

**WAC 296-123-030 Finding—When career advancement limited by gender or membership in other protected class.** (1) An employer may not, on the basis of a person's gender, perceived gender, or membership or perceived membership in a protected class, limit or deprive an employee of career advancement opportunities that would otherwise be available. For the purposes of this section, "career advancement opportunities" means formal or informal occasions for an employee to gather additional skills, knowledge, or experience with the purpose of furthering their career. Career advancement opportunities may include, but are not limited to, promotions, trainings, classes, mentorships, or special projects.

(2)(a) A differential in career advancement does not constitute discrimination within the meaning of this section if the differential is based on a bona fide job-related factor or factors that:

- (i) Are consistent with business necessity;
- (ii) Are not based on or derived from a gender-based differential; and
- (iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

- (i) Education, training, or experience;
- (ii) A seniority system;
- (iii) A merit system; or
- (iv) A system that measures earnings by quantity or quality of production.

(3) Upon complaint by an employee, the director must investigate pursuant to the procedures outlined in WAC 296-123-090 to determine if there has been compliance with this section.

(4) Subject to subsection (3) of this section, a person may file a complaint or bring an action under this chapter asserting discrimination based on the person's membership in more than one protected class.

(5)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in WAC 296-123-100 and RCW 49.58.070.

(b) For the purposes of this section, a "pattern of violations" will consider whether the employer has committed multiple violations of this chapter against one employee or committed violations of this section against multiple employees.

[Statutory Authority: RCW 49.58.090. WSR 25-11-081, s 296-123-030, filed 5/21/25, effective 7/1/25.]