

September 12, 1986  
8882A:KN:clt

INTRODUCED BY: Laing, North  
Sims, Sullivan

PROPOSED NO.: 86 - 423

ORDINANCE NO. 7788

AN ORDINANCE relating to discrimination and affirmative action in employment by county contractors, subcontractors or vendors; establishing policies; prescribing procedures, obligations, and requirements; prescribing penalties for noncompliance; and amending Ordinance 4528, Sections 1, 2, 3, 4, 5, 6, 7, 8, 12, and 13 and KCC 12.16.010 thru 12.16.080, KCC 12.16.120 and KCC 12.16.130.

PREAMBLE:

The King County council finds and the county executive recognizes that adoption of this ordinance is consistent with the purposes of state and federal statutes regarding non-discrimination in employment. The council further finds that the interest and general welfare of the county would be served by the non-discrimination and affirmative action measures provided for by this ordinance. A statement of findings and intent relating to the contract compliance program and this ordinance is set forth in Attachment "A" and incorporated by reference.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4528, Section 1, and KCC 12.16.010 are hereby amended to read as follows:

Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Affidavit" means a sworn statement under oath.

~~((A-))~~ B. "Affirmative action" means policies, procedures and programs designed to increase the representation of and remedy the results of past discrimination against minorities, ~~((and))~~ women, and handicapped persons in employment, applications for employment, and employment-related training programs (of minorities, ~~((and))~~ women and handicapped persons).

~~((B-))~~ C. "Contractor" means any person, firm, business, organization, company, partnership or corporation contracting to do business, with King County, including, but not limited to,

1 construction contractors, consultant contractors, providers of  
2 professional services, service agencies, ((and)) vendors, and  
3 suppliers selling or furnishing materials, equipment, goods or  
4 services, but not including governmental agencies.

5 ((G-)) D. "Discrimination" means differential treatment of  
6 or pursuit of policies or practices that have a disproportionate  
7 impact upon persons due to their creed, religion, race, color,  
8 sex, age, marital status, national origin or the presence of any  
9 sensory, mental or physical handicap, unless such policies or  
10 practices are necessary for the performance of the job and no  
11 less discriminatory alternatives are possible.

12 ((B-)) E. "Employment" means any and all terms and  
13 conditions and policies and practices of employment including,  
14 but not limited to, hiring, firing, upgrading, demotion,  
15 recruiting, transfer, lay-off, termination, pay rates and  
16 advertisement, hours and conditions of work.

17 F. "Handicap" means any physical or mental impairment which  
18 substantially limits one or more major life activities.

19 ((E-)) G. "Minority" includes Blacks, Asians, Pacific  
20 Islanders, American Indians, Alaska Natives, Hispanics and  
21 Mexican-Americans.

22 H. "Qualified Handicapped Person" means a handicapped  
23 person who, with reasonable accomodation, can perform the  
24 essential functions of the job in question.

25 I. "Reasonable Accomodation" means steps taken to modify  
26 facilities used by employees or to modify a particular job  
27 component which enables an otherwise qualified handicapped  
28 person to perform the essential functions of the job.

1 ((F-))J. "Underrepresentation" means presence in a  
2 contractor's work force of minorities, ((and)) women, and  
3 handicapped persons in proportionate numbers lower than the  
4 goals established for the contractor's business under this  
5 chapter.

6 ((G--"Vendors"--means-any-contractor-selling-or-supplying  
7 materials,-equipment-and-supplies-to-the-county-))

8 SECTION 2. Ordinance 4528, Section 2, and K.C.C. 12.16.020  
9 are hereby amended to read as follows: Nondiscrimination -  
10 General. No contractor, subcontractor, or union doing business  
11 with the county, or furnishing workers or services in connection  
12 therewith, shall discriminate against any person on the basis of  
13 race, color, creed, religion, sex, age, nationality, marital  
14 status or the presence of any sensory, mental or physical  
15 handicap ((provided-that-such-handicap-does-not-hinder-the  
16 performance-of-the-job)) in an otherwise qualified handicapped  
17 person in employment, and no such contractor, subcontractor, or  
18 union shall violate any of the terms of RCW Chapter 49.60, Title  
19 VII of the Civil Rights Act of 1964, or any other applicable  
20 federal, state or local law or regulation regarding  
21 nondiscrimination in employment.

22 NEW SECTION. SECTION 3. Non-discrimination - The  
23 Handicapped. In addition to the general prohibition against  
24 discrimination stated in Section 2 of this ordinance, the  
25 following additional non-discrimination provisions relating to  
26 employment of handicapped persons shall apply to contractors,  
27 subcontractors, or unions doing business with or furnishing  
28 workers or services to King County.

1           A. Reasonable accomodation. Contractors shall make  
2 reasonable accomodation to the known physical or mental  
3 limitations of an otherwise qualified handicapped applicant or  
4 employee unless the contractor can demonstrate that the  
5 accomodation would impair or cause undue hardship on the  
6 operation of the contractor's business.

7           B. Pre-employment Inquiries. A contractor may not conduct  
8 a pre-employment medical examination or make a pre-employment  
9 inquiry as to whether an applicant is a handicapped person or as  
10 to the nature or severity of a handicap. A contractor may,  
11 however, make pre-employment inquiry into an applicant's ability  
12 to perform job-related functions. Nothing in this section shall  
13 prohibit a contractor from conditioning an offer of employment  
14 on the results of a medical examination prior to initiation of  
15 the employment, if all entering employees are subjected to such  
16 an examination regardless of handicap.

17           SECTION 4. Ordinance 4528, Section 3, and KCC 12.16.030 are  
18 hereby amended to read as follows:

19           Goals and timetables - Affirmative action required.

20           A. GOALS. The executive shall annually set goals and  
21 timetables for minority and female employment and the employment  
22 of handicapped persons by contractors doing business with King  
23 County, ~~((which-goals-shall-be))~~ based on appropriate work force,  
24 demographic or other relevant data. These goals shall be set  
25 forth in the county's affirmative action plan.

26 ~~((Where,-due-to-the-nature-of-the-business,-the-goals-established~~  
27 ~~for-employment-with-King-County-in-the-county's-affirmative~~  
28 ~~action-plan-are-similarly-appropriate-and-relevant-for-county~~  
29 ~~contractors,-these-goals-shall-be-adopted-for-compliance-with~~  
30 ~~this-section.))~~ The ~~((setting,))~~ monitoring, and evaluating of  
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1 a contractor's performance in attempting to meet goals shall be  
2 based on total hours of employment and training of minorities,  
3 ((and)) women, and handicapped persons at the contractor's  
4 locations and establishments in King County or at the  
5 contractor's locations and establishments where work under  
6 contract with King County is being performed and contracted for  
7 when such occurs outside King County.

8 ((B.--GUIDELINES.--Guidelines-for-the-determination-of  
9 underrepresentation-and-employment-goals-will-include,-but-not  
10 be-limited-to:))

11 ((1.--Minorities-and-women-in-the-local-labor-market;))

12 ((2.--Minorities-and-women-presently-in-the-trade-or-job  
13 category;))

14 ((3.--Minorities-and-women-seeking-employment-in-or-with  
15 the-requisite-skills-for-the-trade-or-job-category;))

16 ((4.--Minorities-and-women-presently-in-apprenticeship-or  
17 other-training-programs-in-the-trade-or-job-category;))

18 ((5.--Minorities-and-women-seeking-admission-to  
19 apprenticeship-or-other-training-programs-in-the-trade-or-job  
20 category;))

21 B. GOAL SETTING METHODOLOGY FOR MINORITIES AND WOMEN.

22 Employment goals shall be established for two industry  
23 categories, construction contractors and vendors/service  
24 contractors, using a multi-factor availability analysis. The  
25 multi-factor analysis shall be based on four factors with each  
26 factor being assigned a specific weight as follows:

27 FACTORS

28 1. Representation of women and minorities among those  
29 employed in King County in each industry category (weight = 50%);  
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1           2. Representation of women and minorities in the King  
2 County labor market (weight = 25%);

3           3. Representation of women and minorities among the  
4 unemployed in King County (weight = 15%);

5           4. Representation of women and minorities in the general  
6 population of King County (weight = 10%).

7           C. GOAL SETTING METHODOLOGY FOR HANDICAPPED PERSONS.

8 Employment goals for handicapped persons shall be established  
9 using the methodology deemed most relevant and the statistical  
10 data deemed the most current and representative of the  
11 availability of handicapped persons by the affirmative action  
12 office, and shall, to the extent possible, be consistent with  
13 the methodology used to establish employment goals for the  
14 handicapped for the county's internal work force.

15           D. ALTERNATIVE GOAL OPTION. Contractors may establish  
16 goals independently if they believe the King County goals are  
17 not applicable to their specific situation. Contractors who  
18 secure King County's assent in pursuing this option must use a  
19 multi-factor analysis with methodology and data sources approved  
20 by the county.

21           ((6+)) E. AFFIRMATIVE ACTION REQUIREMENT. Where a  
22 contractor's employment statistics demonstrate that minorities,  
23 ((and/or)) women and/or handicapped persons are underrepresented  
24 in its work force in relationship to the goals established by  
25 the executive, contractor, subcontractors, and unions doing  
26 business with the county, or providing workers or services in  
27 connection therewith, shall take affirmative action measures, as  
28 stipulated in this chapter, to increase the representation of  
29 minorities, ((and)) women and handicapped persons at locations  
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1 and establishments where projects and work are being done under  
 2 contract with King County. Affirmative action steps shall be  
 3 based on what is reasonably required to achieve employment goals  
 4 which will cure  
 5 underrepresentation. Underrepresentation of minorities, ((and))  
 6 women and handicapped persons will not itself be deemed a  
 7 violation of this chapter where reasonable affirmative action  
 8 measures are adopted and are being implemented in good faith.

9 F. EXEMPTIONS. Contractors who enter into contracts with  
 10 King County valued at less than five thousand dollars in a given  
 11 calendar year shall be exempt from the affirmative action  
 12 requirements of this chapter. This exemption does not affect  
 13 nondiscrimination requirements which apply to all contractors  
 14 doing business with King County.

15 SECTION 5. Ordinance 4528, Section 4, and KCC 12.16.040 are  
 16 hereby amended to read as follows:

17 Minimum affirmative action measures. The evaluation of a  
 18 contractor's compliance with this chapter shall be based upon  
 19 the contractor's effort to achieve maximum results from its  
 20 affirmative action program. The contractor shall document these  
 21 efforts and shall implement affirmative action steps at least as  
 22 extensive as the following:

23 ~~((A--Reporting--Periodic-reporting-of-employment~~  
 24 ~~statistics-and-affirmative-action-policies-and-procedures-as-may~~  
 25 ~~be-requested-by-the-King-County-executive-or-his-designee--))~~

26 ((B)) A. Policy Dissemination. Internal and external  
 27 dissemination of the contractor's equal employment opportunity  
 28 policy; posting of nondiscrimination policies and of the  
 29 requirements of this chapter on bulletin boards clearly visible  
 30 to all employees; notification to each subcontractor, labor  
 31 union or representative of workers with which there is a  
 32 collective bargaining agreement or other contract, subcontract,  
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1 or understanding, of the contractor's commitments under this  
 2 chapter; inclusion of the equal opportunity policy in  
 3 advertising in the news media and elsewhere; discussion of equal  
 4 employment opportunities and affirmative action policies with  
 5 new employees during employee orientation; discussions with  
 6 managers and supervisory personnel regarding the policies and  
 7 their roles and responsibilities in the implementation of the  
 8 program under this chapter.

9 ((G-)) B. RECRUITING. Adoption and implementation of  
 10 recruitment procedures designed to increase the representation  
 11 of women, ((and)) minorities and handicapped persons in the pool  
 12 applicants for employment; including, but not limited to,  
 13 establishing and maintaining a current list of minority, ((and))  
 14 female, and handicapped recruitment sources, providing these  
 15 sources written notification of employment opportunities  
 16 ((, -and-solicitation-of-bids-for-subcontracts-from-firm-whose  
 17 subcontracts-from-firms-whose-employment-profile-meets-the  
 18 affirmative-action-goals-established-under-this-chapter;)) and  
 19 advertising vacant positions in newspapers and periodicals which  
 20 have minority, female and/or handicapped readership.

21 ((D-)) C. SELF-ASSESSMENT AND TEST VALIDATION. Review of  
 22 all employment policies and procedures, including review of  
 23 tests, recruitment, hiring and training practices and policies,  
 24 performance evaluations, seniority policies and practices, job  
 25 classifications and job assignments, to assure that they do not  
 26 discriminate against, or have a discriminatory impact on,  
 27 minorities, ((and)) women and handicapped persons and validation  
 28 of all tests and other selection requirements where there is an  
 29 obligation to do so under state or federal law.

30 ((E-)) D. RECORD REFERRALS. Maintain a current file of  
 31 applications of each minority, ((and)) female and handicapped  
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1 persons applicant or referral for employment indicating what  
 2 action was taken with respect to each such individual and the  
 3 reasons therefor. Contact these people when an opening exists  
 4 for which they may be qualified. Names may be removed from the  
 5 file after ~~((three-years))~~ twelve months have elapsed from their  
 6 last application or referral.

7 ~~((F--NOTICE-OF-UNION-NONCOOPERATION--Provide-immediate  
 8 written-notifications-to-the-executive-when-the-union-or-unions  
 9 with-which-the-contractor-has-a-collective-bargaining-agreement  
 10 contract-or-understanding-has-not-referred-to-the-contractor-a  
 11 minority-person-or-woman-sent-by-the-contractor,-or-when-the  
 12 contractor-has-other-information-that-the-union-referral-process  
 13 has-impeded-the-contractor's-efforts-to-meet-its-obligations  
 14 under-this-chapter--))~~

15 E. NOTICE TO UNIONS. Provide notice to labor unions of the  
 16 contractor's nondiscrimination and affirmative action  
 17 obligations pursuant to this chapter. Contractors shall also  
 18 notify the executive if labor unions fail to comply with the  
 19 nondiscrimination or affirmative provisions.

20 ~~((G--))~~ F. SUPERVISORS. Ensure that all supervisory  
 21 personnel understand and are directed to adhere to and implement  
 22 the nondiscrimination and affirmative action obligations of the  
 23 contractor under this chapter. Such direction shall include,  
 24 but not be limited to, adherence to, and achievement of,  
 25 affirmative action policies in performance appraisals of  
 26 supervisory personnel.

27 ~~((H--))~~ G. EMPLOYEE TRAINING. When reasonable ((B)) develop  
 28 on-the-job training opportunities which expressly include  
 29 minorities, ((and)) women, and handicapped persons and sponsor  
 30 and/or utilize, training/educational opportunities for the  
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1 advancement of women, minorities and handicapped persons  
2 employed by the contractor, subject to acceptance by the county  
3 affirmative action office.

4 H. RESPONSIBLE PERSON. Designate an employee who shall  
5 have the responsibility for implementation of the contractor's  
6 affirmative action program.

7 I. PROGRESS REPORTING. Prepare as part of the affirmative  
8 action plan an analysis and report on the progress made toward  
9 eliminating the underrepresentation of women, minorities and  
10 handicapped persons in the contractor's workforce on an annual  
11 basis.

12 J. CONTRACTOR TRAINING. In addition, contractors who do  
13 not meet employment goals for women, minorities and handicapped  
14 persons and who do not have approved affirmative action plans  
15 may be required to attend county sponsored training programs on  
16 relevant areas of affirmative action and equal employment  
17 opportunity.

18 SECTION 6. Ordinance 4528, Section 5, and K.C.C. 12.16.050  
19 are hereby amended to read as follows: Contract requirements.  
20 The county's policy, as stated in this chapter, requiring  
21 nondiscrimination in contractor or subcontractor employment and  
22 affirmative action shall be included in all county contracts.  
23 Any violation of the specific provisions of this chapter and of  
24 any term of the affidavit of compliance required herein,  
25 including reporting requirements, shall be deemed a violation of  
26 this chapter. Any such violation shall be further deemed a  
27 breach of a material provision of the contract between the  
28 county and the contractor. Such breach shall be grounds for  
29 cancellation, termination, or suspension, in whole or in part,  
30 of the contract by the county, or for invoking the enforcement  
31 provisions of the contract of this chapter providing for  
32 penalties, liquidated damages, or other remedies, and may result  
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1 in ineligibility for further county contracts; provided, that  
2 underrepresentation of minorities, ((and)) women and handicapped  
3 persons and the failure or inability of any contractor to  
4 achieve employment goals will not be a violation where that  
5 contractor has adopted and pursued a reasonable affirmative  
6 action program in compliance with this chapter. The burden is  
7 on the contractor to demonstrate its compliance with this  
8 chapter.

9 SECTION 7. Ordinance 4528, Section 6, and KCC 12.16.060 are  
10 hereby amended to read as follows:

11 Precontract qualification. Prior to becoming eligible for  
12 all awards of any county contract, contractors must first be  
13 certified by the county administrative officer or his designee  
14 as having complied with the provisions of this section. The  
15 county shall not enter into a contract with nor receive products  
16 and services from an ineligible contractor.

17 A. WORK FORCE DATA. All contractors entering into  
18 contracts or agreements with King County valued at ((one  
19 ~~thousand~~)) five thousand dollars or more shall submit to the  
20 county executive a total personnel inventory employment profile  
21 providing minority, ((and)) female and handicapped employment  
22 data. This requirement shall also apply to contractors who  
23 accumulate contracts which total five thousand or more in a  
24 given calendar year. The executive may determine the form in  
25 which this data shall be provided.

26 B. COMPLIANCE AFFIDAVITS AND UNION STATEMENTS. All  
27 contractors entering into contracts with King County of more  
28 than ten thousand dollars, or which in the aggregate result in  
29 yearly sales to King County of more than ten thousand dollars,  
30 shall submit an affidavit of compliance, in the form provided by  
31 the county, demonstrating their commitment to comply with the  
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1 provisions of this chapter, and shall further submit a signed  
2 statement of compliance from a union or employee referral  
3 agency. The affidavit of compliance shall set forth the  
4 contractor's specific employment goals, minimum affirmative  
5 action requirements, reporting requirements and other such  
6 provisions as the executive deems necessary and appropriate for  
7 compliance with and enforcement of this chapter; provided, that  
8 the affidavit of compliance shall not require actions or goals  
9 inconsistent with the standards, guidelines and affirmative  
10 action measures set forth in this chapter; provided further,  
11 that in lieu of the affidavit the executive may accept a  
12 statement pledging adherence to an existing contractor  
13 affirmative action plan where the provisions of the plan are  
14 found by the executive to substantially fulfill the requirements  
15 of this chapter.

16 C. VENDORS, YEARLY RENEWALS. Vendors who became qualified  
17 under subsections A. and B. of this section shall remain so  
18 qualified until October 31st of the year in which they were  
19 qualified and shall be entitled to bid and be considered for the  
20 sale of materials, supplies and equipment at any time during  
21 that year without requalification. Further, upon submittal of  
22 an updated employment profile, such vendor's qualification shall  
23 be extended from year to year.

24 During such time as a vendor remains continuously qualified  
25 under this chapter to do business with King County, the  
26 affidavit of compliance initially submitted to gain  
27 qualification shall be deemed to be effective and in force  
28 without further renewal or resubmission. Should qualification  
29 lapse or be terminated at any time due to a failure to submit an  
30 annual employment profile or upon a finding of violation of this  
31 chapter, the county having previously complied with notice of  
32 hearing provisions, a new affidavit of compliance and employment  
33 profile shall be required prior to vendor's being requalified.

1            SECTION 8. Ordinance 4528, Section 7, and  
2 K.C.C. 12.16.070 are hereby amended to read as follows:  
3 Statements from unions. Contractors required to submit  
4 compliance affidavits to include a union statement from a union  
5 or worker referral agency shall do so on forms provided by the  
6 executive. The statement shall be in writing, signed by the  
7 authorized officers or agents of all labor unions or agencies  
8 referring workers or providing or supervising apprenticeship or  
9 other training programs from whom the contractor obtains  
10 employees. The statement shall affirm that the signer(s)'s  
11 organization has no practices and policies which discriminate on  
12 the basis of race, color, creed, religion, sex, age, marital  
13 status, the presence of any physical, mental or sensory  
14 handicap, or national origin, that the signer(s)'s organization  
15 will affirmatively cooperate in the implementation of the  
16 policies and provisions of this chapter, and that the  
17 organization consents and agrees that recruitment, employment,  
18 and the terms and conditions of employment under all contracts  
19 with the county shall be in accordance with the purposes and  
20 provisions of this chapter.

21            SECTION 9. Ordinance 4528, Section 8, and KCC 12.16.080  
22 are hereby amended to read as follows:

23            Subcontractors. For projects and contracts over one hundred  
24 thousand dollars, the prime contractor shall be required to  
25 submit to King County, along with its qualifying documents under  
26 this chapter, employment profiles, affidavits of compliance,  
27 reports and union statements from its subcontractors in the same  
28 manner as these are required of the prime contractor. Reporting  
29 requirements of the prime contractor during the contract period  
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1 will apply equally to all subcontractors. As a condition of  
2 their contract, prime contractors shall be responsible for both  
3 the submission of affidavits and reports and for requiring their  
4 subcontractors and vendors to employ racial minorities, ((and))  
5 women, and handicapped persons. Any violation of this chapter  
6 or the requirments of the affidavit of compliance by the  
7 subcontractor will be deemed a violation by the prime contractor  
8 and subject to the sanctions and penalties set out in the  
9 contract and in this chapter.

10 SECTION 10. Ordinance 4528, Section 12 and KCC 12.16.120  
11 are hereby amended to read as follows:

12 Sanctions. After the hearing, the executive or hearing  
13 examiner shall make written findings and conclusions and ((may  
14 undertake)) shall order one or more of the following:

15 A. Dismissal of the complaint when a violation is found not  
16 to have occurred;

17 B. Suspension or cancellation of the contract in part or in  
18 whole;

19 C. Disqualification of the contractor;

20 D. Exclusion from future contracts or vending until  
21 demonstration of compliance;

22 E. Liquidated damages of up to ten percent of the full  
23 contract amount;

24 F. Enforcement of any provision of the contract providing  
25 other remedies, such as penalties or liquidated damages for  
26 violation of contractual provisions, or enforcement of any other  
27 remedy available at law to the county.

28 SECTION 11. Ordinance 4528, Section 13 and KCC 12.16.130  
29 are hereby amended to read as follows:

1 Additional sanctions. In addition to any other remedy  
 2 available under the laws of King County and the State of  
 3 Washington ((A-)) any person, firm, corporation, business,  
 4 union, or organization that prevents or interferes with a  
 5 contractor's efforts to comply with the requirements of this  
 6 chapter or which submits false or misleading information to any  
 7 King County department or employee concerning compliance with  
 8 this chapter shall be subject to a civil penalty of up to five  
 9 ((hundred)) thousand dollars for each occurrence, the county  
 10 having previously complied with the notice and hearing provisions  
 11 of this chapter.

12 NEW SECTION. SECTION 12. Severability. The provisions of  
 13 this ordinance shall be effective in all cases unless otherwise  
 14 provided for by State or Federal Law. The provisions of this  
 15 ordinance are separate and severable. The invalidity of any  
 16 clause, sentence, paragraph, subdivision, section, or portion of  
 17 this ordinance or the invalidity of the application thereof to  
 18 any person or circumstances shall not affect the validity of the  
 19 remainder of this ordinance, or the validity of its application  
 20 to other persons or circumstances.

21 INTRODUCED AND READ for the first time this 21<sup>st</sup> day  
 22 of July, 1986.

23 PASSED this 22nd day of September, 1986.

24 KING COUNTY COUNCIL  
 25 KING COUNTY, WASHINGTON

26 Audrey Gruger  
 27 Chairman

28 ATTEST:

29 Dorothy M. Owens  
 30 Clerk of the Council

31 APPROVED this 1<sup>st</sup> day of October, 1986.

32 Jim Hill  
 33 King County Executive

ATTACHMENT A            Proposed Ordinance 86-423, relating to contract compliance (discrimination and affirmative action in employment by County contractors...) and amending Ordinance 4528 and K.C.C. 12.16.

STATEMENT OF FINDINGS AND INTENT

The County's contract compliance program was initiated in 1969 with the adoption of Ordinance 198, "An ordinance relating to discrimination in employment by County contractors, subcontractors or vendors, establishing policies and penalties for non-compliance". The ordinance prohibited discrimination in employment practices, and required firms of 25 or more employees or contracts of \$10,000 or more with the County to report minority employment utilization and affirmative actions which could be taken to increase minority representation. Penalties for non-compliance with the ordinance were also specified.

After ten years, Ordinance 198 was superceded by Ordinance 4528, which cited Title VII of The Civil Rights Act of 1964 and other state or federal laws regarding non-discrimination in employment as a supplement to RCW 49.60 to provide the statutory basis for the program. In addition to prohibiting discrimination, Ordinance 4528 expanded contract compliance requirements to overcome the effects of past discrimination by specifying that annual employment goals were to be established by the Executive for women and minorities based on certain guidelines related to workforce and demographic data.

Ordinance 4528 also provided that when a contractor's employment statistics indicated underrepresentation based on the established employment goals, a series of affirmative action measures were to be undertaken "based on what is reasonably required to achieve employment goals which will cure underrepresentation". Underrepresentation of women and minorities was not termed a violation where reasonable measures were implemented in good faith. Only contracts of less than \$1,000 were excluded from the affirmative action requirement. Ordinance 4528 also expanded the definition of discrimination to include marital status and handicap "unless such policies or practices are necessary for the performance of the job and no less discriminatory alternatives are possible".

In 1985, the Council adopted Ordinance 7312, approving the annual goals for the contract compliance, affirmative action and minority/women's business programs, and expressed concerns through provisos to the ordinance regarding the historically high level of non-compliance with the employment goals of the contract compliance program.

In response to the provisos, the Executive branch prepared the 1985 Contract Compliance Report which documented the employment of women and minorities by County contractors and recommended several strategies to enhance compliance with the goals of the program.



This ordinance (Proposed Ordinance 86-423) revises the contract compliance program to include non-discrimination measures regarding the employment of handicapped individuals consistent with federal regulations. Secondly, as reflected in the Contract Compliance Report for 1985, the County recognizes that 77% of the contractors are not meeting the current employment goals. While failing to meet goals does not mean a violation of Ordinance 4528, because there are alternative means of achieving compliance, revisions to Ordinance 4528 should substantially improve the quality and practical remedial value of the contract compliance program. The revisions require a more sophisticated goal-setting methodology, reflective of the availability of women, minority and handicapped persons in various industry categories. Additional revisions update the required affirmative action measures and exempt contracts of under \$5,000 from the affirmative action requirements of the ordinance.

The County will review the experience of the improved goal-setting methodology and other modifications, and based on such experiences determine the need for future changes to the ordinance.

This ordinance was developed during a series of public meetings with the assistance of the County Affirmative Action Advisory Committee and other interested and affected individuals.

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