Notices in the State Register:

WSR 15-24-071 – CR 103P
WSR 15-11-104 – CR 102
WSR 14-21-084 – CR 101
WSR 12-09-050 – CR 101
RULE-MAKING ORDER

Effective date of rule:

Permanent Rules

X 31 days after filing.

☐ Other (specify) __________________________ (If less than 31 days after filing, a specific finding under RCW 34.05.350(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes    ☑ No    If Yes, explain:

Purpose:

Sexual Orientation and Gender Identity were added as a protected class to the Washington State Law Against Discrimination in 2006. Rules are needed in order to interpret that law to provide understanding to businesses, employers, and the public. Stakeholders have requested clarification and explanation of the law in the form of rules. A new chapter, 162-32, is added for Sexual Orientation and Gender Identity issues, and additional sections are amended to add sexual orientation and gender identity as protected classes.

Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 162-12-103, WAC 162-12-140, WAC 162-16-200, WAC 162-36-005, WAC 162-36-010, WAC 162-36-020

Suspended: None

Statutory authority for adoption: RCW 49.60.120(3)

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-11-104 on May 20, 2015 (date).

Describe any changes other than editing from proposed to adopted version:

When warranted, Sexual Orientation and Gender Expression and Gender Identity were specified in each section, instead of simply specifying Sexual Orientation as an umbrella term. Additional clarification as to unfair practices in pre-employment inquiries were added in WAC 162-12-140. The protected class of Sexual Orientation was eliminated from sections related to medical leave and reasonable accommodation in WAC 162-32-020. Further examples of different treatment were provided under the leave provisions in WAC 162-32-020. The term "opposite sex" was changed to "opposite/different sex", and "paternity leave" was changed to "parental leave" throughout the sections when warranted. In WAC 162-32-060, the section related to gender segregated facilities, separate standards for k-12 schools were eliminated, and all places of public accommodations have the same standards as outlined in the rule.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name:
Address:

phone ( ) ______________
fax ( ) ______________
e-mail ______________

Date adopted: November 30, 2015

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 25, 2015
TIME: 12:26 PM

WSR 15-24-071

(COMPLETE REVERSE SIDE)
Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

<table>
<thead>
<tr>
<th>Source</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal statute</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Federal rules or standards</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Recently enacted state statutes</td>
<td>0</td>
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</tbody>
</table>

The number of sections adopted at the request of a nongovernmental entity:

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<th>Repealed</th>
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<tbody>
<tr>
<td>0</td>
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</tbody>
</table>

The number of sections adopted in the agency's own initiative:

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<th>Amended</th>
<th>Repealed</th>
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<tr>
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<td>0</td>
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</table>

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

<table>
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<th>Repealed</th>
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<tr>
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</table>

The number of sections adopted using:

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<tr>
<th>Source</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Negotiated rule making</td>
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<tr>
<td>Pilot rule making</td>
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<tr>
<td>Other alternative rule making</td>
<td>0</td>
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Hi everyone,

The Human Rights Commission is holding a public hearing on the rules for sexual orientation and gender identity on Wednesday, June 24, 2015, at Oasis Youth Center in Tacoma, starting at 6PM and possibly going until 9PM. No one is required to go; however, if you wish to go as a learning experience, you can do so and will be asked to help out. Sharon has authorized flex time for this. If you attend in a work capacity, you cannot make public comment, answer the questions of those making public comment, or otherwise verbally engage with those making public comment. Please keep in mind that this is the public’s turn to provide their input.

If you wish to comment on the rules at the public hearing, you must do so as a private citizen and not identify yourself as an employee of the Human Rights Commission. If you attend to make public comment, you cannot do so on work time, and will not get flex time. You also have the right to comment in writing to rulemakingcomments@hum.wa.gov by June 29. Again, you must do this on your non-working hours.

Please let me know if you wish to have a copy of the proposed rules. Paper copies will be supplied at the hearing. Thanks!

Laura Lindstrand
Policy Analyst
Washington State Human Rights Commission
711 S. Capitol Way, Ste. 402, PO Box 42490
Olympia, WA 98504
(360) 359-4923
(800) 233-3247

This e-mail and related attachments and any response may be subject to public disclosure under state law.
PROPOSED RULE MAKING

Agency: Human Rights Commission

□ Preproposal Statement of Inquiry was filed as WSR 14-21-084; or
□ Expedited Rule Making—Proposed notice was filed as WSR ___________; or
□ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

X Original Notice
□ Supplemental Notice to WSR ___________
□ Continuance of WSR ___________

Title of rule and other identifying information: (Describe Subject) Sexual Orientation and Gender Identity

Hearing location(s): Oasis Youth Center
2215 Pacific Avenue
Tacoma, WA 98402

Submit written comments to:
Name: Laura Lindstrand
Washington State Human Rights Commission
Address: PO Box 42490
Olympia, WA 98504-2490
E-mail: rulemakingcomments@hum.wa.gov
Fax: (360)586-2282

Date: June 24, 2015 Time: 6:00PM to 8:30PM

Date of intended adoption: July 31, 2015
(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact
Laura Lindstrand by June 15, 2015
TTY (800) 300-7525 or (800) 753-6770

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Sexual Orientation and Gender Identity were added as a protected class to the Washington Law Against Discrimination in 2006. Rules are needed in order to interpret that law to provide understanding to businesses, employers, and the public. Stakeholders have requested clarification and explanation of the law in the form of rules. A chapter is added for Sexual Orientation and Gender Identity issues, and additional sections are amended to add sexual orientation as a protected class.

Reasons supporting proposal: Since the addition of sexual orientation and gender identity to the protected classes under the Washington Law Against Discrimination, there has been no agency guidance for stakeholders or the public. These rules will provide that agency guidance.

Statutory authority for adoption: RCW 49.60.120(3)
Statute being implemented: RCW 49.60

Is rule necessary because or a:
Federal Law
Federal Court Decision?
State Court Decision?
If yes, CITATION:

X Yes X No
X Yes X No
X Yes X No

DATE
June 20, 2015

NAME (type or print)
Laura Lindstrand

SIGNATURE
Laura Lindstrand

TITLE
Policy Analyst

CODE REVISER USE ONLY
OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED
DATE: May 20, 2015
TIME: 10:54 AM
WSR 15-11-104

(COMplete reverse side)
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
The proposed language in the rules was compiled after four stakeholder meetings were held around the state in 2012, and participants were given the opportunity to express concerns and make recommendations as to the content of the rules.

Name of proponent: (person or organization) Washington State Human Rights Commission

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting... Laura Lindstrand</td>
<td>Olympia, WA</td>
<td>(360) 359-4923</td>
</tr>
<tr>
<td>Implementation... Laura Lindstrand</td>
<td>Olympia, WA</td>
<td>(360) 359-4923</td>
</tr>
<tr>
<td>Enforcement... Cheryl Strobert</td>
<td>Olympia, WA</td>
<td>(360) 359-4930</td>
</tr>
</tbody>
</table>

Has a small business economic impact statement been prepared under chapter 19.86 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:
Name:
Address:
phone ( )
fax ( )
e-mail ____________________

X No. Explain why no statement was prepared.
There will be no economic impact on small businesses or school district fiscal impact.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
phone ( )
fax ( )
e-mail ____________________

X No: Please explain: This agency is not one listed in RCW 34.05.328(5)(a)(1), nor do the conditions of RCW 34.05.328(5)(a)(11) apply to this rule.
CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Subject of possible rule making: Sexual Orientation and Gender Identity Discrimination – Pre-employment Inquiries, Leave Policies, Employee Benefits; Harassment; Dress and Grooming Standards; Gender Segregated Facilities.

Statutes authorizing the agency to adopt rules on this subject: RCW 49.60.120(3)

Reasons why rules on this subject may be needed and what they might accomplish: A law was passed by the legislature and signed by the governor in 2006 that prohibits sexual orientation and gender identity discrimination in Washington state. Rules are needed in order to interpret that law to provide understanding to businesses, employers, and the public. Stakeholders have requested clarification and explanation of the law in the form of rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):
☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) The agency held 4 public forums around the state to gather input for the proposed rules. From the information gathered at those forums, the agency will draft proposed rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

There will be a public hearing held in Olympia, WA, at a time and place to be determined. Interested parties may attend the public hearing, or may use phone, fax or email to comment:
Laura Lindstrand, Policy Analyst
711 S. Capitol Way, Ste. 402 PO Box 42490
Olympia, WA 98504-2490
(360) 359-4923 Fax – (360) 586-2282 E-mail - rulemaking.comments@humn.wa.gov

DATE
10-6-14

NAME (TYPE OR PRINT)
Laura Lindstrand

SIGNATURE
Laura Lindstrand

TITLE
Policy Analyst

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 3 2014

TIME
10:46 AM

WSR
14-21-084
Human Rights Commission is now officially registered for electronic filing with the Washington State Register. Thank you.

Jennifer Meas  
Assistant Editor  
Washington State Register  
(360) 786-6698
October 9, 2014

Office of the Code Reviser
Electronic Filing
P.O. Box 40551
Olympia, WA 98504-0551

The Washington State Human Rights Commission would like to participate in the
electronic filing of Washington State Register documents. This document serves as the
official notification authorizing the electronic filing of documents that will appear in the
Washington State Register. I understand that the Washington State Human Rights
Commission must electronically affix my name, or the name I designate, to the CR-
forms or miscellaneous types of documents as an official signature.

I understand that a document filed electronically must be sent to EFILEWSR@leg.wa.gov.
I also understand that an electronically filed document will not be considered received
by the office of the code reviser until the document successfully reaches the above e-
mail address. The Washington State Human Rights Commission assumes the
responsibility of making sure that any time critical documents arrive at the office of the
code reviser according to the schedule specified in WAC 1-21-040. The document date
and time will reflect when it arrived at the office of the code reviser’s e-mail address.

For security purposes the Washington State Human Rights Commission requests that
each electronically filed document be returned to the e-mail address listed below. I am
requesting this be done so each document can be authenticated by the Washington State
Human Rights Commission.

E-mail: llindstrand@hum.wa.gov
Name Laura Lindstrand
Phone (360) 359-4923

Sincerely,

Sharon Ortiz
Executive Director

Please return the signed form to the Office of the Code Reviser, P.O. Box 40551,
Olympia, WA 98504-0551 by regular or campus mail. Faxed or e-mailed copies of this
document will not be accepted. A copy of this form must be on file before an agency can begin electronic filing.
June 15, 2009

Kerry S. Radcliff, Editor
Washington State Register
P.O. Box 40551
Olympia, WA 98504-0551

Dear Ms. Radcliff:

This letter is to supply your office with the contact information for the Rules Coordinator of the Washington State Human Rights Commission. Pursuant to RCW 34.05.312, the information to be printed in the Washington State Register is as follows:

Name: Laura Lindstrand

Address: 711 S. Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490

Email: llindstrand@hum.wa.gov

Telephone: (360) 359-4923

Fax: (360) 586-2282

If you have questions or need additional information, please contact Ms. Lindstrand at the phone number above.

Sincerely,

[Signature]

Sharon Ortiz
Executive Director
WSR 12-09-050
PREPROPOSAL STATEMENT OF INQUIRY
HUMAN RIGHTS COMMISSION

[ Filed April 16, 2012, 2:22 p.m. ]

Subject of Possible Rule Making: Sexual orientation and gender identity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation including sexual orientation and gender identity as protected classes under the Washington law against discrimination was passed in 2006. There are many unanswered questions about what the specific requirements of the law are, particularly with places of public accommodation, and many stakeholders have requested clarification and explanation in the form of rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: We will have workgroups across the state which interested parties can attend and provide information and recommendations. From that information, the agency will draft proposed rules, which will then be the subject of a public comment period, which will include a public meeting on the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can become involved with our workgroup sessions May 23, 2012, in Pasco; June 6, 2012, in Olympia or Spokane; or June 20, 2012, in Seattle; and then, later, can provide public comment on the proposed rule. The public meeting will occur in Olympia, and comments will also be accepted via phone message, e-mail, fax and mail. Contact Laura Lindstrand, Policy Analyst, Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98541 [98504-2490], phone (360) 359-4923, fax (360) 586-2282, e-mail laura.lindstrand@hum.wa.gov.

April 16, 2012

Laura Lindstrand
Policy Analyst

© Washington State Code Reviser's Office
We received your filing.
Agency: Washington State Human Rights Commission

Subject of possible rule making: Sexual Orientation and Gender Identity

Statutes authorizing the agency to adopt rules on this subject: 49.60.390

Reasons why rules on this subject may be needed and what they might accomplish: Legislation including sexual orientation and gender identity as protected classes under the Washington Law Against Discrimination was passed in 2006. There are many unanswered questions about what the specific requirements of the law are, particularly with places of public accommodation, and many stakeholders have requested clarification and explanation in the form of rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
X Other (describe) We will have workgroups across the state which interested parties can attend and provide information and recommendations. From that information, the agency will draft proposed rules, which will then be the subject of a public comment period, which will include a public meeting on the rule.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties can become involved with our workgroup sessions May 23, 2012 in Pasco, June 6, 2012 in Olympia or Spokane, or June 20, 2012 in Seattle, and then, later, can provide public comment on the proposed rule. The public meeting will occur in Olympia, and comments will also be accepted via phone message, e-mail, fax and mail.

Contact: Laura Lindstrand, Policy Analyst, Washington State Human Rights Commission
711 S. Capitol Way, Ste. 402 PO Box 42490 Olympia, WA 98541
Phone: (300) 359-4923 fax: (300) 503-2282 e-mail: laure_lindstrand@hum.wa.gov

DATE
April 16, 2012

NAME (TYPE OR PRINT)
Laura Lindstrand

SIGNATURE Laura Lindstrand

TITLE
Policy Analyst
We received your filing.