

FAIR TIMELINES FOR WORKERS

PROBLEM

The statute of limitations for workplace discrimination and harassment claims is 5 years. However, if a worker files a claim with BOLI because they believe they have experienced any type of discrimination or harassment, including sexual harassment or racial discrimination their statute is automatically reduced to 90-days after BOLI issues a finding, per current statute.

For example, if a worker files a claim with BOLI 1 year after the discrimination or harassment occurs and BOLI issues a determination the worker only has **90 days** to find an attorney and file in court. If the same worker didn't go to BOLI they would continue to have 4 years to find an attorney and file. This inconsistency directly harms workers who are more likely to rely on BOLI than an attorney as they seek redress.

Some employers are including clauses in employment contracts to reduce the employees statute of limitations for any violation of employment law.



SOLUTION: HB 2957 -1

- Ensuring that any worker who believes they've experienced harassment or discrimination can rely on the statutory 5-year statute of limitations in statute.
- Prohibiting employers from including clauses in contracts that shorten the time workers have to file claims for workplace violations enforced by BOLI.
- Requiring BOLI to issue a "notice of rights" to complainants within clear, set timelines, ensuring that workers know their rights and next steps promptly.
- -1 Amendment: Clarifies that BOLI is not required to issue a 90-day notice stating that a law suit can be filed in court if the matter is settled. The amendment refines the language for clarity.