



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 23, 2013

Ordinance 17631

Proposed No. 2013-0249.1

Sponsors von Reichbauer

1 AN ORDINANCE relating to the submittal date for the
2 county's affirmative action plan; and amending Ordinance
3 12014, Section 18, as amended, and K.C.C. 3.12.180.

4 BE IT ORDAINED BY THE COUNTY COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 12014, Section 18, as amended, and K.C.C. 3.12.180 are
6 each hereby amended to read as follows:

7 A. For purposes of this section:

8 1. "County work force" means persons employed by King County executive
9 departments;

10 2. "Job group" means a grouping of jobs as defined by the United States
11 Department of Labor;

12 3. "Labor force availability rate" means the percentage of persons of color or
13 women with requisite job skills in King County as reported by the United States Census
14 Bureau;

15 4. "Persons of color" mean persons in each of the following groups: Blacks;
16 Hispanics; Asian/Pacific Islanders; and Native Americans; and

17 5. "Placement goal" shall equal the labor force availability rate.

18 B. The county is an equal opportunity employer and shall carry out federal, state
19 and local laws and regulations prohibiting discrimination in employment on the basis of

20 race, color, religion, religious affiliation, creed, national origin, ancestry, sex, sexual
21 orientation, gender identity or expression, age (except by minimum age and retirement
22 provisions), marital status, honorably discharged veteran or military status, or the
23 presence of a sensory, mental or physical disability. Further, it is the intent of the county
24 to ensure that employment is based on the principle of equal opportunity and that such a
25 principle shall be implemented in all county personnel-related actions including, but not
26 limited to, recruitment, hiring, testing, training, promotion, compensation, transfer and all
27 other terms and conditions of employment in all job classifications.

28 C. In order to comply with federal contracting requirements and to ensure equal
29 opportunity for all persons, all county departments shall establish and maintain an
30 effective affirmative action plan, as adopted by the council by ordinance. Such an
31 affirmative action plan shall promote the objectives of public policy set forth in
32 applicable federal and state laws relating to nondiscrimination, equal employment
33 opportunity, affirmative action and civil rights. Specifically, the plan shall promote the
34 objectives of the State Law Against Discrimination, chapter 49.60 RCW (applicable
35 parts), and provisions of the Washington Administrative Code adopted thereunder. As
36 part of the county's affirmative action plan, the executive shall submit by June 1 of every
37 fifth year, commencing with ~~((2007))~~ 2014, a proposed ordinance for the approval of an
38 affirmative action plan pertaining to executive county departments and agencies to be
39 approved, or modified, by the council by ordinance, or rejected by the council, by
40 January 1 following the plan's submittal to council. The affirmative action plan shall
41 include:

- 42 1. Information related to county work force statistics, which shall include:

43 a. a comparison of labor force availability for women and persons of color to
44 the county's actual labor force for women and persons of color as a summary across all
45 departments. The plan shall also compare labor force availability for women and persons
46 of color to the county's actual labor force for women and persons of color by departments
47 and job group. The plan shall also summarize the percentage of total goal setting areas
48 which meet or exceed the labor force availability rate;

49 b. a summary of the county work force by job group and by race and gender;

50 c. a discussion of the methodology by which the labor force availability and
51 county work force data is developed and a listing of the county job classifications that are
52 included in each job group;

53 d. the total number of persons with disabilities in each job group within the
54 county work force and the total number of persons with disabilities by department
55 voluntarily reported by individuals for equal employment opportunity affirmative action
56 purposes. The plan shall include the number of positions for which an accommodation is
57 currently in effect;

58 e. the total number and percentage of employees by salary range and by race
59 and gender. Salary ranges shall be reported in a manner consistent with the equal
60 employment opportunity data reported by the United States Census Bureau. The plan
61 shall include data reported by the United States Census bureau on the total number and
62 percentage of the labor force working in King County by salary range and by race and
63 gender;

64 f. an analysis by race and gender of the positions filled by promotion during
65 the prior plan period. For the purposes of this subsection, "promotions" means those

66 instances in which an individual advances in salary level because the individual changed
67 to a position with a higher pay range assignment;

68 g. a summary by year for the prior plan period on executive branch
69 discrimination complaints by basis of complaint and complaint status. The summary
70 shall also include data by department on the number of complaints filed by complaint
71 type and the number of people filing complaints; and

72 h. historical data on the county work force by race and gender. Historical data
73 before ((2007)) 2014 is required only to the extent it is readily available;

74 2. Placement goals for the plan period. For those job groups within departments
75 where the actual number of women and persons of color employed is less than projected
76 by labor force availability, a placement goal by race and gender shall be established for
77 the entire plan period. A placement goal shall equal the labor force availability rate.
78 Placement goals are used to measure progress toward achieving equal employment
79 opportunity. Placement goals may not be quotas, which must be met, nor do they create
80 set-asides for specific groups. Placement goals may not be used to supersede merit
81 selection principles. Further, existence of a placement goal does not constitute evidence
82 of discrimination. If a placement goal has been established, the plan shall identify the
83 labor force availability rate;

84 3. Implementation plans for departments. Each implementation plan shall:

85 a. identify the activities proposed each year during the plan period to meet the
86 department's placement goals. The plan shall discuss how the proposed activities will
87 help the department achieve its placement goals;

88 b. identify the activities proposed during the plan period by year to recruit,
89 retain and promote women and persons of color in the work force; and

90 c. identify the specific activities during the plan period, by year, that each
91 department will undertake to increase its hiring, retention and promotion of persons with
92 disabilities; and

93 4. A summary of the results of the prior affirmative action plan, which shall
94 include:

95 a. A description of the progress of each department in completing the activities
96 listed in subsection C.3. a. through c. of this section proposed in the previous
97 implementation plan. The outcomes of each activity shall be reported. The human
98 resources management division shall provide an evaluation of the effectiveness of each
99 department's implementation activities during the plan period;

100 b. the status of each five-year placement goal established in the prior
101 affirmative action plan. For each identified placement goal, the status report shall report
102 the:

103 (1) labor force availability rate;

104 (2) total number of positions filled for the corresponding job group within a
105 department;

106 (3) of the total number reported under subsection C.4.b.(2) of this section, the
107 number of positions that were filled by each race and gender category; and

108 (4) an actual hiring rate for each race and gender category calculated by
109 dividing the number of positions filled by the number of positions filled by each race and
110 gender category; and

111 c. a separate listing of those placement goals for the plan period that were not
112 achieved. Placement goals are considered not achieved when the actual hiring rate is less
113 than the availability rate for the overall plan period. For each placement goal not
114 achieved, the plan shall provide an analysis of why the goals were not met including
115 whether the planned implementation activities were completed. Placement goals shall
116 only be considered not achieved in those instances in which the total number of hires is
117 large enough such that it is statistically reasonable to expect under conditions of equal
118 employment opportunity that the number of hires by race and gender will reflect work
119 force availability.

120 D. A progress report on each year's placement goals and implementation plans
121 shall be delivered to the council annually on June 1. Eleven copies of the report shall be
122 filed with the clerk of the council, for distribution to all councilmembers. For each
123 category where a placement goal is established, the following shall be reported:

- 124 1. Labor force availability rates as proposed in the affirmative action plan by
125 department, job group, race and gender;
- 126 2. Data by department and job group of the total number of positions filled;
- 127 3. For each department and job group, the number of positions that were filled
128 by each race and gender category;
- 129 4. For each department and job group, the percentage of positions that were
130 filled by each race and gender category;
- 131 5. A separate listing of placement goals not achieved. Placement goals are
132 considered not achieved when the availability rates are greater than the hiring rates.
133 Placement goals shall only be considered not achieved in those instances in which the

134 total number of hires is large enough such that it is statistically reasonable to expect
135 under conditions of equal employment opportunity that the number of hires by race and
136 gender will reflect work force availability;

137 6. Beginning in the second year, cumulative data for the plan period for the
138 information required under subsection ((C)) D.1. through 5. of this section; and

139 7. The status of each activity proposed in each department's implementation
140 plan as required by subsection C.3. a. through c. of this section. The progress report shall
141 include updates to the implementation plans in order that the plans consist of more than
142 repeating the same activities which have previously produced inadequate results.

143 E. The executive shall submit a proposed ordinance approving a ((~~revised~~)) new
144 five-year affirmative action plan to the council within twelve months of the publication of
145 the appropriate data from the ten-year United States census.

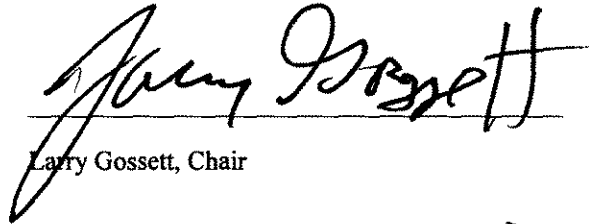
146 SECTION 2. Severability. If any provision of this ordinance or its application to

147 any person or circumstance is held invalid, the remainder of the ordinance or the
148 application of the provision to other persons or circumstances is not affected.
149

Ordinance 17631 was introduced on and passed by the Metropolitan King County Council on 7/22/2013, by the following vote:

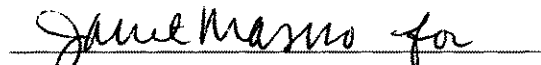
Yes: 6 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Mr. Dunn and Mr. Dembowski
No: 0
Excused: 3 - Ms. Hague, Ms. Lambert and Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



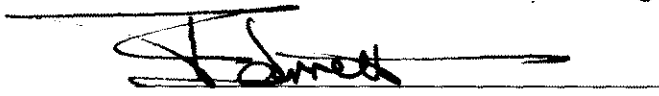
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 25th day of July, 2013.



Dow Constantine, County Executive

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KING COUNTY COUNCIL CLERK

Attachments: None