
SENATE BILL 5186

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias and Billig

Prefiled 01/06/23.

1 AN ACT Relating to requiring antidiscrimination clauses in public
2 contracting; adding a new section to chapter 49.60 RCW; and providing
3 an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60
6 RCW to read as follows:

7 (1) Any employer who is, or wishes to become, a contractor with
8 the state for public works or for goods or services is subject to the
9 provisions of this section relating to discrimination in employment
10 and to the nondiscrimination requirements of this section and any
11 rules and regulations to implement it.

12 (2) Every state contract and subcontract for public works or for
13 goods or services must contain a nondiscrimination clause prohibiting
14 discrimination on the bases enumerated in RCW 49.60.400. The
15 nondiscrimination clause must contain a provision requiring
16 contractors and subcontractors to give written notice of their
17 obligations under that clause to labor organizations with which they
18 have a collective bargaining or other agreement.

19 (3) The commission must develop rules and regulations for the
20 application and implementation of this section. Those rules and

1 regulations must describe and include, but are not limited to, the
2 following:

3 (a) Procedures for the investigation, approval, certification,
4 decertification, monitoring, and enforcement of nondiscrimination
5 clauses;

6 (b) The size of contracts or subcontracts below which any
7 particular provision of this section shall not apply;

8 (c) The circumstances, if any, under which a contractor or
9 subcontractor is not subject to this section;

10 (d) Criteria for determining the appropriate plant, region,
11 division, or other unit of a contractor or subcontractor's operation
12 for which a nondiscrimination program is required;

13 (e) Procedures for coordinating the nondiscrimination
14 requirements of this section and its implementing rules and
15 regulations with all applicable state laws and with comparable
16 federal laws and regulations concerning nondiscrimination, and equal
17 employment opportunity by those who contract with the United States;
18 and

19 (f) The basic principles and standards to guide the commission in
20 administering and implementing this section.

21 (4) Where the commission determines and certifies that the
22 provisions of this section or its implementing rules and regulations
23 are violated or determines a contractor or subcontractor is engaging
24 in practices made unlawful under this part, the commission may
25 recommend appropriate sanctions to the awarding agency. Any such
26 recommendation must take into consideration the severity of the
27 violation or violations and any other penalties, sanctions, or
28 remedies previously imposed.

29 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2024.

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