

Notices

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

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Human Rights Commission

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(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Repealed: None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 162-12-100, 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: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: November 30, 2015

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

Laura Lindstrand

SIGNATURE

Laura Lindstrand

TITLE

Policy Analyst

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 25, 2015

TIME: 12:26 PM

WSR 15-24-071

**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:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>0</u>

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

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>0</u>

Lindstrand, Laura (HUM)

From: Lindstrand, Laura (HUM)
Sent: Monday, June 22, 2015 10:13 AM
To: HUM DL All Users
Subject: Public Hearing Rulemaking

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

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do NOT use for expedited 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).

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

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

Submit written comments to:
Name: Laura Lindstrand
Washington State Human Rights Commission
Address: PO Box 42490
Olympia, WA 98541-2490
e-mail rulemakingcomments@hum.wa.gov
fax (360)586-2282 by (date) June 29, 2015

Assistance for persons with disabilities: Contact

Laura Skinner by June 15, 2015

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

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 of a:
Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

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

DATE
June 20, 2015

NAME (type or print)
Laura Lindstrand

SIGNATURE
Laura Lindstrand

TITLE
Policy Analyst

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Laura Lindstrand	Olympia, WA	(360) 359-4923
Implementation.... Laura Lindstrand	Olympia, WA	(360) 359-4923
Enforcement..... Cheryl Strobert	Olympia, WA	(360) 359-4950

Has a small business economic impact statement been prepared under chapter 19.85 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 _____

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 _____

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.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington State Human Rights Commission

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 - rulemakingcomments@hum.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 13 2014	
TIME	10:46 AM
WSR	14-21-084

Lindstrand, Laura (HUM)

From: Meas, Jennifer [Jennifer.Meas@leg.wa.gov]
Sent: Monday, October 13, 2014 10:52 AM
To: Lindstrand, Laura (HUM)
Subject: Electronic Filing Registration

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



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

711 South Capitol Way, Ste. 402 • PO Box 42490 • Olympia, WA 98504-2490

(360) 753-6770 • 1-800-233-3247 • FAX (360) 586-2282

October 9, 2014

www.hum.wa.gov

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.**



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

711 South Capitol Way, Ste. 402 • PO Box 42490 • Olympia, WA 98504-2490
(360) 753-6770 • 1-800-233-4247 • FAX (360) 586-2282
www.hum.wa.gov

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,

Sharon Ortiz
Executive Director

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 15, 2009
TIME: 2:41 PM

WSR 09-13-065

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

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Lindstrand, Laura (HUM)

From: EFileWSR [WSR.EFile@leg.wa.gov]
Sent: Monday, April 16, 2012 2:22 PM
To: Lindstrand, Laura (HUM)
Subject: Thank You

We received your filing.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

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: (360) 359-4923 fax: (360) 586-2282 e-mail: laura.lindstrand@hum.wa.gov

DATE
April 16, 2012

NAME (TYPE OR PRINT)
Laura Lindstrand

SIGNATURE *Laura Lindstrand*

TITLE
Policy Analyst

CODE REVISER USE ONLY

Lindstrand, Laura (HUM)

From: EFileWSR [WSR.EFile@leg.wa.gov]
Sent: Monday, April 16, 2012 2:03 PM
To: Lindstrand, Laura (HUM)
Subject: Thank You

We received your filing.