of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. STATEMENT OF PURPOSE. This ordinance is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the provisions of the constitution of this state. The King County council hereby finds and declares that practices of employment discrimination against any person on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

The provisions of this ordinance shall apply to King County when acting as an employer and to other employers, labor organizations, and employment agencies in unincorporated King County and shall be liberally construed for accomplishment of its policies and purposes.

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

Nothing contained in this ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this ordinance on the part of King County by its officers, employees or agents.

Nothing in this ordinance shall be presumed to toll the statute of limitations for any claims under federal or state statute.

1 Nothing in this ordinance shall be construed to prohibit or apply to  
2 actions directed against an employee taken in good faith by an employer based  
3 solely upon the job performance of such employee.

4 SECTION 2. DEFINITIONS. When used in this ordinance, unless the context  
5 otherwise requires:

6 A. "Executive" means the King County executive or his or her designee.

7 B. "Discrimination", "discriminate", and/or "discriminatory act", means  
8 any action or failure to act whether by itself or as part of a practice, the  
9 effect of which is to adversely affect or differentiate between, or among,  
10 individuals or groups of individuals, by reasons of race, color, age, sex,  
11 marital status, sexual orientation, religion, ancestry, national origin, or  
12 the presence of any sensory, mental or physical handicap, unless based upon a  
13 bona fide occupational qualification.

14 C. "Employee" means any person who works for another in return for  
15 financial or other compensation, and does not include any individual employed  
16 by his or her parents, spouse, or child, or in the domestic service of any  
17 person.

18 D. "Employer" means King County or any person acting in the interest of  
19 an employer, directly or indirectly, who employs eight or more persons in  
20 unincorporated King County, and does not include any religious or sectarian  
21 organization not organized for private profit, nor shall the term include any  
22 governmental body other than King County.

23 E. "Employment agency" means any person who for compensation engages in  
24 recruiting, procuring, referral or placement of employees with an employer.

25 F. "Labor organization" means any organization existing for the purpose  
26 of:

27 1. dealing with employers concerning grievances, terms or  
28 conditions of employment, or

29 2. providing other mutual aid or protection in connection with  
30 employment.

31 G. "Party" shall include the person making a complaint alleging an  
32 unfair employment practice and the person alleged to have committed an  
33

1 unfair employment practice.

2 "H. "Person" shall include one or more individuals, partnerships,  
3 associations, organizations, corporations, cooperatives, legal  
4 representatives, trustees, trustees in bankruptcy, receivers, or any  
5 group of persons and shall include King County.

6 I. "Respondent" means any person who has been alleged or found to  
7 have committed an unfair employment practice prohibited by this  
8 ordinance.

9 J. "Sexual orientation" means male or female heterosexuality,  
10 bisexuality or homosexuality, and includes a person's attitudes,  
11 preferences, beliefs and practices pertaining to sex.

12 SECTION 3. UNFAIR EMPLOYMENT PRACTICES PROHIBITED. It is an  
13 unfair employment practice for any:

14 A. employer or labor organization to discriminate against any  
15 person with respect to referral, hiring, tenure, promotion, terms,  
16 conditions, wages or other privileges of employment;

17 B. employment agency or labor organization to discriminate against  
18 any person with respect to membership rights and privileges, admission  
19 to or participation in any guidance program, apprenticeship training  
20 program, or other occupational training program;

21 C. employer, employment agency, or labor organization to print,  
22 circulate, or cause to be printed, published, or circulated, any  
23 statement, advertisement, or publication relating to employment or  
24 membership, or to use any form of application therefor, which indicates  
25 any discrimination unless based upon a bona fide occupational  
26 qualification;

27 D. employment agency to discriminate against any person with  
28 respect to any reference for employment or assignment to a particular  
29 job classification;

30 E. employer, employment agency or a labor organization to  
31 retaliate against any person because that person has opposed any  
32 practice forbidden by this chapter or because that person has made a  
33

1 charge, testified or assisted in any manner in any investigation,  
2 proceeding or hearing initiated under the provisions of this chapter;

3 F. publisher, firm, corporation, organization or association  
4 printing, publishing or circulating any newspaper, magazine or other  
5 written publication to print or cause to be printed or circulated any  
6 advertisement with knowledge that the same is in violation of  
7 Subsection C of this section, or to segregate and separately designate  
8 advertisements as applying only to men or women unless such  
9 discrimination is reasonably necessary to the normal operation of the  
10 particular business, enterprise or employment, unless based upon a bona  
11 fide occupational qualification.

12 SECTION 4. FILING OF COMPLAINT.

13 A. An individual complaint alleging an unfair employment practice  
14 may be filed by any person who claims to be aggrieved by an unfair  
15 employment practice.

16 B. A complaint alleging that a group is being subjected to an  
17 unfair employment practice may be filed by:

- 18 1. Any member of the class;
- 19 2. The executive;
- 20 3. A state or federal agency concerned with discrimination in  
21 employment whenever such an agency has reason to believe that an unfair  
22 employment practice has been or is being committed;
- 23 4. Any labor organization which has reason to believe that an  
24 unfair employment practice has been or is being committed.

25 C. A complaint alleging an unfair employment practice shall be in  
26 writing, verified and signed by the charging party, describe the unfair  
27 employment practice complained of and the person alleged to have  
28 committed it. The complaint must be filed within 180 days of the time  
29 of the alleged unfair employment practice or within 180 days of when  
30 the charging party, through exercise of due diligence, should have had  
31 notice or been aware of such occurrence.  
32  
33

1           SECTION 5. COMPLAINT - INVESTIGATION.

2           A. Upon receipt of a complaint meeting the requirements of Section  
3 4, subsection C of this ordinance, the executive shall cause to be  
4 served or mailed, by certified mail, return receipt requested, a copy  
5 of the complaint to the respondent within twenty days after the filing  
6 of said charge and shall promptly make an investigation thereof.

7           B. The investigation shall be directed to ascertain the facts  
8 concerning the unfair employment practice alleged in the complaint and  
9 shall be conducted in an objective and impartial manner.

10          C. During the investigation, the executive shall consider any  
11 statement of position or evidence with respect to the allegations of  
12 the complaint which the charging party or the respondent wishes to  
13 submit.

14          D. The results of the investigation shall be reduced to written  
15 findings of fact and a finding shall be made that there either is or is  
16 not reasonable cause for believing that an unfair employment practice  
17 has been or is being committed.

18          E. If a finding is made that there is no reasonable cause, said  
19 finding shall be served on the charging party and respondent. Within  
20 thirty days after service of such negative finding, the charging party  
21 shall have the right to file a written request with the executive  
22 asking for reconsideration of the finding. The executive shall respond  
23 in writing within a reasonable time by granting or denying the request.

24           SECTION 6. CONFERENCE AND CONCILIATION.

25          A. If the finding is made initially or on request for  
26 reconsideration that reasonable cause exists to believe that an unfair  
27 employment practice has occurred, the executive shall endeavor to  
28 eliminate the unfair practice by conference, conciliation and  
29 persuasion which may include as a condition of settlement, the  
30 elimination of the unfair employment practice, backpay not in excess of  
31 the amount of monetary damage actually incurred, reinstatement,  
32 attorneys' fees or such other requirements as may lawfully be agreed  
33

1 upon by the parties and the executive. Any settlement agreement shall  
2 be reduced to writing and signed by the respondent and the charging  
3 party. An order shall then be entered by the executive setting forth  
4 the terms of the agreement. Copies of such order shall be delivered to  
5 all affected parties and the original thereof filed with the division  
6 of records and elections.

7 B. If no agreement can be reached, a finding to that effect shall  
8 be made by the executive and incorporated in the order, with the copy  
9 thereof furnished to the complainant and the respondent. The order  
10 shall also include:

- 11 1. A finding that an unfair employment practice has occurred;
- 12 2. The basis for such finding;
- 13 3. An order requiring the respondent to cease and desist from  
14 such unfair practice and to take appropriate affirmative action,  
15 including but not limited to, backpay not in excess of the amount of  
16 monetary damage actually incurred, reinstatement, attorneys' fees or to  
17 take such other action as in the judgment of the executive will  
18 effectuate the purposes of this ordinance, which may include the  
19 requirement for a report on the matter of compliance. In the event the  
20 executive finds the respondent willfully or knowingly committed any  
21 unfair employment practice, the executive may further order the  
22 respondent to pay a civil penalty of up to five hundred dollars  
23 (\$500.00) per violation, which penalty shall be paid to the office of  
24 finance for deposit in the County General Fund.

25 C. In the case of a failure to reach an agreement for the  
26 elimination of any unfair employment practice where the respondent is  
27 an executive department, division or office of the county, the  
28 executive shall have the power to compel compliance by the executive  
29 department, division or office with any settlement agreement agreed to  
30 between the complainant and the executive.  
31  
32  
33

1        SECTION 7. HEARING - APPEAL.

2        A. Any respondent aggrieved by an order of the executive may  
3 request in writing within ten days of the service of the notice and  
4 order an appeal hearing before the King County zoning and subdivision  
5 examiner. The request shall cite the notice and order appealed from  
6 and contain a brief statement of the reasons for seeking the appeal  
7 hearing.

8        B. Any order issued by the executive pursuant to procedures  
9 contained in this ordinance shall become final ten days after service  
10 of the notice and the order unless a written request for hearing is  
11 received by the hearing examiner within the ten day period.

12        C. If the order of the executive is appealed, a hearing shall be  
13 conducted for the purpose of affirming, denying or modifying the  
14 order. There shall be a verbatim record kept of the hearing and the  
15 zoning and subdivision examiner shall have such rule making and other  
16 powers necessary for the conduct of the hearing as are specified by  
17 K.C.C. 20.24.170. The executive's order shall not be accorded the  
18 presumption of correctness. The zoning and subdivision examiner's  
19 decision shall be based upon a preponderance of the evidence. Such  
20 hearing shall be conducted within a reasonable time after receipt of  
21 the request for appeal. Written notice of the time and place of the  
22 hearing shall be given at least ten days prior to the date of the  
23 hearing to each affected party and to the executive.

24        D. Each party shall have the following rights, among others:

- 25            1. To call and examine witnesses on any matter relevant to the  
26 issues of the complaint;
- 27            2. To introduce documentary and physical evidence;
- 28            3. To cross-examine opposing witnesses on any matter relevant to  
29 the issues of the complaint;
- 30            4. To impeach any witness regardless of which party first called  
31 the witness to testify;
- 32            5. To rebut evidence against him;
- 33

1           6. To represent himself or herself or to be represented by  
2 anyone of his/her choice who is lawfully permitted to do so.

3           E. Following review of the evidence submitted, the zoning and  
4 subdivision examiner presiding at the hearing shall enter written  
5 findings and conclusions and shall affirm or modify the order  
6 previously issued if the examiner finds that a violation has occurred.  
7 The examiner shall reverse the order if he finds no violation  
8 occurred. A copy of the examiner's decision shall be delivered to all  
9 affected parties.

10           SECTION 8. ENFORCEMENT.

11           In the event the respondent refuses or fails to comply with any  
12 order of the executive, the executive is authorized to enforce the  
13 order against such person utilizing civil penalties of the K.C.C. Title  
14 23. If a civil penalty is assessed, notwithstanding the monetary  
15 amount provided in K.C.C. Title 23, the penalty shall be two hundred  
16 dollars (\$200.00) per day for each day the respondent refuses or fails  
17 to comply with any order of the executive.

18           SECTION 9. AUTHORIZATION TO IMPLEMENT PROCEDURES.

19           The executive is authorized to implement such forms, administrative  
20 processes, and operational procedures as are necessary to comply with  
21 the provisions of this chapter; provided that such forms, processes and  
22 procedures shall be promulgated in compliance with K.C.C. 2.98, Rules  
23 of County Agencies.

24           SECTION 10. SEVERABILITY.

25           The provisions of this ordinance are declared to be separate and  
26 severable. The invalidity of any clause, sentence, paragraph,  
27  
28  
29  
30  
31  
32  
33



1 subdivision, section or portion of this ordinance, or the invalidity of  
2 the application thereof to any person or circumstance shall not affect  
3 the validity of the remainder of this ordinance, or the validity of its  
4 application to other persons or circumstances.

5 INTRODUCED AND READ for the first time this 4th day  
6 of September, 1984.

7 PASSED this 9th day of December, 1985.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

10 Gary Grant  
11 Chairman

12 ATTEST:

13 Janet M. Quinn  
14 Clerk of the Council

15 APPROVED this 11th day of December, 1985.

16 Randy Revell  
17 King County Executive