

## Legislation Text

---

**File #:** 2019-0335, **Version:** 2

---

Clerk 11/21/2019

AN ORDINANCE extending the amount of time available to a person to file or amend a complaint with the office of civil rights regarding employment discrimination; and amending Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040.

### STATEMENT OF FACTS:

1. The King County office of civil rights is authorized to receive complaints of employment discrimination against King County as an employer and other employers, labor organizations and employment agencies in unincorporated King County. Employment discrimination includes sexual harassment and discrimination based upon race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability.
2. Currently, a person who wishes to file a complaint alleging an unfair employment practice with the King County office of civil rights must do so within one hundred eighty days of the time of the alleged unfair employment practice or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence.
3. A person alleging an employment discrimination complaint against King County or other employers in unincorporated King County may also file a complaint under federal law with the Equal Employment Opportunity Commission, the Washington state Human Rights Commission

and the King County office of civil rights.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are hereby amended to read as follows:

A. A complaint alleging an unfair employment practice may be filed by:

1. Any aggrieved person;
2. A state, local or federal agency concerned with discrimination in employment, including the office of civil rights, if the agency has reason to believe that an unfair employment practice has been or is being committed; or
3. Any labor organization that has reason to believe that an unfair employment practice has been or is being committed.

B. A complaint alleging an unfair employment practice shall be in writing and signed by the charging party, and shall describe with particularity the unfair employment practice complained of, the location of the practice and the person alleged to have committed the unfair employment practice. The complaint must be filed with the office of civil rights within ~~((one hundred eighty days))~~ two years of the time of the alleged unfair employment practice or within ~~((one hundred eighty days))~~ two years of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint, the office of civil rights shall serve upon the charging party notice acknowledging the filing.

D. The charging party or the office of civil rights may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising

out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of civil rights, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission. All parties must be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated unfair employment practices that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within ~~((one hundred eighty days))~~ two years of the time of the additional unfair employment practice or within ~~((one hundred eighty days))~~ two years of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination.