

**Emergency.** SEC. 49. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 8, 1955.

Passed the Senate March 3, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 270.

[ H. B. 433. ]

LAW AGAINST DISCRIMINATION IN EMPLOYMENT.

AN ACT relating to discrimination in employment; and amending sections 4 and 6, chapter 183, Laws of 1949 and RCW 49.60.050 through 49.60.100 and RCW 49.60.120 through 49.60.170, and section 8, chapter 183, Laws of 1949 and RCW 49.60.230 through 49.60.250.

*Be it enacted by the Legislature of the State of Washington:*

**Amendment.** SECTION 1. Sections 4 and 6, chapter 183, Laws of 1949, (heretofore divided, combined, and codified as RCW 49.60.050 through 49.60.100 and RCW 49.60.120 through 49.60.170) are amended to read as set forth in sections 2 through 13 of this act.

**Enacted without amendment. "Washington state board against discrimination in employment" created.** SEC. 2. (RCW 49.60.050) There is hereby created the "Washington state board against discrimination in employment," which shall be composed of five members to be appointed by the governor, one of whom shall be designated as chairman by the governor.

**Enacted without amendment.** SEC. 3. (RCW 49.60.060) One of the original members of the board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be

**Terms of board members.**

appointed only for the unexpired term of the member whom he succeeds.

A member shall be eligible for reappointment.

Eligibility for reappointment; vacancy.

A vacancy in the board shall be filled within thirty days, the remaining members to exercise all powers of the board.

Any member of the board may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Removal of member by governor.

SEC. 4. (RCW 49.60.070) Each member of the board while in session or on official business shall receive twenty dollars per day in lieu of subsistence and shall receive reimbursement for actual and necessary traveling expenses incurred during such time. Such reimbursement shall be made in the manner provided by law for similar reimbursements for state employees.

Enacted without amendment.

Per diem.

SEC. 5. (RCW 49.60.080) The board shall adopt an official seal, which shall be judicially noticed.

Enacted without amendment.

SEC. 6. (RCW 49.60.090) The board shall establish and maintain its principal office in the city of Seattle, and may establish and maintain such other offices within the state as it deems necessary.

Enacted without amendment.

Offices.

The board may meet, function, and exercise its powers at any place within the state.

SEC. 7. (RCW 49.60.100) The board, at the close of each calendar year, shall report to the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The board shall present its reports to each regular session of the legislature;

Report to governor.

Report to legislature.

Reports  
published.

the board's reports shall be published and made available upon request.

Enacted  
without  
amendment.

SEC. 8. (RCW 49.60.120) The board shall have the function, powers and duties:

Board powers  
and duties.

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

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

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

(4) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, creed, color or national origin.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, creed, color or national origin.

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

Enacted  
without  
amendment.

SEC. 9. (RCW 49.60.130) The board has power to create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, creed, color or national origin; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to

Creation of ad-  
visory  
agencies and  
conciliation  
councils.

make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

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

SEC. 10. (RCW 49.60.140) The board has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the board. The board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations and other process or papers of the board, its member, agent, or agency, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

Enacted  
without  
amendment.

Boards power  
to hold hear-  
ings; powers  
incidental  
thereto.

SEC. 11. (RCW 49.60.150) No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the board or of any individual member, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or

Enacted  
without  
amendment.

Immunity pro-  
vision;  
effect of.

forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Enacted without amendment.

Cases of contumacy or refusal to obey subpoena.

SEC. 12. (RCW 49.60.160) In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

Contempt of court.

Enacted without amendment.

Witness fees.

SEC. 13. (RCW 49.60.170) Witnesses before the board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the courts of the state.

Division and amendment.

SEC. 14. Section 8, chapter 183, Laws of 1949, (heretofore codified as RCW 49.60.230 through 49.60.250) is divided and amended as set forth in sections 15 through 17 of this act.

SEC. 15. (RCW 49.60.230) Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his attorney, make, sign, and file with the board a complaint in writing under oath. The complaint shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unfair employment practice and the particulars thereof, and contain such other information as may be required by the board.

Enacted without amendment.

Aggrieved person files complaint.

Complaint contents.

Whenever it has reason to believe that any person has been engaged or is engaging in an unfair employment practice, the board may issue a complaint.

Board may issue complaint.

Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the board a written complaint under oath asking for assistance by conciliation or other remedial action.

Employer may file complaint.

Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Limitation on filing complaint.

SEC. 16. (RCW 49.60.240) After the filing of any complaint, the chairman of the board shall refer it to a member or investigator to make prompt preliminary investigation of the complaint. If such member or investigator determines after such preliminary investigation that there is reasonable cause for believing that an unfair employment practice has been or is being committed as alleged in the complaint, he shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion.

Enacted without amendment.

Preliminary investigation of complaint.

Attempt to eliminate unfair employment practice.

No member or investigator shall disclose what has occurred in the course of such endeavors, provided the board may publish the facts in the case of any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted.

Limitation on publication of occurrences during endeavors.

Procedure on failure to eliminate practice.

SEC. 17. (RCW 49.60.250) In case of failure to eliminate such practice, the investigator or investigating member shall certify the complaint and the results of his investigation to the chairman of the board. The chairman of the board shall thereupon appoint a hearing tribunal of three persons, who shall be members of the board or a panel of hearing examiners, acting in the name of the board, to hear the complaint and shall cause to be issued and served in the name of the board a written notice, together with a copy of the complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in the complaint, hereinafter referred to as the respondent, to answer the charges of the complaint at a hearing before such tribunal, at a time and place to be specified in such notice.

Hearing tribunal appointed.

Notice and complaint served.

Place of hearing.

The place of any such hearing may be the office of the board or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the board; and no member of the board who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

Case in support of complaint presented by board's counsel.

Limitation on evidence received.

Rights of respondent.

The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard.

Amendments permitted.

The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

Testimony under oath.

If, upon all the evidence, the tribunal finds that a respondent has engaged in any unfair employment practice as defined in this chapter, it shall state its

findings of fact and shall issue and file with the board and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, as, in the judgment of the tribunal, will effectuate the purposes of this chapter, and including a requirement for report of the matter on compliance.

Hearing tribunal's order.

If, upon all the evidence, the tribunal finds that the respondent has not engaged in any alleged unfair employment practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint.

The board shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Rules of practice.

Passed the House February 28, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.