

Complaint Deadline for Reporting Employment Discrimination Extended to Two Years

Rachel Pollard

On November 20, 2019, the statute of limitations for reporting sexual harassment and employment discrimination in King County was extended to two years.

On August 21, 2019, the Metropolitan King County Council introduced and proposed an ordinance with the goal of increasing restitution for victims of employment discrimination in the workplace. Spear-headed by Council Member Jeanne Kohl-Welles, the amendments were finally passed on November 20, 2019 and subsequently enacted on December 4, 2019.

This two-year window of time encompasses reports regarding employment discrimination and workplace misconduct. Prior to the passing of this ordinance, employees only had 180 days to file a complaint. In 2017, only two cases of employment discrimination were reported. In 2018, a mere eight cases of employment discrimination were reported. King County denotes one of the reasons for this low-level number of reports may be due to the lack of education amongst employees as to how to report. The extension of time not only allows victims more time to report but increases the likelihood that employees will find these resources and properly utilize them.

King County comments that the #MeToo movement represents a cultural shift in achieving justice for victims and that by extending the statute of limitations, employees will have greater flexibility “in identifying harassment or discrimination they may wish to report.”

Read Ordinance 19025 below.



Signature Report

Ordinance 19025

Proposed No. 2019-0335.2

Sponsors Kohl-Welles

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

6 **STATEMENT OF FACTS:**

- 7 1. The King County office of civil rights is authorized to receive
8 complaints of employment discrimination against King County as an
9 employer and other employers, labor organizations and employment
10 agencies in unincorporated King County. Employment discrimination
11 includes sexual harassment and discrimination based upon race, color, age,
12 gender, marital status, sexual orientation, religion, ancestry, national
13 origin, disability or use of a service or assistive animal by an individual
14 with a disability.
- 15 2. Currently, a person who wishes to file a complaint alleging an unfair
16 employment practice with the King County office of civil rights must do
17 so within one hundred eighty days of the time of the alleged unfair
18 employment practice or within one hundred eighty days of when the
19 charging party, through exercise of due diligence, should have had notice

20 or been aware of the occurrence.

21 3. A person alleging an employment discrimination complaint against
22 King County or other employers in unincorporated King County may also
23 file a complaint under federal law with the Equal Employment
24 Opportunity Commission, the Washington state Human Rights
25 Commission and the King County office of civil rights.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

36 B. A complaint alleging an unfair employment practice shall be in writing and
37 signed by the charging party, and shall describe with particularity the unfair employment
38 practice complained of, the location of the practice and the person alleged to have
39 committed the unfair employment practice. The complaint must be filed with the office of
40 civil rights within ~~((one hundred eighty days))~~ two years of the time of the alleged unfair
41 employment practice or within ~~((one hundred eighty days))~~ two years of when the charging
42 party, through exercise of due diligence, should have had notice or been aware of the

43 occurrence. However, the office of civil rights shall not reject a complaint as insufficient
44 because of failure to include all required information, if the office of civil rights determines
45 that the complaint substantially meets the informational requirements necessary for
46 processing.

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

49 D. The charging party or the office of civil rights may amend a complaint: to cure
50 technical defects or omissions; to clarify and amplify allegations made in the complaint; or
51 to add allegations related to or arising out of the subject matter set forth, or attempted to be
52 set forth, in the original complaint. For jurisdictional purposes, the amendments relate back
53 to the date the original complaint was first filed. Either the charging party or the office of
54 civil rights, or both, may amend a complaint for these reasons as a matter of right before
55 service of notice of hearing on the matter, as provided under K.C.C. 12.18.070, and
56 thereafter may amend a complaint only with permission of the hearing examiner, which
57 permission shall be granted if justice will be served by the permission. All parties must be
58 allowed time to prepare their cases with respect to additional or expanded allegations that
59 the parties did not and could not have reasonably foreseen would be an issue at the hearing.

60 E. The charging party may also amend a complaint to include allegations of
61 additional unrelated unfair employment practices that arose after filing of the original
62 complaint. The charging party must file any amendments adding the allegations within
63 ~~((one hundred eighty days))~~ two years of the time of the additional unfair employment
64 practice or within ~~((one hundred eighty days))~~ two years of when the charging party,
65 through exercise of due diligence, should have had notice or been aware of the additional

66 discriminatory act, and before the issuance of findings of fact and a determination with
67 respect to the original complaint by the office of civil rights. The amendments may be
68 made at any time during the investigation of the original complaint if the office of civil
69 rights will have adequate time to investigate the additional allegations and the parties will

70 have adequate time to present the office of civil rights with evidence concerning the
71 allegations before the issuance of findings of fact and a determination.
72

Ordinance 19025 was introduced on 8/21/2019 and passed by the Metropolitan King County Council on 11/20/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 4 day of DECEMBER 2019.

Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL