

July 19, 1989  
0640F/CM/pb

INTRODUCED BY: Bill Reams

PROPOSED NO.: 89-374

ORDINANCE NO. **9088**

AN ORDINANCE relating to the King County Affirmative Action Plan; changing the due date for submittal to the King County Council, changing the frequency of Plan submittal, and providing for the biannual submittal of performance reports on civil rights and compliance programs; adopting the 1989 Affirmative Action goals; directing the Executive to include the cost of new initiatives in the 1990 budget; amending Ordinance 4324, Section 5, as amended, and K.C.C. 3.12.180; amending Ordinance 4528, Section 3, as amended, and K.C.C. 12.13.030; amending Ordinance 5983, Section 3, as amended, and K.C.C. 4.18.030; and adding two new sections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. SECTION 1. There is added to K.C.C. 3.12 a new section to read as follows:

Statement of Intent. King County recognizes that, in the past, employment and contracting practices did not afford equal opportunities for women, minorities and persons with disabilities, and that such practices have resulted in the underrepresentation of such persons in county employment, in employment by county contractors, and in the utilization of minority-owned and women-owned businesses in county contracts. King County also recognizes that many of the causes of this underrepresentation are societal in nature, and beyond the scope and power of the county to remedy on its own.

Nevertheless, King County is determined to be a leader in the implementation of civil rights and compliance policies and programs which will remedy the effects of past discrimination and set the county on an affirmative action path.

SECTION 2. Ordinance 4324, Section 5, as amended, and K.C.C. 3.12.180; Ordinance 4528, Section 3, as amended, and K.C.C. 12.13.030; and Ordinance 5983, Section 3, as amended, and K.C.C. 4.18.030 are hereby amended to read as follows:

1           Equality of county employment. A. The county is an equal  
2 opportunity employer and shall carry out federal, state and  
3 local laws and regulations prohibiting discrimination in  
4 employment on the basis of race, color, creed, religion,  
5 national origin, sex, sexual orientation, marital status or the  
6 presence of a sensory, mental, or physical handicap (not  
7 constituting a bona fide occupational qualification). Further,  
8 it is the intent of the county to ensure that employment is  
9 based on the principle of equal opportunity and that such  
10 principle shall be implemented in all county personnel-related  
11 actions including, but not limited to, recruitment, hiring,  
12 testing, training, promotion, compensation, transfer and all  
13 other terms and conditions of employment in all job  
14 classifications.

15           B. It is the policy of the county that, until the effects  
16 of inequality in employment opportunity within the county are  
17 eliminated, all county departments shall establish and maintain  
18 an effective affirmative action plan of employment, as adopted  
19 by the council by ordinance. Such affirmative action plan  
20 shall promote the objectives of public policy set forth in  
21 applicable federal and state law, including constitutions,  
22 statutes, regulations, and executive orders, relating to  
23 nondiscrimination, equal employment opportunity, affirmative  
24 action, and civil rights. Specifically, the plan shall promote  
25 the objectives of the State Law Against Discrimination, RCW  
26 Title 49 (applicable parts), and provisions of the Washington  
27 Administrative Code adopted thereunder. As part of the  
28 county's affirmative action plan, the executive shall submit by  
29 ~~{March 1st of each year corrective employment programs}~~  
30 November 30th of every other year, commencing with 1990, a  
31 biennial affirmative action master plan pertaining to the  
32 appropriate county departments and agencies to be approved by  
33

1 the council by ordinance (~~{; provided, that where applicable,~~  
2 ~~corrective employment programs shall include performance~~  
3 ~~results of the prior year's corrective employment program}~~).

4 Such plan shall include policies and procedures for the  
5 implementation of county affirmative action programs and shall  
6 set forth proposed availability rates for protected groups  
7 designated by the county in employment, and utilization goals  
8 in contract compliance and minority and women business

9 enterprise contracting. (The county's affirmative action plan  
10 shall also include a listing of all positions currently  
11 subsidized directly or indirectly through special programs  
12 which aid the handicapped and shall make provision for  
13 retaining persons occupying those positions either in their  
14 existing positions or comparable positions once the subsidy is  
15 withdrawn. Handicapped persons shall occupy, as a goal, two  
16 percent of the total county career service positions.)

17 NEW SECTION. SECTION 3. There is added to K.C.C. 3.12 a  
18 new section to read as follows:

19 Civil rights and compliance reports. The executive shall  
20 also submit for review by the council, by November 30 of every  
21 other year, commencing with 1990, a biennial combined unit  
22 report providing statistics and analysis of county activities  
23 in affirmative action, contract compliance, minority and  
24 women's business enterprise contracting, and enforcement  
25 pertaining to appropriate county departments and agencies,  
26 contractors and subcontractors, and to all civil rights and  
27 compliance activities and areas for which the county has  
28 jurisdiction. The county's combined unit report shall include  
29 performance results of the prior bennium's civil rights and  
30 compliance programs. The county's combined unit report shall  
31 also include a listing of all positions currently subsidized  
32 directly or indirectly through special programs which aid  
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1 persons with disabilities and shall make provision for  
2 retaining persons occupying those positions either in their  
3 existing positions or comparable positions once the subsidy is  
4 withdrawn.

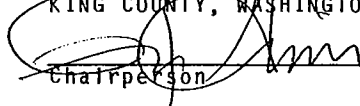
5 SECTION 4. The 1989 Affirmative Action and Contract  
6 Compliance goals, as contained in Attachment A, are hereby  
7 adopted effective October 1, 1989. These goals shall remain in  
8 effect through the end of calendar year 1991.

9 SECTION 5. The Executive shall include in the 1990  
10 Proposed Executive budget costs and staffing for new initiatives  
11 proposed in the 1989-1990 King County Affirmative Action Plan.

12 INTRODUCED AND READ for the first time this 8<sup>th</sup> day  
13 of May, 1989.

14 PASSED this 14<sup>th</sup> day of August, 1989.

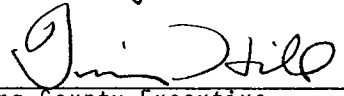
16 KING COUNTY COUNCIL  
17 KING COUNTY, WASHINGTON

18   
Chairperson

19 ATTEST:

20   
Deputy Clerk of the Council

21 APPROVED this 24<sup>th</sup> day of August, 1989.

22   
23 King County Executive  
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Attachment A

KING COUNTY

AFFIRMATIVE ACTION AND CONTRACT COMPLIANCE GOALS

	<u>1987 Goals<sup>1</sup></u>	<u>1989 Goals<sup>2</sup></u>
<u>Affirmative Action:</u>		
Minorities	15.7%	18.4%
Women	42.8%	53.1%
Differently-Abled	7.2%	6.6%
<u>Contract Compliance Construction:</u>		
Minorities	13.2%	13.48%
Women	12.2%	15.41%
Differently-Abled	5.8%	7.08%
<u>Vendors/Suppliers:</u>		
Minorities	12.0%	14.16%
Women	45.0%	48.9%
Differently-Abled	5.5%	6.6%

1. Currently in effect.  
 2. Proposed. If adopted, would expire 31 December 1991.

## TECHNICAL PAPER #2

## CONTRACT COMPLIANCE UTILIZATION GOALS

A. Background

In October 1979, King County Code, Chapter 12.16 was amended by Ordinance 4528. This ordinance established minority and women employment goals for contractors doing business with King County. The goals were to be based on appropriate work force, demographic or other relevant data and stated in the County's Affirmative Action Plan. In September 1986, King County Code, Chapter 12.16 was further amended by Ordinance 7788 which included a goal-setting methodology for minorities and women, using a multi-factor analysis. It also set forth a requirement that employment goals for handicapped persons be established, using "the methodology deemed most current and representative of the availability of handicapped persons by the Affirmative Action Office" to be consistent insofar as possible with the methodology used to establish employment goals for persons with disabilities for the County's internal work force. In 1987, the Affirmative Action Office proposed new contract compliance goals using the established methodology approved by the King County Council. The Council rejected the proposed goals and established interim goals, charging the Department of Executive Administration with exploring and utilizing methodologies other than the one used for the 1987 contract compliance goals. In 1988, the Affirmative Action Office (now the Office of Civil Rights and Compliance) proposed new contract compliance goals using a goal-setting methodology adjusted by factoring in the County's 1987 utilization statistics. In July of 1988, the King County Council expressed some specific concerns regarding the proposed methodology. The Council posed two basic questions:

1. What is the objective criteria for establishing the weights assigned to factors utilized in the establishment of goals?
2. What explanation can be offered for the fact that contractors doing business with the County are utilizing persons with disabilities at a significantly lower rate than the established availability?

**KING COUNTY**  
**AFFIRMATIVE ACTION MASTER PLAN**  
**1989 THROUGH 1990**

**Tim Hill**  
**King County Executive**

Jesus Sanchez,  
Director-designee  
Department of Executive  
Administration

Manfert M. Lee, Administrator  
Office of Civil Rights and  
Compliance  
E-224 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-7592 V/TDD 296-7596

# AFFIRMATIVE ACTION MASTER PLAN

## TABLE OF CONTENTS

	<u>Page</u>
EXECUTIVE SUMMARY	
INTRODUCTION	i
I. OVERALL MISSION STATEMENT	1
A. Authority	
B. Policy Statement	
C. General Plan Objectives	
II. POLICIES AND IMPLEMENTATION	3
A. King County Non-Discrimination Policy	
B. Responsibility for Implementation	
1. King County Council	
2. King County Executive	
3. Director, Department of Executive Administration	
4. Affirmative Action Administrator	
5. Affirmative Action Advisory Committee	
6. Department Directors	
7. Personnel Division	
8. King County Employees	
C. Master Plan and Policy Dissemination Procedures	
1. Internal Dissemination	
2. External Dissemination	
III. OFFICE OF CIVIL RIGHTS AND COMPLIANCE PROGRAMS	13
A. Affirmative Action/Equal Employment Opportunity	
1. Introduction	
2. Objective	
3. Activities	
4. EEO Monitoring and Reporting	
5. EEO Coordinators	
6. Departmental/Divisional Implementation Plans for Affirmative Action	
7. Identification of Employee Ethnicity	
8. Identification of Employee Disability	
9. Selective Certification	
10. Recruitment	
11. Supplemental Recruitment	
12. Alternate Employment Lists	
13. Extra-Help Examinations	



# AFFIRMATIVE ACTION MASTER PLAN

## TABLE OF CONTENTS

Page 2

Page

- 14. Provisional Appointments
- 15. Transfers
- 16. Promotion
- 17. Criteria Review
- 18. Pre-Employment Inquiries
- 19. Exit Interviews
- 20. Internal Affirmative Action Complaint Procedures
- B. 504 Accessibility
  - 1. Introduction
  - 2. Objective
  - 3. Activities
  - 4. Accommodation of Disabled Employees
  - 5. 504 Policies and Procedures
- C. Fair Employment
  - 1. Introduction
  - 2. Objective
  - 3. Activities
  - 4. Fair Employment Complaint Procedures
- D. Fair Housing
  - 1. Introduction
  - 2. Objective
  - 3. Activities
  - 4. Fair Housing Complaint Procedures
- E. Public Accommodation
  - 1. Introduction
  - 2. Objective
  - 3. Activities
  - 4. Public Accommodation Complaint Procedures
- F. Minority/Women's Business Enterprise
  - 1. Introduction
  - 2. Objective
  - 3. Monitoring Activities
  - 4. Technical Assistance and Outreach
  - 5. M/WB Coordinators
  - 6. M/WB Enforcement
- G. Contract Compliance
  - 1. Introduction
  - 2. Objective
  - 3. Activities
  - 4. Contract Compliance Review and Enforcement

**AFFIRMATIVE ACTION MASTER PLAN**

**TABLE OF CONTENTS**

**Page 3**

	<u>Page</u>
IV. AFFIRMATIVE ACTION AVAILABILITY RATES	59
A. Introduction	
B. Proposed Availability Rates	
C. Changes in Current Availability	
D. Establishment of Goals and Timetables	
E. Recommendations	
V. MINORITY/WOMEN'S BUSINESS UTILIZATION GOALS	65
A. Background	
B. Goal Setting Methodology	
C. Proposed M/WB Goals	
D. Recommendations	
VI. CONTRACT COMPLIANCE UTILIZATION GOALS	67
A. Background	
B. Proposed Goals	
C. Justification	
VII. MONITORING AND REPORTING	69
VIII. ENABLING LEGISLATION - KING COUNTY ORDINANCES	71
IX. GLOSSARY OF TERMS	77

APPENDICES

1. Technical Paper #1 - Affirmative Action Availability Rates
2. Technical Paper #2 - Contract Compliance Utilization Goals

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## EXECUTIVE SUMMARY

**INTRODUCTION:** Summarizes the purpose of the King County Affirmative Action Plan.

- I. **OVERALL MISSION STATEMENT:** Outlines the authority, policy, and general objectives of the King County Affirmative Action Master Plan (hereinafter, Master Plan).
- II. **POLICIES AND IMPLEMENTATION:** Outlines policies, procedures, and responsibilities for the implementation of the Master Plan.
- III. **OFFICE OF CIVIL RIGHTS AND COMPLIANCE PROGRAMS:** Describes each of the Office's program areas, identifies purpose and details procedures for the implementation of each legislative mandate.
- IV. **AFFIRMATIVE ACTION AVAILABILITY RATES:** Establishes adjusted affirmative action goals based on availability rates for minorities, women, and persons with disabilities as follows:

<u>1987 Employment Goals</u>		<u>1989-1990 Proposed Adjusted Goals</u>	
Minorities	15.7%	Minorities	20.5%
Women	42.8%	Women	48.3%
Persons with Disabilities	7.2%	Persons with Disabilities	6.5%

- V. **MINORITY/WOMEN'S BUSINESS UTILIZATION GOALS:** Identifies the existing Minority/Women's Business utilization goals with the recommendation that the goal-setting methodology be reviewed and revised prior to December 31, 1989 in light of the recent United States Supreme Court decision in the matter of the City of Richmond v. J. A. Croson Company.

VI. CONTRACT COMPLIANCE UTILIZATION GOALS: Establishes new affirmative action goals for contractors doing business with King County. The goals are as follows:

Construction

Minorities	13.48%
Women	15.41%
Persons with Disabilities	7.08%

Vendor/Supplier

Minorities	14.16%
Women	48.9%
Persons with Disabilities	6.6%

VII. MONITORING AND REPORTING: Describes the reporting mechanisms of the Office of Civil Rights and Compliance, with a detailed outline of the newly instituted comprehensive, biannual report. The first of these reports will be issued in 1990 and will measure department performance, identify problems, and prescribe corrective actions. Additionally, a process establishing semiannual progress reports to the Executive and Council is included.

VIII. ENABLING LEGISLATION - KING COUNTY ORDINANCES: Identifies those King County laws implemented by the King County Office of Civil Rights.

IX. GLOSSARY OF TERMS: Defines those terms throughout the Master Plan which have meanings additional to their usual ones.

APPENDICES

1. Technical Paper #1 - Affirmative Action Availability Rates: Demonstrates a thorough and detailed explanation of the availability analysis process used in determining the County's affirmative action employment goals, while establishing the model for future such analyses.
2. Technical Paper #2 - Contract Compliance Utilization Goals: Details the methodology and data used in determining new affirmative action goals for contractors doing business with King County.

## INTRODUCTION

The King County Affirmative Action Master Plan sets forth a comprehensive approach to ensure equal opportunity and to meet affirmative action requirements stemming from federal, state and local laws and regulations. It provides a comprehensive overview of King County civil rights and compliance policies, programs and procedures, and delineates King County's biannual affirmative action goals for employment within the County work force, for employment by contractors providing goods and services to the County, and for the utilization of minority-owned and women-owned business enterprises in County contracting.

The development of this document and the goals it sets forth is based on a review of civil rights and compliance policies and procedures utilized by local and state government organizations including the City of Seattle, the Municipality of Metropolitan Seattle (METRO), and the State of Washington. The availability and utilization goals proposed were determined after extensive consultation with staff from the City of Seattle Human Rights Department, the Washington State Human Rights Commission, and the U.S. Equal Employment Opportunity Commission, and were developed in accordance with the guidelines of the Office of Federal Contract Compliance Programs.

King County recognizes that, in the past, employment and contracting practices may not have afforded equal opportunities for women, minorities and persons with disabilities, and that such practices have resulted in the underrepresentation of protected group members in County employment, in employment by County contractors, and in the utilization of minority-owned and women-owned businesses by the County.

King County is determined to be a leader in the implementation of civil rights and compliance policies and programs which will remedy the effects of past discrimination and set the County on a proactive affirmative action path. The King County Affirmative Action Master Plan is a forward-looking document which emphasizes the County's ongoing commitment to civil rights in all areas under its jurisdiction, sets forth goals for affirmative action which are reasonable and achievable over the next biennium, and provides a comprehensive methodology for the achievement of those goals.

## I. OVERALL MISSION STATEMENT

### A. Authority

King County policy regarding affirmative action is in accordance with the laws and regulations as set forth in the Equal Employment Act of 1972, Presidential Executive Order #11246 (as amended by Presidential Executive Order #11375) and Chapter 60 of Title 41 CFR, Part 60-2 (revised Order No. 4), Washington Administrative Codes governing employment regulations (Chapter 162-12, -16, -18, -10, -22 and -30), and revised Code of Washington Chapter 49.60 - Washington State Law Against Discrimination. To implement this policy, King County has prepared an Affirmative Action Master Plan which is also consistent with provisions of three signed conciliation agreements between King County and the Washington State Human Rights Commission.

### B. Policy Statement

It is the policy of King County to ensure that equal opportunity exists in all County employment practices and personnel-related actions. This includes, but is not limited to: recruitment, hiring, training, promotion, and transfers within all job classifications, and other terms and conditions of employment.

This policy further extends to all individuals, businesses, and agencies contracting or subcontracting with King County. In this instance, King County requires that a written commitment to comply with the affirmative action policies of the King County Office of Civil Rights and Compliance and all State and federal laws concerning equal employment opportunity be submitted.

King County's commitment to equal employment opportunity will be supported by positive, practical efforts to ensure equal employment opportunity for protected racial and ethnic minorities, women, and persons with disabilities.

C. General Objectives of King County's Affirmative Action Plan

1. Establish and maintain employment profiles of minorities, women, and persons with disabilities at levels approximately equal to their availability percentage rates.
2. Eliminate and prevent the occurrence of discriminatory practices relating to employment or access to promotion within King County government.
3. Ensure equitable training and promotional opportunities to minorities, women, and persons with disabilities.
4. Ensure full and equitable opportunities for minority-owned and women-owned businesses to provide goods and services to King County and contractors doing business with King County.
5. Improve the hiring and recruiting practices of King County contractors so that minorities, women, and persons with disabilities will be fairly represented in King County contractors' work forces.
6. Provide educational, outreach and program development activities to promote and enforce the King County Fair Housing, Fair Employment, and Public Accommodation Ordinances.
7. Enforce Section 504 of the Rehabilitation Act of 1973 and relevant state and local laws governing accessibility for persons with disabilities.

## II. POLICIES AND IMPLEMENTATION

### A. King County Non-Discrimination Policy

King County government is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, sexual orientation, handicap, age, religion, marital status, or ancestry. This policy of nondiscrimination applies to all employment practices.

As part of its commitment to equal employment opportunity, King County has adopted and implemented an Affirmative Action Master Plan. This plan is designed to assist King County in correcting the effects of past discrimination by reducing the underrepresentation of minorities, women, and persons with disabilities throughout its work force. This plan is temporary and limited in nature; its purpose is to attain the goals that are necessary to eliminate the effects of past discrimination.

King County's commitment to equal employment opportunity extends to businesses it contracts with as a result of King County Ordinance 4528, as amended by Ordinance 7788. Firms contracting with the County must comply with non-discrimination and equal employment opportunity requirements. In addition, they are required to meet affirmative action goals for minorities, women, and persons with disabilities or take all "reasonable affirmative action measures" necessary to eliminate underrepresentation in their work forces.

King County government also provides equal access to all of its programs and does not discriminate in the provision of services on the basis of race, color, national origin, sex, handicap, sexual orientation, age, religion, marital status, or ancestry. Contractors providing services on behalf of King County government are also required to ensure access to its programs and are prohibited from denying service because of the above-mentioned factors.

Any person desiring more information about the King County nondiscrimination policy or about services and facilities that are accessible and usable by disabled persons, or who wishes to file a complaint because of a denial of services or a belief that discriminatory conduct has occurred in



violation of the nondiscrimination policy, should contact:

Office of Civil Rights and Compliance  
E-224 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-7592  
V/TDD (206) 296-7596

This nondiscrimination policy is to be posted on departmental bulletin boards.

KING COUNTY IS AN EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION EMPLOYER.

B. Responsibility for Implementation

This section sets forth the responsibilities of the primary organizational and functional entities involved in the County's affirmative action and equal opportunity programs for employment, 504 compliance, contract compliance, minority and women's business enterprise, fair employment, fair housing, and public accommodation.

1. King County Council

- a. Reviews the County Affirmative Action Master Plan for its effectiveness and program accomplishments;
- b. Allocates adequate resources for implementing the various equal opportunity and affirmative action programs under the responsibility of the Office of Civil Rights and Compliance;
- c. Reviews and adopts the County's Affirmative Action goals and objectives on a biannual basis.

2. King County Executive

- a. Provides leadership and policy direction to all King County directors and departments to ensure equal employment opportunity and affirmative throughout County government;

- b. Oversees the implementation of the affirmative action and equal opportunity programs by periodically reviewing and analyzing the progress of affirmative action efforts and formulating and revising policies and priorities to meet affirmative action goals;
- c. Recommends to the King County Council resources necessary to effectively administer the County's Office of Civil Rights and Compliance and implement program activities designed to ensure equal opportunity;
- d. Submits biannual affirmative action goals and reports to the King County Council;
- e. Uses achievement of affirmative action goals as a factor in the performance evaluation of department directors.

3. Director, Department of Executive Administration

- a. Directs the overall affirmative action/equal opportunity programs and assigns responsibility pertaining to the Office of Civil Rights and Compliance and the Affirmative Action Master Plan;
- b. Appoints the Administrator of the Office of Civil Rights and Compliance, whose responsibilities will include administering the Affirmative Action Master Plan;
- c. Evaluates the Affirmative Action Master Plan and recommends action in areas requiring improvement to the King County Executive.

4. Administrator, Office of Civil Rights and Compliance

Under the general direction of the Director, Department of Executive Administration, the Affirmative Action Administrator provides leadership and guidance to King County departments in implementing the Affirmative Action Master Plan.

The Administrator's responsibilities include, but are not limited to, administering and managing the following Office of Civil Rights and Compliance program areas:

a. Equal Employment Opportunity (EEO)/Affirmative Action

- (1) Develop and implement a Countywide affirmative action program designed to effectively improve the representation of minorities, women, and persons with disabilities in areas of underrepresentation;
- (2) Design and implement effective internal systems for evaluating and measuring the Plan's effectiveness and progress toward meeting goals;
- (3) Develop and disseminate guidelines, educational materials and resource lists to assist departments with effectively meeting affirmative action and equal opportunity objectives;
- (4) Monitor and report on the progress of County departments and issue such reports on a semiannual basis;
- (5) Recommend policies for adoption or procedural changes to enhance the accomplishment of affirmative action objectives.

b. Contract Compliance

- (1) Prescribe guidelines for County departments in establishing and implementing equal opportunity in contractual agreements;
- (2) Evaluate and monitor contractors contracting with King County to ensure compliance with affirmative action laws;
- (3) Recommend employment goals for minorities, women, and persons with disabilities for

County contractors;

- (4) Establish reporting systems to measure success of the Contract Compliance Program.

c. Minority/Women's Business (M/WB)

- (1) Develop rules and regulations to implement the M/WB Ordinance;
- (2) Recruit qualified minority/women-owned businesses to bid on County contracts;
- (3) Measure success of the M/WB Program on a biannual basis;
- (4) Recommend biannual goals for the utilization of minority and women's businesses;
- (5) Report the County's progress in contracting with minority and women's businesses;
- (6) Provide technical assistance and information to minority and women's businesses on the County's bid procedures for procurement of goods and services.

d. Fair Housing

- (1) Develop rules and regulations for implementing and enforcing the Fair Housing Ordinance;
- (2) Establish and maintain a system for complaint review and recordkeeping;
- (3) Measure success of the Fair Housing Program on a biannual basis;
- (4) Provide technical assistance and information to the public on the requirements and coverage of the County's Fair Housing Ordinance.

e. Fair Employment

- (1) Implement and enforce the Fair Employment Ordinance;
- (2) Maintain a system of complaint review and recordkeeping;
- (3) Measure success of the Fair Employment program on a biannual basis;
- (4) Provide technical assistance and information to the public on the coverage and requirements of the County's Fair Employment Ordinance.

f. Public Accommodation

- (1) Implement and enforce the Public Accommodation Ordinance;
- (2) Maintain a system of complaint review and recordkeeping;
- (3) Measure success of the Public Accommodation program on a biannual basis;
- (4) Provide technical assistance and information to the public on the coverage and requirements of the County's Public Accommodation Ordinance.

5. Affirmative Action Advisory Committee

The Affirmative Action Advisory Committee serves in an advisory capacity to the County Executive on matters concerning affirmative action, equal employment opportunity, employment of and accessibility of services to persons with disabilities, contract compliance, fair employment and housing, public accommodation, and minority/women's business participation.

The functions of the Committee include, but are not limited to, the following:

- a. Review the Affirmative Action Master Plan and make recommendations concerning its adoption to the King County Executive;
- b. Review and provide comments on Office of Civil Rights and Compliance standard operating procedures, and amendments to ordinances, executive orders, etc.;
- c. Review and provide feedback on affirmative action progress reports reports prepared by the Office of Civil Rights and Compliance.

6. Department Directors

- a. Develop departmental affirmative action implementation plans and appoint departmental and/or divisional EEO Coordinators to serve as liaisons with the Office of Civil Rights and Compliance in implementing affirmative action programs;
- b. Ensure that County Minority/Women's Business (M/WB) utilization goals are achieved by contract category, and appoint departmental and/or divisional M/WB Coordinators to serve as liaisons with the Office of Civil Rights and Compliance.
- c. Ensure that County affirmative action and equal opportunity policies and established grievance procedures for resolving employee complaints are communicated to all employees;
- d. Ensure affirmative action and equal opportunity in all forms of employment;
- e. Make every reasonable effort to achieve work force profile goals.

7. Personnel Division

The Personnel Division shall:

- a. Adopt personnel procedures and priorities designed to support and ensure equal employment opportunity throughout the personnel system;
- b. Review and analyze the application and results of employment selection standards to ensure job relatedness and prevent the disproportionate adverse impact of such standards against protected group members;
- c. Ensure that minorities, women, and persons with disabilities are included in the employee selection process (e.g., interview panels);
- d. Ensure that recruitment procedures are effective in meeting affirmative action goals and, to the extent possible and practicable, ensure that employment registers contain adequate representation of minorities, women, and persons with disabilities;
- e. Review and maintain records of the departures of County employees to identify the reasons for departure, and to refer instances of questionable compliance with non-discrimination policies to the Office of Civil Rights and Compliance;
- f. Include in all collective bargaining agreements, provisions that ensure compliance with applicable federal, state, and local laws governing affirmative action and equal employment opportunities.

8. All King County Employees

Every County employee is responsible for complying with the intent and spirit of King County's affirmative action and equal employment opportunity objectives and requirements.

C. Master Plan and Policy Dissemination Procedures

1. Internal Dissemination

- a. King County's Affirmative Action Master Plan will be disseminated on a County-wide basis to department directors, EEO Officers, and M/WB Coordinators.
- b. The County's nondiscrimination policy will be posted on each department's bulletin board. The full text of the Affirmative Action Master Plan will be made available to each employee when requested.
- c. Communication of King County's nondiscrimination policy and affirmative action goals and objectives will be an integral part of the new employee orientation process.
- d. Directors, administrators, and other management personnel of operating units are expected to explain the intent of the County's equal employment opportunity and non-discrimination policy at staff meetings periodically to ensure effective implementation thereof.

2. External Dissemination

- a. Copies of the Affirmative Action Master Plan will be provided to all federal agencies with whom King County has contractual arrangements. In addition, copies will be sent to the Washington State Human Rights Commission.
- b. The Office of Civil Rights and Compliance will inform organizations representing minorities, females, and persons with disabilities, community leaders, and educational institutions of King County's Affirmative Action Policy and encourage their assistance in actively recruiting and referring protected group members for all job openings.



- c. The Affirmative Action Master Plan will be provided to the King County Library System.
- d. The Personnel Division will provide union representatives with a copy of the Affirmative Action Master Plan and Availability goals.
- e. Equal employment opportunity and affirmative action employer statements will be included in all job announcements and advertisements for vacant positions and department stationery.
- f. Protected class members will be pictured in County publications wherever possible and practicable.

### III. OFFICE OF CIVIL RIGHTS AND COMPLIANCE PROGRAMS

The King County Office of Civil Rights and Compliance is the agency primarily responsible for County-wide implementation, enforcement, monitoring, and reporting of progress on the County's Affirmative Action Master Plan.

#### A. Affirmative Action/Equal Employment Opportunity

##### 1. Introduction

The County is an equal opportunity employer and shall carry out federal, state, and local laws and regulations prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, or the presence of a sensory or physical handicap (not constituting a bona fide occupational qualification). Further, it is the intent of the County to insure that employment is based on the principle of equal opportunity and that such principle shall be implemented in all County personnel-related actions including, but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer, and all other terms and conditions of employment in all job classifications.

It is the policy of the County that, until the effects of inequality in employment opportunity are eliminated, all County departments shall establish and maintain an effective affirmative action plan of employment, as adopted by the Council by ordinance. Such affirmative action plans shall promote the objectives of public policy set forth in applicable federal and state law, including constitutions, statutes, regulations, and executive orders, relating to nondiscrimination, equal employment opportunity, affirmative action, and civil rights. Specifically, the plan shall promote the objectives of the State Law Against Discrimination, RCW title 49 (applicable parts), and provisions of the Washington Administrative Code adopted thereunder.

2. Objective

The objective of the AA/EEO unit is to improve and/or change the hiring and recruiting practices of County departments and divisions in order to insure that minorities, women, and persons with disabilities are fairly represented in the County's work force, and are afforded equal opportunity in recruitment, hiring, testing, promotion, compensation, transfer, and all other terms and conditions of employment in all job classifications.

3. Activities

- a. Establish employment goals for minorities and women by race and sex, by EEO job categories and classifications, for all County departments and divisions.
- b. Establish employment goals for persons with disabilities by EEO job categories and classifications for all County departments and divisions.
- c. Monitor and evaluate County employment policies and procedures to identify possible discriminatory impacts on minorities, women, and persons with disabilities in recruitment, hiring, testing, training, transfer, promotion, and all other terms and conditions of employment in all job categories and classifications, in coordination with the Personnel Division.
- d. Identify departmental/divisional work force variance from employment goals for minorities, women, and persons with disabilities, analyze causes for variance, and assist departments/divisions to develop and implement strategies to correct underrepresentation of protected groups.
- e. Monitor and report on affirmative action/equal employment opportunity activities to the Executive and County Council.

- f. Provide technical assistance to County departments to achieve affirmative action/equal employment opportunity goals.
- g. Establish and maintain comprehensive and accurate equal employment opportunity data in conjunction with the Personnel and Systems Services Divisions, including but not limited to the establishment and application of guidelines and standards for determining racial and ethnic identity and disability status.
- h. Maintain and coordinate a community-based network for the recruitment of minorities, women, and persons with disabilities.
- i. Provide outreach and information on County affirmative action policies, procedures, and programs.
- j. Design and coordinate workshops for King County employees on AA/EEO issues.
- k. Implement the County's handicapped access policy and 504 Work Plan.
- l. Maintain a resource list of King County employees capable of providing language interpretation assistance to non- and limited-English speaking persons.

4. EEO Monitoring and Reporting

The King County Executive will hold department directors accountable for accomplishing the County's annual affirmative action goals.

The Administrator, Office of Civil Rights and Compliance, under the direction of the Director of Executive Administration is responsible for the overall coordination, implementation, and monitoring of the King County Office of Civil Rights and Compliance.

The Affirmative Action Supervisor, under the direction of the Affirmative Action Administrator, will work with

each department to ensure implementation, compliance, and completion of affirmative action goals, as specifically stated in the County's Affirmative Action Plan.

In the area of employment, the Division of Systems Services shall provide a monthly report to the Office of Civil Rights and Compliance which includes the following information:

- a. Work force analysis by department and County-wide;
- b. New hires by EEO job category classification, race, gender, and persons with disabilities broken down by department and County-wide;
- c. Promotions by EEO job category classification, race, gender, and persons with disabilities broken down by department and County-wide;
- d. Terminations by EEO job category classification, race gender, and persons with disabilities broken down by department and County-wide;
- e. Disciplinary action by EEO job category classification, race, gender, and persons with disabilities broken down by department and County-wide;
- f. Work force analysis for appointed/exempt positions by EEO job category classification, race, gender and persons with disabilities.

Periodic reports will be compiled by the Office of Civil Rights and Compliance for review by the Affirmative Action Advisory Committee concerning County affirmative action efforts.

5. EEO Coordinators

Each department director shall designate staff from the department and any major division(s) to serve as EEO Coordinator(s) in order to facilitate implementation of the County's affirmative action policies and guidelines in the areas of County employment and personnel-related

actions.

Each departmental/divisional EEO Coordinator shall:

- a. Serve as a liaison between the department/division and the Office of Civil Rights and Compliance in the area of affirmative action hiring and personnel actions;
- b. Assist in the gathering and verification of affirmative action data pertaining to departmental/divisional work force and the representation of protected groups;
- c. Participate in the development, monitoring and implementation of departmental/divisional affirmative action implementation plans;
- d. Assist his/her respective department/division in recruitment of protected groups underrepresented in the departmental/divisional work force;
- e. Review each department request for certification as part of his/her routine monitoring responsibility;
- f. Bring any noncompliance with EEO/affirmative action requirements to the immediate attention of the department director;
- g. Participate in evaluating and remedying employment practices and policies which may be in violation of the County's non-discrimination policy and/or have an adverse effect on opportunities for protected groups;
- h. Assist his/her department in resolving EEO complaints and counsel employees on EEO matters;
- i. Advise any employees who believe they have been unlawfully discriminated against of their right to file a complaint and provide them with the names, addresses, and phone numbers of agencies with which they may do so; and
- j. Participate in affirmative action/EEO training

provided by the Office of Civil Rights and Compliance in order to increase expertise at the departmental/divisional level in the area of affirmative action requirements, procedures, and policies.

6. Departmental/Divisional Affirmative Action Implementation Plans

In addition to the County affirmative hiring goals and action plans developed by the Office of Civil Rights and Compliance, each of the 12 County departments and 36 major divisions shall develop affirmative action implementation plans. The Office of Civil Rights and Compliance shall provide technical assistance to departments and divisions in the development of implementation plans, shall review and approve specific plans developed by them, and shall assist them in the implementation of such plans. Implementation of department/division specific affirmative action plans shall commence following mutual agreement between the department/division and the Office of Civil Rights and Compliance.

7. Identification of Employee Ethnicity

a. Purpose

The use of racial and ethnic identification is limited solely to affirmative action purposes.

The Office of Civil Rights and Compliance is responsible for resolving racial identification issues. The Office shall screen applicants and employees for racial identification under the following circumstances:

(1) When an employee requests a racial identification change.

(2) When a County employee claims minority status for reporting purposes, but cannot readily be identified as a minority by color or other racial characteristics.

In addition, the Office of Civil Rights and Compliance may screen a job applicant for racial identification when he/she is being considered for employment via selective certification.

All inquiries pertaining to racial identification of job applicants or County employees should be referred to the Office of Civil Rights and Compliance.

The definitions used by the Office of Federal Contract Compliance Programs (OFCCP) to identify a person's racial status shall be employed by King County.

b. OFCCP Definitions for Racial/Ethnic Categories

American Indian or Alaskan Native - A person having origins in any of the original peoples of North America and who maintain cultural identifications through tribal affiliation or community recognition.

Black - (Not of Hispanic Origin) - A person having origins in any of the Black racial groups of Africa.

Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Phillipine Islands, Samoa. The Indian Subcontinent includes: India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. Note: OFCCP states that only those persons from Central and South American countries who are of Spanish origin, descent, or culture should be included in the category Hispanic. Persons from Brazil, Guyana, Surinam or Trinidad, for example, would be classified according to their race and would not



necessarily be included in the Hispanic category. The Portuguese should be excluded from the category Hispanic and should be classified according to race.

White (Not of Hispanic Origin) - All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Other - All persons of mixed ancestry who do not wish to choose among the racial or ethnic categories and all persons who choose not to participate in selecting an ethnic or race category.

c. Racial and Ethnic Identification Guidelines

Blacks, Asians and Hispanics

Listed below are the criteria for identifying Blacks, Asians, and Hispanics. A person MUST meet one of the qualifications AND provide documentation to that effect to be classified as a member of one of the noted minority groups:

- (1) The person is of the above-referenced racial backgrounds through documentation and identifies as a member of that specified minority group.

Documentation: Birth certificate, etc.

- (2) The person is recognized by minority groups in the Seattle-King County community or other specific community as a member of one of the other above-named minority groups.

Documentation: Supporting written documentation as may be required by the specified community.

American Indian or Alaskan Native

Listed below are the criteria for identifying American Indians and Alaskan Natives (Native Americans). A person MUST meet one of the

qualifications AND provide documentation to that effect to be classified as an American Indian/Alaskan Native.

- (1) The person is an enrolled member of a state or federally recognized tribe.

Documentation: Tribal Certification Card, letter from tribe, etc.

- (2) The person is recognized by other Indians in the Seattle-King County Community or other specific community as an Indian.

Documentation: Supporting written documentation as may be required by the Indian Community.

- (3) The person has at least one-quarter (1/4) Indian blood through documentation and identifies as an Indian.

Documentation: Evaluative interview by the Office of Civil Rights and Compliance and a completed Family Ancestry Chart.

## 8. Identification of Employee Disability

### a. Purpose

The identification of employee disability is limited solely to affirmative action purposes and compliance with Section 504 of the Rehabilitation Act of 1973.

### b. Definition

Pursuant to federal and state regulations, a disabled person is any person who:

- (1) Has a physical or mental impairment which substantially limits one or more major life activities;
- (2) Has a record of such impairment;

- (3) Is regarded as having such an impairment, or;
- (4) Is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability or a history of a disability.

c. Procedures

Job applicants and employees who have identified themselves as having a disability are requested to fill out and return the King County Disability Verification Form to determine eligibility for consideration under the King County Affirmative Action Master Plan. If the form is not returned within the time period specified, the "disabled" designation will not be validated. Return of the form is voluntary and no adverse action will be taken for non-submittal.

Return of the verification form can benefit applicants and employees with disabilities in the following ways:

Selective Certification - As a means of increasing the work force representation of a protected group, the Office of Civil Rights and Compliance frequently broadens the pool of applicants referred for job interviews through the use of selective certification. Disabled applicants are considered to be members of a protected group.

Job Accommodation - The County makes reasonable accommodation to the known physical, mental, or sensory limitations of any otherwise qualified disabled employee.

First aid and safety - Should a disability be such that first aid and safety issues may arise, the benefit to the employee could be a vital one.

Information provided on the verification form will be kept confidential except under the following

conditions:

Supervisors/managers may be informed regarding restrictions on the work duties of disabled persons and regarding necessary accommodations;

First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment;

Government officials investigating compliance with laws concerning employment of the disabled may be provided with relevant information (not including names or other identifying information).

Verification forms may be obtained from King County Personnel Division. Completed forms should be returned to:

Affirmative Action/504 Compliance Specialist  
King County Office of Civil Rights and  
Compliance  
Room E-224 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104

9. Selective Certification

The Administrator, Office of Civil Rights and Compliance, may require the use of corrective hiring/promotion procedures when there is underrepresentation of minorities, women, and/or persons with disabilities County-wide, or by department or division in a given EEO category and/or job classification. In such instances, the following procedure will be used:

When a vacancy has been selectively certified by the Office of Civil Rights and Compliance, the five highest ranking individuals from the appropriate employment list and a maximum of three candidates from each group selectively certified will be sent to the hiring authority. A maximum of two protected groups will be

selectively certified. The two groups will be those in which underrepresentation is the greatest.

In instances where the employment list does not contain an adequate number of selectively certified candidates, one of the following may occur:

- a. The list of eligible candidates may be referred to the hiring authority with fewer selectively certified candidates; or
- b. Supplemental recruiting may be conducted by the Office of Civil Rights and Compliance to increase the number of selectively certifiable candidates on the employment list; or
- c. Selective Certification may be waived by the Office of Civil Rights and Compliance due to lack of selectively certified candidates on the employment list.

In instances where one or more members of a selectively certified group are among the five highest ranking individuals, these individuals will be counted toward the minimum of selectively certified candidates sent to a hiring authority.

In instances where the employment list has a history of containing an inadequate number of selectively certified candidates or the test given has not been validated by EEOC guidelines and has had an adverse disproportionate and discriminatory impact against minorities, women, and persons with disabilities, the employment list may be abolished and a new list created.

In the event that a candidate of the underrepresented group(s) is not selected, the hiring department shall submit a memorandum requesting a waiver to the Administrator, Office of Civil Rights and Compliance. The request shall contain a detailed justification and any supporting documentation. It must be submitted and approved prior to any action by the hiring authority, including notifying or hiring the selected candidate.

10. Recruitment

- a. Pursuant to the Administrative Guidelines for the Career Service, the Personnel Manager is responsible for establishing recruiting procedures and techniques that will, in his/her judgment, result in the most successful recruitment possible within practical limitations of budget, time, etc.

The Manager shall consult with operating departments for their opinions and advice. To facilitate achievement of King County's affirmative action goals, the Manager may, when warranted, as determined through consultation with the Administrator, Office of Civil Rights and Compliance, conduct supplemental recruiting efforts targeted toward selected community human resource organizations. Recruiting efforts will be conducted whenever the Manager or Administrator determines that a need for same exists.

- b. Recruitment for minorities, women, and persons with disabilities for King County employment is also the responsibility of each department.
- c. The Administrator, Office of Civil Rights and Compliance, will assist Personnel and departments in the recruitment process by:
- (1) Providing possible recruitment sources;
  - (2) Contacting employment sources with which the Office of Civil Rights and Compliance has a referral arrangement;
  - (3) Participating in departmental recruitment efforts;
  - (4) Maintaining liaison with community agencies who serve the needs of underrepresented groups;
  - (5) Utilizing mailing lists designed to reach members of protected groups to advertise position announcements;

- (6) Providing supplemental recruiting where underrepresented groups do not appear or are limited in number on existing register lists;
- (7) Participating in job fairs and similar activities and programs targeting protected groups.

11. Supplemental Recruitment

When, for affirmative action considerations or for other reasons, it is deemed appropriate by the Personnel Manager, an existing employment list may be supplemented with the names of persons who have been recruited and examined after the establishment of the original employment list. The same qualifications, tests, and standards will be used for the competition as when the list was initially established.

In instances where the employment list does not contain an adequate number of selectively certified candidates, supplemental recruiting may be conducted by the Office of Civil Rights and Compliance to increase the number of selectively certifiable candidates on the employment list.

12. Alternate Employment Lists

Where no employment list is in existence for a classification or an existing list cannot be used for affirmative action purposes, certification may be made from a list created for another classification of the same or higher rank in the same or in a related series. The Personnel Manager will consult with the hiring authority prior to making certification from an alternate employment list. The duties of the classification for which the examination was given must be sufficiently similar to the duties of the position to be filled. The Personnel Manager must also find that the necessary skills and knowledge were adequately tested in the examination. Certification and selection to a position in a lower classification will not cause an eligible candidate's name to be removed from the list for the classification for which the examination

was taken.

13. Extra-Help Examinations

When in the best interest of King County, as determined by the Manager, existing open competitive employment lists may be supplemented by allowing extra-help employees currently performing the work of the classification to be examined and placed on the employment list for that classification. Employment lists may be supplemented only once during the lifetime of the list, but not within 60 days of the expiration date. The same examination and passing points which were used to create the original employment list will be used for the supplemental recruitment. Extra-help employees examined under this procedure will be integrated into the employment list based upon their examination score. To be eligible for an examination, extra-help employees must meet the following criteria:

- a. Possess the minimum qualifications for the classification;
- b. Have been performing work in the classification continuously for a minimum of two months immediately preceding the closing date of the recruiting announcement;
- c. Have not taken an examination for the classification within the preceding six months.

Extra-help positions provide an excellent opportunity for training members of protected groups.

14. Provisional Appointment

Requests for provisional appointments must be submitted in writing to and be approved by the Personnel Manager and the Administrator, Office of Civil Rights and Compliance, before the appointee reports to work. Appropriate justification must be included. An appointment in this status is limited to 30 days after establishment of a new eligible



list or a maximum of six months in any twelve consecutive months when there is no employment list available.

15. Transfers

Lateral transfer between departments/divisions is an acceptable way to eliminate underrepresentation. Therefore, employees in job classifications in departments/divisions with an overrepresentation of protected group members will be given the opportunity to transfer to vacancies in other departments/divisions showing underrepresentation when:

- a. The position classification in both departments/divisions is the same;
- b. The overrepresentation in one department/division and the underrepresentation in the other department/division involve protected groups; and
- c. Employees in the appropriate classification indicate their willingness to transfer. The Personnel Division will refer the name(s) to the department/division with the underrepresentation for consideration. This department may:
  - (1) Reject the transfer;
  - (2) Accept the transfer;
  - (3) Evaluate the transfer with other applicants.

16. Promotion

- a. The Promotion Policy of King County shall be administered in accordance with good personnel practices. Promotion is a change of an employee to a higher classification with a higher maximum rate of pay. The policy shall be implemented without regard to race, creed, color, sex, age, marital status, sexual orientation, religion, nationality, physical, sensory or mental disability, or veteran status.

- b. Where there exists underrepresentation of protected groups in the available pool of in-house applicants for promotion, the Personnel Division and the Office of Civil Rights and Compliance may take affirmative steps to supplement the pool with applicants from the underrepresented groups. Where needed, the Personnel Division and the Office of Civil Rights and Compliance shall use the selective certification process to correct existing underrepresentation in promotions.
- c. The Administrator, Office of Civil Rights and Compliance, in conjunction with County departments/divisions, will identify certain positions for internal promotions (King County employees only) when the pool of candidates contains protected group members.
- d. The Administrator, Office of Civil Rights and Compliance, in conjunction with the Personnel Division, may provide technical assistance to King County employees on career progression and planning.
- e. Departments are encouraged to rotate assignments among persons in a classification wherever feasible, in order to improve their knowledge and skills.
- f. The Administrator, OCRC, in conjunction with the Personnel Manager, will continue to examine promotional records to determine whether the lateral and/or vertical movement of minorities, women, and disabled employees is occurring on an equitable basis.
- g. The Personnel Division and County departments shall publicize promotional opportunities to ensure that all employees are aware of them.

17. Selection Criteria Review

Departments are responsible for reviewing criteria used for the selection, promotion, and termination of

employees to ensure that such criteria are free from discrimination or bias.

If protected groups are disproportionately and adversely affected by the application of any criterion, the job-relatedness of the criterion must be clearly established. However, if the criterion is job-related, it should not be used if alternative criteria could be used to measure the same ability/skill/knowledge/etc. without (or with less of) a disproportionate and adverse effect.

Departments shall ensure that screening panels for filling vacancies include minorities, women, and persons with disabilities, especially when the position being filled is underrepresented by minorities, women, or persons with disabilities.

The Office of Civil Rights and Compliance may assist departments in reviewing criteria for employment selection.

#### 18. Pre-Employment Inquiries

King County adheres to Washington State Law Against Discrimination (RCW 49.60) which prohibits an employer from using any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, race, creed, color, national origin, and the presence of any sensory, mental or physical handicap, or has any intent to make any such limitations or specification, provided nothing contained herein shall prohibit advertising in a foreign language.

The Office of Civil Rights and Compliance will make available pre-employment guidelines, produced by the Washington State Human Rights Commission, to all managers and supervisors.

19. Exit Interviews

a. Purpose

The loss of qualified, productive, protected group employees from County employment is counterproductive to affirmative action recruitment and hiring efforts. While employees may end employment with the County for a variety of reasons beyond County control, the County should enhance its ability to retain employees.

Some reasons for separation are:

- (1) Frustration with the job or prospects for promotion;
- (2) Personality conflicts with supervisors or co-workers;
- (3) Health problems;
- (4) Personal and domestic problems;
- (5) Lack of career progression opportunities.

This list is by no means complete, but is indicative of the range of problems which may confront employees. Many of the problems encountered can be resolved other than by separation. Additionally, underlying reasons may have to do with employees being members of protected groups, for example, cultural differences might lead to personality conflicts. Therefore, to provide a useful channel of communication and opportunity to collect data that might not otherwise be available for program analysis and evaluation, the Personnel Division shall conduct exit interviews.

The exit interview provides an opportunity for all employees to discuss their experiences, ideas, and suggestions concerning King County's personnel practices, policies and procedures and to ascertain the employee's reasons for separation.

b. Procedures

The implementation process for the exit interview is as follows:

- (1) The employee's immediate supervisor shall notify the Personnel Division when an employee has given notice of intended departure from King County. The Personnel Division has the responsibility to ensure that each employee is interviewed and that a summary of the interview is kept on file for one year.
- (2) If there are any indications that the employee has been subjected to or has observed potentially discriminatory behavior by another employee, the situation will be reported to the Office of Civil Rights and Compliance and be investigated as if a verbal complaint had been filed.
- (3) All exit interviews shall be reported in summary each quarter by the Personnel Division to the King County Office of Civil Rights and Compliance. The following items are to be recorded:
  - (a) The number of employees interviewed;
  - (b) The number of employees who left County employment and were not interviewed;
  - (c) For every employee interviewed, the reasons(s) given for leaving;
  - (d) For every separated employee, whether interviewed or not, the employee's race, sex and disability status.

20. Internal Equal Employment Opportunity Complaint Procedures

a. Definitions

A Discrimination Complaint will be defined as any written statement alleging unlawful discrimination in the terms and conditions of employment based on race, color, creed, religion, national origin, marital status, age, sex, or the presence of any mental, sensory, or physical handicap or disability.

Sexual harassment is defined by the Equal Employment Opportunity Commission guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

NOTE: Retaliation against a person for filing a complaint, or against any person who testifies or assists in an investigation, is prohibited.

b. Procedures

An internal complaint may be filed by any King County employee, an applicant for employment with King County, a recipient of King County services or a potential recipient of King County services, who alleges unfair treatment by a King County department, King County facility, or by King County funded agency on the basis of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental, or physical handicap or the use of a trained dog guide by a blind, deaf, or physically disabled person.

- (1) The Office of Civil Rights and Compliance receives and reviews each complaint to determine jurisdiction.
- (2) The Office of Civil Rights and Compliance notifies the affected department/agency of the complaint and meets with appropriate personnel to obtain information and attempt early resolution.
  - (a) If early resolution is successful, the case will be closed.
  - (b) If early resolution is not successful, Office of Civil Rights and Compliance will commence investigation.
- (3) Office of Civil Rights and Compliance investigation will include the following:
  - (a) An interview with the complainant and complainant's witnesses.
  - (b) An interview with the appropriate department/agency personnel.
  - (c) Review of relevant documentation.
  - (d) When appropriate, a review of the department's/agency's affirmative action reports.
  - (e) Review of documentation of prior complaints by the complainant.
  - (f) When appropriate, conduct an on-site investigation.
- (4) Office of Civil Rights and Compliance determines finding.
  - (a) Prepares and issues findings. Complainant receives findings.
  - (b) If investigation reveals no violation,

the case will be closed.

- (c) If investigation reveals a violation with department/agency, conciliation and negotiations will take place.
- (d) If complaint is resolved through negotiations (conciliation agreement) with department/agency, the case will be closed.
- (e) If complaint is not resolved through negotiations and/or department/agency does not want to conciliate, the complaint will be referred to the Deputy County Executive.
- (f) Deputy County Executive reviews documentation/findings.
- (g) If Deputy County Executive disagrees with the finding, the case will be remanded to the Office of Civil Rights and Compliance for further disposition.
- (h) If Deputy County Executive agrees with finding, the original remedy is enforced or Deputy County Executive recommends and/or modifies the remedy.

Note: Employees are encouraged to attempt to resolve complaints at the lowest management level possible, i.e., intradepartmentally (supervisor, section manager, department director).

c. Timeframe

A complaint of discrimination shall be presented to the Affirmative Action Officer within 180 days of the occurrence of such alleged discrimination.

d. Forms

Forms to file grievances and/or complaints can be obtained from the Office of Civil Rights and Compliance.



B. 504 Accessibility

1. Introduction

In late 1984 and in 1985, King County conducted a self-evaluation of its policies and practices to determine whether the County was in compliance with the requirements of Section 504 of the Rehabilitation Act of 1973.

The evaluation was conducted by a Self-Evaluation Committee composed of County employees, persons with disabilities from the community, and representatives of organizations working with disabled persons. The committee conducted its work in three subcommittees, which focused on the following areas:

- Subcommittee I
  - Employment procedures and policies
  - Grievance procedures
- Subcommittee II
  - Access to programs provided directly by the County
  - Access to King County facilities
- Subcommittee III
  - Access to services provided by King County contractors

Each subcommittee was instructed to make an independent evaluation of their area to determine County compliance with Section 504 requirements. If it determined that the County was not in compliance, the subcommittee was to recommend corrective and appropriate remedial action measures.

The recommendations made by the 504 committees were reviewed and evaluated by the Office of Civil Rights and Compliance and the County Executive in 1986. Based on the recommendations of the 504 Committee, an executive policy directive on 504 implementation was

signed by the King County Executive on February 24, 1987. The policy became effective on March 1, 1987. To implement this policy, a 504 Work Plan was developed along with schedules for each activity.

2. Objective

The objective of the 504 Work Plan is to ensure that all County Executive departments, offices, and agencies shall make their programs, services, and employment opportunities accessible to all qualified persons regardless of handicap or disability; provided that such handicap or disability does not prevent the person from performing the essential functions of the job with reasonable accommodation.

3. 504 Activities

- a. Monitor policies, programs, services and activities for accessibility to qualified disabled persons.
- b. Review each King County department's master plan to ensure their respective department's programs, services, employment opportunities and facilities are accessible to all qualified persons regardless of handicap or disability.
- c. Develop guidelines to standardize the placement of tactile signs throughout County-owned facilities.
- d. Ensure that County-owned facilities post signs accessible by touch to visually impaired persons which identify room numbers and names of department programs, services, restrooms, and other such facilities.
- e. Monitor the physical/structural modifications to County-owned buildings per the 504 Handicapped Accessibility Project Phase II funded by the King County Council for 1988.
- f. Review the Division of Natural Resources and Parks (Department of Parks, Planning, and Resources)

master plan to ensure that parks and recreational facilities are accessible to persons with disabilities.

4. Accommodation of Disabled Employees

The County provides reasonable accommodation of temporary and permanent disabilities unless the accommodation would result in undue hardship for the County. An employee with a disability who is seeking accommodation is responsible for:

- a. Providing notice to his/her department director and to the King County Personnel Manager concerning the nature of the disability and the aspect of the disability requiring accommodation.
- b. Assisting the County's accommodation activities by obtaining medical information requested by the department or Personnel Manager for the purpose of determining an appropriate accommodation. This may include submitting to a medical or other professional evaluation, to be provided at no cost to the employee.
- c. Cooperating with the County's accommodation proposals and not unreasonably refusing an offer of accommodation.

5. 504 Policies and Procedures

a. Subject Title: 504 Implementation

(1) Effective Date: Five days after Executive Signature

(2) Type of action: New

b. Purpose

(1) To reaffirm King County's policy that its programs, services, and employment opportunities in County government be made accessible to all qualified persons regardless of

handicap or disability.

c. Organizations Affected

- (1) All County Executive Departments, Offices, and Agencies.

d. References

- (1) Section 504 of the Rehabilitation Act of 1973.
- (2) RCW Chapter 49.60, Washington State Law Against Discrimination, particularly RCW 49.60.180, "unfair practices of employer," and RCW 49.60.215, "unfair practices of places of public resort, accommodation, assemblage, amusement."
- (3) King County Code Chapter 12.18, Fair Employment.

e. Policy

- (1) All County Executive Departments, Offices, and Agencies shall make their programs, services, and employment opportunities accessible to all qualified persons regardless of handicap or disability: Provided, that such handicap or disability does not prevent the person from performing the essential functions of the job with reasonable accommodation.
  - (a) All County departments shall lease buildings that are physically accessible to disabled persons.
  - (b) If a County department is planning to lease a building that is not accessible to disabled persons, the department is directed to provide a written justification to the Office of Civil Rights and Compliance prior to entering into the lease.

- (c) All King County offices and programs shall be accessible to users of TTY/TDD's (teletypewriters for the deaf).
- (d) All King County offices and programs shall include their TTY/TDD telephone numbers in all program publications.
- (e) All King County offices and programs shall post signs that are accessible by touch to visually-impaired persons, which identify room numbers and names of departments, programs, services, rest-rooms, and other such facilities. These signs shall be placed in accordance with guidelines developed by the Facilities Management Division.
- (f) Programs and services that are provided by contractors with King County shall be made accessible to all qualified or eligible persons regardless of handicap or disability.
- (g) County departments and the Office of Civil Rights and Compliance shall jointly develop corrective action plans for those service providers who did not meet the Section 504 requirements during the self-evaluation process.

f. Definitions

- (1) Program includes any service, benefit activity, or offering to the public by a County agency or agent.
- (2) Handicap or disability is defined as any physical, sensory, or mental impairment that substantially limits a major life activity.
- (3) A person with disabilities is defined as (a) a person who has a handicap or disability as defined above; (b) a person who has a record of having a handicap or disability as defined above; or (c) a person who is regarded as

having a handicap or disability, as defined above.

- (4) For employment purposes, a qualified handicapped or qualified disabled person is a handicapped or disabled person who is able to perform the essential functions of the job with reasonable accommodation.

g. Responsibilities

- (1) All department directors, division managers, and administrators of County agencies shall be responsible for their agency's compliance with this policy.
- (2) The Department of Executive Administration, Office of Civil Rights and Compliance, shall be responsible for:
  - (a) Reviewing justification per e.(1)(b).
  - (b) Reviewing department submittals of TTY/TDD per e.(1)(d).
  - (c) Implementing selective certification for disabled persons per e.(1)(f).
  - (d) Assisting departments in monitoring contractors' compliance with e.(1)(h).
  - (e) Investigating complaints filed by any program recipient, employee, or applicant for employment who alleges any violation of this policy.
  - (f) Issue policies for the use of sign language interpreters to make all King County programs accessible to deaf and hearing impaired persons.
  - (g) Issue policies for sign language interpreters to make employment with the County accessible to deaf and hearing-impaired persons.

- (h) Hold an informational meeting for County departments on TTY/TDD procedures, sign language interpreters, amplified telephones, and related information.
  - (i) Continue to assist disabled persons in the appropriate job opportunities.
- (3) The Department of Executive Administration, Facilities Management Division, shall be responsible for:
- (a) Issuing guidelines to standardize the placement of tactile signs throughout County facilities.
  - (b) Working with the 504 Advisory Committee to improve accessibility of County facilities. The Advisory Committee shall include representatives from the disabled/handicapped communities.
- (4) The Natural Resources and Parks Division of the Department of Parks, Planning, and Resources shall develop a master plan, with proposed timetables and steps needed to make all King County parks and recreation facilities accessible to disabled persons. Such a plan shall be submitted to the County Executive and reviewed by the Office of Civil Rights and Compliance.

h. Grievance Procedure

- (1) A complaint may be filed with the Office of Civil Rights and Compliance by any King County employee, applicant for employment with King County, recipient of King County services, or potential recipient of King County services, who alleges unfair treatment by a King County department, King County facility, or King County-funded agency due to the presence of any sensory, mental, or physical handicap or the use of a trained dog guide by a blind, deaf, or physically disabled person.

- (2) The Office of Civil Rights and Compliance shall review each complaint to determine jurisdiction.
- (3) The Office of Civil Rights and Compliance shall send a notification letter to the appropriate department/agency and meet with the appropriate departmental/agency personnel to obtain information and attempt an early resolution.
  - (a) If an early resolution is successful, the case will be closed.
  - (b) If an early resolution is not successful, the Office of Civil Rights and Compliance shall conduct an investigation.
- (4) The Office of Civil Rights and Compliance shall conduct an investigation as follows:
  - (a) Interview complainant and complainant's witnesses.
  - (b) Interview the appropriate departmental/agency personnel and witnesses.
  - (c) Conduct a review of relevant documentation which may include affirmative action reports of the department/ agency.
  - (d) Conduct an on-site review, when appropriate.
- (5) The Office of Civil Rights and Compliance shall determine a finding, as follows:
  - (a) Prepare and issue a finding to the complainant and department/ agency.
  - (b) If the investigation reveals no violation, the case will be closed.



- (c) If the investigation reveals a violation with the department/ agency, conciliation and negotiations shall take place.
- (d) If the complaint is resolved through negotiations (conciliation agreement) with department/agency, the case will be closed.
- (e) If the complaint is not resolved through negotiations, the complaint shall be referred to the County Executive or his/her designee.
- (f) The County Executive or his/her designee shall review the Office of Civil Rights and Compliance finding and recommended remedy.
- (g) If the County Executive or his/her designee disagrees with the finding/remedy, the case shall be remanded to OCRC for further disposition.
- (h) If the County Executive or his/her designee agrees with the finding, the original remedy shall be enforced or the County Executive or his/her designee shall modify the remedy or issue a new recommendation.

C. Fair Employment

1. Introduction

In 1988, the Equal Opportunity Unit of the Office of Civil Rights and Compliance was formulated to provide focus for the implementation of the King County Fair Employment Ordinance 7430. The Ordinance became effective on May 16, 1986.

The Ordinance prohibits discrimination in employment on

the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. The ordinance applies to private employers employing eight or more persons in unincorporated King County, as well as to King County government.

2. Objective

The Office of Civil Rights and Compliance is primarily responsible for investigating all discrimination complaints filed against King County government and private employers employing eight or more persons in unincorporated King County.

3. Activities

With the adoption in 1986 of the King County County Fair Employment Ordinance, individuals employed by private sector businesses in unincorporated King County as well as County employees may file discrimination complaints with the King County Office of Civil Rights and Compliance. Ongoing activities conducted to achieve the objectives of the Fair Employment Ordinance include:

- a. Enhancement of regional fair employment coordination with counterpart civil rights enforcement agencies, including the City of Seattle Human Rights Department, Washington State Human Rights Commission, and the U.S. Equal Employment Opportunity Commission, in order to eliminate duplication of effort and promote consistent and effective enforcement.
- b. Promotion of the County's Fair Employment Ordinance through increased community education and advertisement, and technical assistance to County departments and private employers for the purpose of promoting proactive compliance.
- c. Response to inquiries from the public regarding possible employment discrimination.

- d. Receipt, investigation, and resolution of Fair Employment complaints in a timely and effective fashion.
- e. Establishment and maintenance of a system for complaint review and recordkeeping.
- f. Maintenance of a computerized reporting system to track case processing activities on a monthly basis.

A continuing goal of the Office of Civil Rights and Compliance is to broaden the knowledge and understanding of new ordinances and policies governing fair employment, sexual harrassment, and grievance procedures for the public, King County departments and employees. The Office of Civil Rights and Compliance will work with the County departments and private sector employers to assist them in formulating policies in these areas.

#### 4. Fair Employment Complaint Procedures

Copies of the Fair Employment Ordinance detailing definitions and complaint and hearing procedures, can be obtained from the Office of Civil Rights and Compliance.

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D. Fair Housing

1. Introduction

The King County Council passed the King County Fair Housing Ordinance 5280, on January 21, 1981. This ordinance prohibits discrimination in the sale, rental, or financing of housing accommodations in unincorporated King County.

Since the enactment of Ordinance 5280, there have been some significant revisions to clarify and expand its effectiveness. Effective January 1, 1987, Ordinance 5280 was amended as follows:

- a. The period for filing allegations of housing discrimination was increased from 60 to 180 days (6 months).
- b. Marital status was expanded to include couples not married but living together.
- c. Subpoena powers were added for investigative purposes.
- d. Retaliation for filing a housing discrimination complaint was prohibited.
- e. A new section on "severability" was added, which states:

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance.

2. Objective

The objective of the King County Fair Housing Ordinance is to prohibit discrimination in the sale, rental or financing of housing accommodations in unincorporated King County on the basis of race, color, national

origin, sex, sexual orientation, marital status, parental status, or disability.

The Office of Civil Rights and Compliance is charged with the administration and enforcement of King County Fair Housing Ordinance 5280 as amended by Ordinances 5732 and 7816.

Enforcement and implementation of this Ordinance include, but are not necessarily limited to, intake and investigation of complaints, negotiating prefinding and conciliation agreements, educating the public about fair housing, public speaking and outreach to other agencies and community organizations, providing information and referral, and representing the County in organizations and efforts related to fair housing.

### 3. Fair Housing Activities

- a. Conduct outreach activities with non- and limited-English speaking residents in unincorporated King County.
- b. Conduct joint efforts with private industry to help co-sponsor tester programs, provide attorney referral, community outreach efforts, etc.
- c. Enhance awareness of property owners that the Fair Housing section is a positive source of information.
- d. Sponsor seminars for the general public, property owners and other housing industry personnel. A major objective is to bridge the gap of cultural differences with non- and limited-English speaking persons in the housing area.
- e. Sponsor Fair Housing Month and the anniversary celebration of the passage of Title VIII of the Civil Rights Act of 1968.
- f. Disseminate information about the King County Fair Housing Laws through radio, TV, public service announcements, and community speaking engagements.

- g. Work toward supporting legislation to include tenant protection, specifically "just cause" requirement. One major provision of just cause requires landlords to give tenants written reason for eviction.
- h. Participate in the annual Fair and Affordable Housing Conferences.
- i. Participate in conferences, seminars, and workshops that enhance investigative skills, and obtain updated information on fair housing legislation, litigation, and testing.
- j. Work with community developers regarding housing accessibility for the disabled.

4. Fair Housing Complaint Procedures

Copies of the Fair Housing Ordinance detailing definitions and complaint and hearing procedures can be obtained from the Office of Civil Rights and Compliance.

E. Public Accommodation

1. Introduction

King County Ordinance 8625, relating to discrimination in places of public accommodation, became effective in September 1988.

Ordinance 8625 prohibits discrimination in places of public accommodation against any person on the basis of race, color, sex, marital status, parental status, sexual orientation, religion, ancestry, age, national origin, or the presence of any sensory, mental, or physical handicap, or the use of trained dog guide by a blind, deaf, or physically disabled person.

Places of public accommodation include any place, store or establishment, licensed or unlicensed, which supplies goods or services to the general public,

including, but not limited to hotels and other lodging establishments for transient guests, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale, food for consumption upon the premises; motion picture houses, theatres, concert halls, sport arenas, stadiums, or other places of exhibition or entertainment; bowling alleys and amusement parks; all retail establishments; all transportation carriers and the mobile home parks; barber shops; beauty shops; and bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and public burial facilities when such facilities are owned and operated by any cemetery corporation or burial association. Non-commercial facilities operated or maintained by bona fide religious institutions are exempt.

Specifically prohibited by the ordinance is discrimination by owners, custodial agents or employees of a place of public accommodation in denying, refusing, rejecting or granting any privilege, service, goods, merchandise, commodity or accommodation, by segregating or requiring the placing of any person in any separate section or area of the premises or facilities of such place of public accommodation, or by placing, posting, maintaining, or displaying any written or printed advertisement, notice, or sign to the effect that any of the accommodations, advantages, facilities, privileges, goods, or merchandise of any place of public accommodation, will or may be refused or withheld from or denied to any person. These prohibitions shall not be construed to prohibit treating handicapped persons more favorably than non-handicapped persons, to prohibit treating senior citizens more favorably than non-senior citizens, or to prohibit offering discounts, special prices, or other special arrangements to children or families, or imposing age limits up to 21.

## 2. Objective

The objective of the King County Public Accommodation Ordinance is to prohibit discrimination in places of

public accommodation in unincorporated King County. Enforcement and administration of the Public Accommodation Ordinance is the responsibility of the Office of Civil Rights and Compliance. The ordinance specifies procedures and provisions for the filing of complaints, investigation, conference and conciliation, hearings and appeals, and penalties for violation.

3. Public Accommodation Activities

- a. Conduct community outreach to inform the public and the business community about the provisions of the Public Accommodation Ordinance.
- b. Maintain liaison with municipal and State human rights agencies for coordination of public accommodation outreach, enforcement, investigation, conferencing, conciliation, and information exchange to enhance investigative skills and obtain updated information on public accommodation legislation, litigation, and testing.
- c. Provide technical assistance to businesses to assist them in observing the provisions of the Public Accommodation Ordinance.

4. Public Accommodation Complaint Procedures

Copies of the Public Accommodation Ordinance detailing definitions and complaint and hearing procedures can be obtained from the Office of Civil Rights and Compliance.

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F. Minority/Women's Business Program

1. Introduction

The Minority/Women's Business (M/WB) program was established in 1982 to implement King County Code, Chapter 4.18. This Chapter establishes the primary methods by which King County, and contractors doing business with the County, shall ensure full and equitable opportunities for minority business enterprises and women business enterprises.

Chapter 4.18 requires that King County contract awarding authorities meet utilization goals for minority and women business enterprises in five contract categories. The Chapter establishes the percentage preference and set-aside methods of contracting in order to encourage the use of bona fide minority business enterprises (MBEs) and women business enterprises (WBEs). It establishes monitoring, reporting and enforcement requirements. These ensure the use of minority and women business enterprises on King County contracts.

2. Objective

The primary objective of the Minority/Women's Business (M/WB) program is to ensure that King County provides full and equitable contracting opportunities for bona fide minority-owned and women-owned businesses desiring to do business with the County, and to enforce compliance with the minority and women business utilization requirements of Chapter 4.18 and pertinent state and federal minority/women business and disadvantaged business enterprise laws. These laws and ordinances apply to King County contract awarding authorities, non-minority/women contractors and minority/women business contractors doing business with King County.

The Office of Civil Rights and Compliance meets this objective by means of:

- a. Monitoring of King County contract awarding authorities and contractors doing business with the county in order to ensure that the percentage preference and set-aside provisions of King County Code, Chapter 4.18 are being appropriately applied such that the greatest possible participation by minority-owned and women-owned businesses can occur;
- b. Providing technical assistance and outreach to M/WBs and non-MWBs desiring to do business with the County in order to facilitate access to the County contracting process.

### 3. Monitoring Activities

King County is responsible for measuring the performance of the commercially useful function of M/WBs on King County projects. In addition, the County is responsible for providing the State with any evidence that a previously certified firm may not continue to qualify as a bona fide M/WB. These conditions require that King County maintain effective coordinating relationships with the State of Washington Office of Minority and Women's Business Enterprises, and continue to train staff in the basic requirements for certification.

The monitoring of commercially useful function will begin prior to contract award and continue through the life of the contract.

Identification and training of M/WB contact persons in each County division which experiences significant contracting activity will be required. These contact persons need to be trained in the implementation of the County's requirements, so that they will be better able to assist the Office of Civil Rights and Compliance in monitoring activities.

Because a number of departments have experienced difficulty in meeting the M/WB utilization goals in the consultant contract category, the Office of Civil Rights and Compliance will make consistent efforts, in cooperation with the departments, to identify bona fide

M/WB firms capable of performing in the required areas.

4. Technical Assistance and Outreach

King County will work to enhance relationships with constituent groups and M/WB professional organizations. It is primarily through these groups that the County is able to identify new M/WB firms and assist them in developing successful contracting experiences with the County.

The Office of Civil Rights and Compliance will provide, in conjunction with the Purchasing Agency, training sessions for prime contractors desiring to do business with the County.

The Office of Civil Rights and Compliance, in conjunction with the Purchasing Agency, will continue to educate minority and women businesses in the County contracting process, so that these firms may become more successful bidders.

Departments will provide contracting forecasts to the M/WB Unit so that the Office of Civil Rights and Compliance may provide more accurate information to the M/WB community regarding the potential to do business with the County.

The Office of Civil Rights and Compliance, in conjunction with the Purchasing Agency, will identify methods of increasing M/WB participation on Purchasing and Service contracts so that the Purchasing Agency will meet or exceed the established goals.

The Office of Civil Rights and Compliance, in conjunction with the Department of Stadium Administration, will assist in developing a plan to ensure that the goals established for the Kingdome Concessions contract will be achieved.

The Office of Civil Rights and Compliance will, in conjunction with all County departments, make efforts to ensure the full and equitable participation of women's businesses and all protected minority

businesses in County contracting activities.

5. M/WB Coordinators

Each department director shall designate staff from the department and any major division(s) to serve as M/WB Coordinator(s) in order to ensure the provision of full and equitable opportunities for minority-owned and women-owned business to provide goods and services to King County and contractors doing business with King County.

Departmental/divisional M/WB Coordinators shall:

- a. Serve as a liaison between the department/division and the Office of Civil Rights and Compliance in the area of affirmative action in M/WB contracting;
- b. Serve as a liaison between the department/division and M/WB enterprises providing goods and services to the department/division, and M/WB enterprises seeking to provide goods and services to the County;
- c. Provide information and technical assistance to department/division staff on M/WB contracting and awards;
- d. Identify contractual problems and propose solutions;
- e. Assist in the identification of new M/WB contractors;
- f. Provide technical assistance to M/WBs in the contracting process; and
- g. Participate in M/WB training provided by the Office of Civil Rights and Compliance to increase expertise at the departmental/divisional level in the area of M/WB requirements, procedures, and policies.

6. M/WB Enforcement

King County Code, Chapter 4.18, provides a hearing process and applicable sanctions for violations of the M/WB requirements.

G. Contract Compliance

1. Introduction

The Contract Compliance program was established in 1976 to implement King County Code, Chapter 12.16. This Chapter prohibits employment discrimination, and requires all King County contractors to take affirmative action steps in their recruitment and hiring of minorities, women, and persons with disabilities.

2. Objective

The objective of the Contract Compliance program is to enforce the nondiscrimination and affirmative action requirements of King County Code, Chapter 12.16, and other state and federal non-discrimination laws, and to improve and/or change the hiring and recruiting practices of County contractors so that minorities, females and persons with disabilities will be fairly represented in contractor work forces. The Office of Civil Rights and Compliance ensures that contractors doing business with the County implement nondiscriminatory employment practices and actively recruit and hire minorities, women and persons with disabilities.

The Office of Civil Rights and Compliance also monitors compliance with state and federal Davis-Bacon laws, requiring government construction contractors to pay prevailing wage rates to their employees.

3. Contract Compliance Activities

- a. Review required submittal of affirmative action reports by all contractors who wish to do business with the County. If approved, certify contractors for eligibility for contract awards.
- b. Review required submittal of affirmative action reports and, when applicable, certified payroll reports from contractors doing business with the County.
- c. Maintain computerized records of contractors doing business with the County.
- d. Provide technical assistance to and develop action plans for County contractors whose employment statistics report an underrepresentation of minorities, women, and persons with disabilities to increase their recruitment and hiring of protected group members.
- e. Conduct workshops for contractors whose work force statistics show underrepresentation of minorities, females and persons with disabilities.
- f. Initiate voluntary compliance agreements with contractors during the pre-award and post-award phases to ensure compliance with King County Code, Chapter 12.16.
- g. Require contractors to notify the Affirmative Action Program of any positions that become available with their respective companies.

4. Contract Compliance Review and Enforcement

a. Contract Compliance Reviews

Fair representation is measured by comparing the number of minorities, females and workers with disabilities in a contractor's work force to established County employment goals. If a contractor falls below the County employment goals, the Office of Civil Rights and Compliance

may conduct a contract compliance review of the contractor to ensure that affirmative action efforts are being undertaken.

b. Violations

King County Code, Chapter 12.16, provides a hearing process and appropriate sanctions when a violation is found.

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**IV. AFFIRMATIVE ACTION AVAILABILITY RATES**

**A. Introduction**

In order to establish defensible, achievable, affirmative action employment goals, King County has traditionally conducted an annual availability analysis of EEO job categories (by ethnic group and gender) County-wide. A detailed discussion of the current availability analysis is contained in Technical Paper #1, attached.

**B. Proposed Availability Rates**

Following are the recommended adjustments in King County employment goals overall, based on availability rates for minorities, women, and persons with disabilities for 1989-90.

<u>1987 Employment Goals</u>		<u>1989-1990 Proposed Adjusted Goals</u>
Minorities	15.7%	20.5%
Women	42.8%	48.3%
Persons with Disabilities	7.2%	6.5%

The formulas used to compute the adjusted employment goals are as follows:

$$\begin{array}{rcccl} \text{Employees in Job} & & \text{Availability} & & \text{Overall} \\ \text{Category Divided} & \text{X} & \text{Statistic} & = & \text{Availability} \\ \text{By Total Employees} & & (\%) & & (\%) \end{array}$$

Minorities  
by EEO Job Category

Administrative	.0146	X	11.9	=	0.17
Professional	.2796	X	18.6	=	5.20
Technician	.1079	X	16.4	=	1.77
Paraprofessional	.0370	X	22.6	=	0.84
Protective Service	.1919	X	21.7	=	4.16
Office/Clerical	.2113	X	23.4	=	4.94
Skilled Craft	.0520	X	19.6	=	1.02
Service Maint.	.1057	X	22.2	=	2.35
Total (Overall availability)					20.5%



Women by EEO  
Job Category

Administrative	.0146	X	37.2	=	0.54
Professional	.2796	X	48.3	=	13.50
Technician	.1079	X	42.6	=	4.60
Paraprofessional	.0370	X	69.9	=	2.59
Protective Service	.1919	X	33.0	=	6.33
Office/Clerical	.2113	X	68.1	=	14.39
Skilled Craft	.0520	X	29.5	=	1.53
Service Maint.	.1057	X	46.0	=	4.86
Total (Overall availability)					<u>48.3%</u>

Persons with Disabilities  
by EEO Job Category

Administrative	.0146	X	5.9	=	0.09
Professional	.2796	X	5.6	=	1.57
Technician	.1079	X	6.1	=	0.66
Paraprofessional	.0370	X	7.4	=	0.27
Protective Service	.1919	X	6.3	=	1.21
Office/Clerical	.2113	X	6.4	=	1.35
Skilled Craft	.0520	X	7.2	=	0.37
Service Maint.	.1057	X	9.0	=	0.95
Total (Overall availability)					<u>6.5%</u>

A comparison of current and adjusted employment goals by EEO job category follows.

### 1987 Employment Goals by EEO Job Category

EEO CATEGORY	TOTAL HANDCP	TOTAL FEMALE	TOTAL MINORITY	WHITE FEMALE	MINORITY		BLACK		HISPANIC		ASIAN		N. AMER.	
					M	F	M	F	M	F	M	F	M	F
ADMINISTRATIVE	5.6	33.2	10.3	29.1	6.2	4.1	2.2	1.6	1.1	.7	2.4	1.4	.5	.4
PROFESSIONAL	4.7	43.8	13.7	37.3	7.2	6.5	2.7	2.7	.8	.7	3.3	2.7	.4	.4
TECHNICIAN	4.6	38.1	15.3	30.9	8.1	7.2	2.8	2.6	1.2	1.0	3.5	3.0	.6	.6
PARAPROFESSIONAL	5.6	65.7	20.1	52.4	6.8	13.3	3.3	6.8	.9	1.6	2.2	3.9	.5	1.0
PROTECTIVE SER.	13.7	27.1	14.5	22.7	10.1	4.4	5.1	2.0	1.3	.8	2.7	1.3	1.0	.3
OFFICE/CLERICAL	5.9	65.0	18.1	53.0	6.1	12.0	2.3	4.7	1.0	1.2	2.4	5.2	.4	.9
SKILLED CRAFT	8.5	22.1	13.7	18.0	9.5	4.2	4.0	1.8	1.7	.7	2.9	1.4	.9	.3
SERVICE MAINT.	7.9	33.6	18.9	26.9	12.2	6.7	5.6	2.7	1.5	1.0	3.8	2.4	1.3	.6

### 1989-1990 Proposed Adjusted Goals

EEO CATEGORY	TOTAL HANDCP	TOTAL FEMALE	TOTAL MIN'TY	WHITE FEMALE	MINORITY		BLACK		HISPANIC		ASIAN		N. AMER.	
					M	F	M	F	M	F	M	F	M	F
ADMINISTRATIVE	5.9	42.1	11.9	32.3	7.0	4.9	2.3	1.7	1.3	.9	2.8	1.9	.6	.4
PROFESSIONAL	5.6	48.3	18.6	39.0	9.3	9.3	3.1	2.7	1.4	1.3	4.3	4.4	.5	.9
TECHNICIAN	6.1	42.6	16.4	35.2	9.0	7.4	2.8	2.6	1.6	1.3	3.6	2.9	1.0	.6
PARAPROFESS'L	7.4	69.9	22.6	55.0	7.7	14.9	3.3	6.8	1.2	2.0	2.7	4.9	.5	1.2
PROTECTIVE SER.	6.3	33.0	21.7	25.0	13.7	8.0	7.6	4.4	2.0	1.1	3.1	2.1	1.0	.4
OFFICE/CLERICAL	6.4	68.1	23.4	54.0	9.3	14.1	2.4	4.8	1.6	2.3	4.4	6.3	.9	.7
SKILLED CRAFT	7.2	29.5	19.6	22.3	12.4	7.2	4.1	3.0	4.1	1.0	3.3	2.1	.9	1.1
SERVICE MAINT.	9.0	46.0	22.2	36.5	12.7	9.5	5.8	3.1	2.0	2.9	4.1	2.7	.8	.8

## C. Adjustments To Current Availability

### Minorities

The overall availability goals for minorities increased from 15.7% to 20.5%. This can be attributed to an increase in minority population and King County work force participation rates over the past eight years. Data extrapolated from the 1980 Population of Census Seattle-Everett Standard Metropolitan Statistical Area (SMSA) compared to data from the 1987 Washington State Employment Security Department (WSED) for SMSA reveal increases as follows:

Asians increased from 58,712 to 79,301 (35%)  
Blacks increased from 55,950 to 63,940 (14%)  
Hispanics increased from 26,631 to 37,847 (42%)  
Native Americans increased from 12,437 to 13,218 (6%).

### Women

The overall availability goals for females increased from 42.8% to 48.3%. This can be attributed to an increase in the number of females in the labor force and King County work force participation rates over the past eight years. Data extrapolated from the 1980 Population of Census SMSA compared to data from the 1987 WSED for SMSA reveal that females increased from 643,484 to 700,442, representing an increase of 8.9%.

### Persons with Disabilities

The overall availability goal for persons with disabilities decreased from 7.2% to 6.5%. This can be attributed to several factors. The 1980 census data distributed by the Governor's Committee on Disability Issues and Employment shows a decrease in the number and percent of adults with disabilities who participate in the Washington State labor force. There has been an increase in the number of persons under 35 years of age in the labor force. Since the number of persons with disabilities increases dramatically with age, this results in a real decrease in the proportion of persons with disabilities in the labor force. In addition, individuals who are working are less likely to identify themselves as disabled than those who have a disability characteristic and are not working.

#### D. Establishment Of Goals And Timetables

There are three types of goals and timetables to be established for each job category in which underutilization exists:

- ° Ultimate percentage goal
- ° Annual percentage goal
- ° Annual numerical goal
- ° Timetables

Each goal is established by taking into account the projected annual King County work force expansion and turnover, as well as the results which can reasonably be expected from putting forth a good faith effort to achieve affirmative action goals.

- ° Ultimate Percentage Goal

The ultimate percentage goal is the percentage of employment of minorities, women, and persons with disabilities equal to their "availability" for each job category. The ultimate percentage goal is the same as availability as computed on the Availability Factor Computation Form. Each of the eight job categories and ultimate percentage goal is shown in Technical Paper #1, Attachment 8.

The ultimate goal must always be a percentage goal rather than a numerical goal, as it is impossible to predict fluctuations in the size of a job category, or to set accurate ultimate numerical goals. The objective is to employ minorities, women, and persons with disabilities in proportion to their availability.

- ° Annual Percentage Goal

The annual percentage goal is equal to the ultimate goal and to availability. The OFCCP's Revised Order No. 4 requires all ultimate percentage goals to be met within five years. However, although County availability has been computed annually in the past, it will be computed biannually in the future. This goal, therefore, will be adjusted biannually.

° Annual Numerical Goal

The annual percentage goal is converted into a numerical goal based on a projection of the number of employment opportunities during the next year (projected expansion or contraction and turnover). This becomes the annual goal. This goal will be used in a discretionary fashion for purposes of correcting specific underutilization where the number of employment opportunities is a known quantity.

° Timetables

OFCCP guidelines set the ceiling for affirmative action goal achievement at five years. With this in mind, the current projection for King County is three to five years, depending on the County department and the particular EEO job category. These timetables are to be specifically established in each department's affirmative action plan.

E. Recommendations

A number of conditions need to occur in order that the County might best achieve its affirmative action goals. A detailed series of recommendations regarding these conditions is included in Technical Paper #1, pages 53-56, attached.

ADAV4/M/MASPL8

## V. MINORITY/WOMEN'S BUSINESS ENTERPRISE UTILIZATION GOALS

### A. Background

In 1981, King County Ordinance 5700 was enacted, requiring that County departments and contractors doing business with the County use "affirmative efforts" to contract with minority and women-owned businesses. In 1982, King County Ordinance 5983 (now incorporated in King County Code, Chapter 4.18) was enacted. This ordinance established minority/women's business (M/WB) utilization goals in five contract categories. It also established the factors to be considered in the establishment of those goals.

### B. Goal Setting Methodology

King County Code, 4.18.030A.1. states that the utilization goals shall be reasonably achievable. To the extent that relevant information is available, the following factors shall be used in establishing the utilization goals:

1. Statistical indicators showing the denial of equitable competitive opportunities to minority/women's businesses;
2. The level of participation of minority/women's businesses in past contracts awarded by the County;
3. Other information received from departments as required by this chapter, specifically to include the annual report, contract forecasts and implementation plans;
4. The level of minority/women's business participation in contracts awarded in King County;
5. The level of participation recommended to promote the use of minority/women's businesses by governmental agencies and private agencies operating in King County;
6. The population of minorities and women in King County;
7. The number of minority/women's businesses in King County as identified by the Director, Department of Executive Administration;

8. The number of minority/women's businesses by goal category certified by local King County governments.

C. Proposed M/WB Goals

In 1985, the following goals were approved by the King County Council:

<u>Contract Category</u>	<u>MBE goal</u>	<u>WBE goal</u>
Architecture and Engineering	15%	7%
Concession	10%	5%
Construction	18%	10%
Consultant	15%	12%
Purchase/Service	10%	3%

These goals were established by King County Ordinance 7312 (attached) and became effective in August of 1985. These same goals remained in effect through 1987, at the recommendation of the Office of Civil Rights and Compliance and the concurrence with this recommendation by the King County Council.

In 1987, King County Code, Chapter 4.18 was amended by King County Ordinance 8313 which created a new approach to the measurement of M/WB utilization by King County and contractors doing business with the County. This ordinance requires that M/WB utilization be measured twice, at time of bid and at term of contract. This means that the M/WB goals are applied to the total dollar value of the contract, as well as to the bid dollar amount.

D. Recommendations

Compliance staff recommends that the current goals remain in place until such time no later than December 31, 1989, that the compliance staff shall evaluate the codified goal-setting methodology in light of the January 23, 1989 U.S. Supreme Court decision in the matter of City of Richmond v. J.A. Croson Company.

## VI. CONTRACT COMPLIANCE UTILIZATION GOALS

### A. Background

King County has a long-standing policy of requiring County contractors to practice non-discrimination and affirmative action employment. This policy has become a legislative mandate incorporated in King County Code, Chapter 12.16. In order to ensure affirmative action on the part of County contractors, the Office of Civil Rights and Compliance has been charged with the responsibility of establishing minority, women, and persons with disabilities employment goals for construction contractors and vendor/suppliers. The method for establishing the goals is a multi-factor analysis (see Technical Paper #2, attached).

### B. Proposed Goals

The proposed goals are the result of a multi-factor analysis using the best available data:

#### Construction

Minorities	13.48%
Women	15.41%
Persons with Disabilities	7.08%

#### Vendor/Supplier

Minorities	14.16%
Women	48.9%
Persons with Disabilities	6.6%

### C. Justification

A detailed discussion of the factors used, the established weights and mitigating societal factors considered appear in Technical Paper #2, attached.

ADAV4/M/MASPL6



## VII. MONITORING AND REPORTING

The Office of Civil Rights and Compliance is responsible for monitoring of and reporting on the activities of all County departments related to affirmative action, equal employment opportunity, contract compliance and minority and women owned business enterprises.

For this purpose, the Office of Civil Rights and Compliance shall monitor departments on an ongoing basis and shall provide semi-annual progress reports to the Executive and the County Council. Commencing in 1989, semi-annual reports for the first half of each year shall be provided on the first day of September and reports for the second half of each year shall be provided on the first day of March of the following year.

Semi-annual reports shall update data and indicate progress in the areas noted above.

In addition to semi-annual reports, the Office of Civil Rights and Compliance shall provide a biannual comprehensive report providing data, analysis and, as needed, recommendations for corrective action. The first comprehensive report will be submitted on November 30, 1990, and will report on activities occurring from January 1, 1988. It will cover performance in all major equal opportunity and affirmative action program areas. The report shall be organized in the following manner:

### I. Overview

- A. Transmittal Letter
- B. Executive Summary
- C. Council Amendments
- D. Overall Goals and Objectives
  - 1. Affirmative Action / Equal Employment Opportunity
  - 2. Minority/Women's Business Enterprises
  - 3. Contract Compliance
- E. Complaint Procedures

II. Comprehensive Report (Covering all AA/EEO Program Activities)

- A. Prior Year Performance Statistics
- B. Problem Identification
- C. Problem Analysis
- D. Corrective Action
- E. Summary Statement

Further, the Office of Civil Rights and Compliance will prepare special studies covering the following topic areas to be included in the first comprehensive report. The studies will identify trends and problem areas and contain specific correction plans to alleviate identified problems that hinder the County's attempts to maintain equal opportunity or accomplishment of affirmative action goals.

The studies will include:

1. An analysis of the employment of women throughout the King County workforce including a salary study comparing female and male rates;
2. An analysis of the retention and termination trends of County employees, focusing particularly on minority groups, identifying problem areas and recommending appropriate correction plans;
3. An analysis of the employment of persons with disabilities by vendors, contractors, and King County to identify any problem areas and recommend corrective action, if need is found, to increase the representation of persons with disabilities in their respective work forces.

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VIII. ENABLING LEGISLATION - KING COUNTY ORDINANCES

A. Ordinance 5282 - Affirmative Action Program

An ordinance establishing an Affirmative Action Office within the Department of Executive Administration under the direct supervision of the County Administrative Officer, with primary jurisdiction over matters concerning discrimination and responsibility for coordination and implementation of all King County affirmative action programs including, but not limited to the Equal Employment Opportunity Program, Contract Compliance Program, Handicapped Program and the Minority/Women Business Program. Effective January 1981.

B. Ordinance 8679 - Affirmative Action Program Name Change

An ordinance changing the name of the Affirmative Action Program, within the Department of Executive Administration, to the Civil Rights and Compliance Program; amending Ordinance 1438, Section 3, as amended, and K.C.C. 2.16.090. Effective October 1988.

C. Ordinance 2647 - Affirmative Action Advisory Committee

An ordinance creating an Affirmative Action Committee, and detailing its composition and functions; amending Ordinance 422, Section 4 and K.C.C. 3.12.030; amending Ordinance 422, Section 6, and K.C.C. 3.12.050; and proposing a new chapter to Title 3, K.C.C. Effective March 1976.

D. Ordinance 6891 - Affirmative Action Advisory Committee

An ordinance increasing the membership of the Affirmative Action Committee, clarifying its purpose and functions, and establishing minimum meeting requirements; amending Ordinance 2647, Sections 4, 5, and 8, and K.C.C. 3.10.020, 3.10.030, and 3.10.060 and adding a new section to K.C.C. 3.10. Effective August 1984.

E. Ordinance 7430 - Fair Employment

An ordinance relating to employment practices within King County; specifying unfair employment practices and prohibiting the same; providing for enforcement and administration; providing for investigation of complaints, and specifying penalties for violations. Effective May 1986.

F. Ordinance 5700 - Minority/Women's Business Enterprises

An ordinance relating to the procurement of goods and services by King County from minority and women's business enterprises, establishing requirements for ensuring full and equitable opportunities for such businesses to provide goods and services to King County, declaring an emergency based on the recognition that minority business enterprises and women's business enterprises had been denied equitable competitive opportunities, and mandating that vigorous and affirmative steps be taken by all levels of King County government to assure equal opportunity in the letting of King County contracts. Effective October 1981.

G. Ordinance 5983 - Minority/Women's Business Enterprises

An ordinance relating to the procurement of goods and services by King County from minority and women's business enterprises; establishing requirements for ensuring full and equitable opportunities for such business to provide goods and services to King County; and repealing Ordinance 5700. Effective June 1982.

H. Ordinance 7789 - Minority/Women's Business Enterprises

An ordinance relating to the procurement of goods and services by King County from minority and women's business enterprises; establishing requirements for ensuring full and equitable opportunities for such businesses to provide goods and services to King County; and amending Ordinance 5983, Sections 1, 3, 4, 5, 6, 8, 9, 10, and 11, and K.C.C. 4.18.050, K.C.C. 4.18.060, K.C.C. 4.18.080, K.C.C. 4.18.090, K.C.C. 4.18.100 and K.C.C. 4.18.110. Effective October 1986.

I. Ordinance 8121 - Minority/Women's Business Enterprises

An ordinance relating to the King County minority and women's business enterprise requirements, adding the definition of "corporate sponsored dealership", and the standards for determining that such a dealership is a bona fide minority/women's business, and amending Ordinance 5983, Section 1, as amended, and K.C.C. 4.18.010. Effective July 1987.

J. Ordinance 8313 - Minority/Women's Business Enterprises

An ordinance relating to the procurement of goods and services by King County from minority business enterprises and women's business enterprises, providing for the continuation of requirements for ensuring full and equitable opportunities for such businesses to provide goods and services to King County; amending Ordinance 5700, Sections 1, 5, and 7, as amended; Ordinance 5983, Sections 6, 10 and 11, as amended; and K.C.C. 4.18.010, K.C.C. 4.18.050, K.C.C. 4.18.060, K.C.C. 4.18.080, K.C.C. 4.18.100 and K.C.C. 4.18.110; and adding new sections. The ordinance recognizes the need to continue special assistance and preferences to businesses owned by minorities and women, and provides amendments to King County's ordinances necessitated by the enactment of Chapter 328, Laws of 1987, amending Chapter 39.19 RCW, whereby the certification of minority and women's businesses was taken over by the Office of Minority and Women's Businesses of the State of Washington. Effective December 1987.

K. Ordinance 0198 - Contract Compliance

An ordinance relating to discrimination in employment by County contractors, subcontractors or vendors, establishing policies and penalties for non-compliance. Effective November 1969.

L. Ordinance 4528 - Contract Compliance

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 non-compliance; and repealing Ordinance 0198, Sections 1 through 13, and K.C.C. 12.16.010 through K.C.C. 12.16.160. Effective November 1979.

M. Ordinance 7788 - Contract Compliance

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 non-compliance; and amending Ordinance 4528, Sections 1, 2, 3, 4, 5, 6, 7, 8, 12, and 13, and K.C.C. 12.16.010 through 12.16.080, K.C.C. 12.16.120 and K.C.C. 12.16.130. Effective October 1986.

N. Ordinance 8537 - Contract Compliance

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 and 2 as amended, and K.C.C. 12.16.010 and K.C.C. 12.16.020. The ordinance adds the prohibition of discrimination on the basis of sexual orientation.

O. Ordinance 5280 - as amended by Ordinance 5732 - Fair Housing

An ordinance relating to unfair housing practices; defining and prohibiting such practices; providing for the investigation of complaints, conference and conciliation efforts, hearings and remedial orders; providing for enforcement and administration; establishing penalties; repealing Resolution 27544m Sections 1 through 6, and K.C.C. 12.10.010 through 12.20.060. Effective January 1981.

P. Ordinance 7816 - Fair Housing

An ordinance related to unfair housing practices; changing the filing period; clarifying and expanding investigative procedures; adding retaliation as a prohibited practice; and amending Ordinance 5280, Sections 2, 4, and 5, and F.C.C. 12.20.020, 12.20.070 and 12.20.080. Effective November 1986.

Q. Ordinance 8625 - Public Accommodation

An ordinance relating to discrimination in places of public accommodation within King County; prohibiting the same; providing for enforcement and administration; providing for investigation of complaints, and specifying penalties for violation. Effective September 1988.

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## IX. GLOSSARY OF TERMS

### Affirmative Action

Policies, procedures and programs designed to increase the representation of and remedy the results of past discrimination against minorities, women and persons with disabilities in employment, applications for employment, and employment-related training programs.

### Affirmative Action Plan

The written, formal King County policy stating the goals, programs and activities of County government to be performed in the areas of affirmative action/equal employment opportunity, 504 accessibility, fair employment, contract compliance, minority/women's business contracting, fair housing and public accommodation.

### Availability Analysis

Process to determine the representation of minorities, women, and persons with disabilities in the King County workforce and the level at which they might be expected to participate in each of the occupational categories if employment decisions were made without regard to race, sex or disability.

### Commercially Useful Function

The performance of real and actual services in the discharge of any contractual endeavor. The contractor must perform a distinct element of work which the business has the skill and expertise as well as the responsibility of actually performing, managing and supervising. In determining whether a business is performing a commercially useful function, factors, including but not limited to the following, will be considered:

1. Whether the business has the skill and expertise to perform work for which it is being/has been certified;
2. Whether the business actually performs, manages and



supervises the work for which it is being/has been certified; and

3. Whether the business purchases goods and/or services from a non-minority/women's business enterprise and simply resells goods to the County, County contractor, or other person doing business with the County for the purpose of allowing those goods to be counted towards fulfillment of minority/women's business enterprise utilization goals.

### Complainant

The person making a complaint alleging an unfair discriminatory practice in employment, accessibility and/or accommodation for disability, contracting, housing or public accommodation.

### Contract Awarding Authority

Person with the power to enter into a contractual arrangement binding King County; also the particular office, agency or division on whose behalf the contract is entered. In addition, this term includes, but is not limited to, heads of County departments, divisions or offices.

### Contractor

Any person, firm, business, organization, company, partnership or corporation contracting to do business with King County or serving in a subcontracting capacity with an entity having a contract with King County; including, but not limited to, construction contractors, consultant contractors, providers of professional services, service agencies, vendors, and suppliers selling or furnishing materials, equipment, goods or services; but not including governmental agencies.

### Discrimination; Discriminate; Discriminatory Act

Any action or failure to act whether by itself or a part of a practice, the effect of which is to adversely affect or differentiate between, or among, individuals or groups of

individuals, by reasons such as race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless (in employment-related situations) based upon a bona fide occupational qualification.

DOL-BLS

Department of Labor - Bureau of Labor Statistics. Reference for statistical information.

EEOC

Equal Employment Opportunity Commission.

EEOCCM

The Equal Employment Opportunity Commission Compliance Manual. This is the instruction manual which defines the policies and procedures of the U.S. Equal Employment Opportunity Commission.

Employment

Any and all terms and conditions and policies and practices of employment including, but not limited to, hiring, firing, upgrading, demotion, recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions of work.

Equal Employment Opportunity

In employment situations, the consideration of individuals without regard to race/ethnicity, color, age, sex, sexual orientation, marital status, religion, ancestry, national origin or the presence of any sensory, mental or physical disability.

### Extrapolation

Prediction of values for an unobserved period through trends established by values already observed.

### Hiring Rate

The measurable rate at which an organization hires by group by EEO job category. The EEOCM refers to this as a "placement rate".

### Job Group Analysis

An analysis to determine the representation of women, minorities and persons with disabilities within EEO job categories based on grouping jobs into families based on similar job content, salary rates, promotional opportunities, etc.

### King County Workforce

All persons employed by King County government. Compare Workforce - King County.

### Labor Force

Employed and unemployed persons between the ages of 16 and 65. Compare Workforce.

### Labor Market Area

The area from which an employer, including King County recruits its workforce.

### Legitimately Owned and Controlled

For the purposes of determining whether a business is a "minority business" and/or a "women's business", that women, minorities or a combination thereof shall possess:

1. Ownership of at least fifty-one percent interest in the business. The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority and/or women owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance, rather than the form, of arrangements.
2. Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority/women-owned status is based. The minority/women owners must possess and exercise the legal power to direct the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy and operations. If the owners of the business who are not minorities and/or women are disproportionately responsible for the operation of the business, then the business is not controlled by minorities and/or women. The business must be owned, controlled, and managed on a day-to-day, full-time basis by the minority and/or women owner(s).
3. Ownership and control shall be measured as though not subject to the community property interest of a spouse if both spouses certify that:
  - a. Only one spouse participates in the management of the business;
  - b. The nonparticipating spouse relinquishes control over his/her community property interest in the subject business.

### Long-Range Goal

An organization's projected two-year plan for reaching a representation of women, minorities, and persons with disabilities equal to the percentage of women, minorities and persons with disabilities available for work in each job group in the applicable labor market.

### Minority Business

An independent incorporated or unincorporated established and ongoing business concern, other than a joint venture organized to engage in commercial transactions, which is legitimately owned and controlled by a minority person or persons. The ownership interests shall be real and continuing and shall exercise control over management interest in capital acquired by the business, and interest in earnings shall be commensurate with the percentage of ownership upon which the claim of Minority Business status is based.

### Participation Rate

The percentage of total positions in an EEO job category occupied by women, minorities and persons with disabilities.

### Percentage Factors

The special ranking factors to be applied in certain competitive bid situations in which minority/women's businesses respond to solicitations or are included as subcontractors in responding parties' responses to solicitations.

### Qualified Disabled Person

A person with disabilities who, with reasonable accommodation, can perform the essential functions of the job in question.

### Race/Ethnic Group

The following race/ethnic groups were used for the purpose of the availability analysis in this Master Plan: Native American, Black, Asian, Hispanic, and Caucasian.

### Reasonable Accommodation (Employment)

Steps taken to modify facilities/equipment used by employees or to modify a particular job component which enables an otherwise qualified person with disabilities to perform the essential functions of the job.

### Respondent

Any person/entity who/which has been alleged or found to have committed an unfair discriminatory practice in employment, accessibility and/or accommodation for disability, contracting, housing or public accommodation.

### Set Aside

That proportion of each contract awarding authority's annual expenditure for contract goods and services which equals the contract awarding authority's annual goals for participation of minority/women's businesses.

### Sexual Orientation

Male or female heterosexuality, bisexuality or homosexuality, including a person's attitudes, preferences, beliefs and practices pertaining to sex.

### Short-Term Goal

An organization's one-year plan which is an incremental step toward reaching parity within two years for women, minorities and persons with disabilities by job group in the available labor market.

### Short-Term Targets

The projected net increase in women, minorities and persons with disabilities in a particular job group for the next 12 months.

### Trending Method

A methodology for projecting a value which reflects historical change.

### Underrepresentation

The presence in a work force of minorities, women, and persons with disabilities in proportionate numbers lower than the established affirmative action goals.

### Unemployed

Persons who have actively looked for work, are currently available for work and do not have a job at the same time.

### Utilization Goals (Minority/Women's Business)

Those separately designated annual goals for the use by King County of minority/women's businesses. The goals are expressed as a numerical percentage of the total dollar value of all contracts to be awarded by the county. These goals are applicable to businesses organized for profit, along with governmental agencies and quasi-governmental agencies, unless the agencies are specifically excepted by or in accordance with established provisions.

### Utilization Requirements

Those efforts which responding parties, King County and a particular department make to meet the County's utilization goals, including but not limited to established percentage factors and set aside requirements.

### Waiver Statement (Minority/Women's Business)

A written statement directed to the Director, Department of Executive Administration, containing reasons why any provision or provisions should not apply to a particular person, partnership, corporation, business entity, contract awarding authority, department, or other entity. Where a

waiver or waivers are granted, the utilization goals shall be applied in a manner so as to reflect the loss of the monetary value of those contracts exempted from utilization requirements.

#### Women's Business

An independent incorporated or unincorporated established and ongoing small business concern, other than a joint venture organized to engage in commercial transactions, which is legitimately owned and controlled by a woman or women who is (are) residents of the United States or its territories. The ownership interests shall be real and continuing, and control over management, interest in capital acquired by the business, and interest in earnings shall be commensurate with the percentage of ownership upon which the claim of Women's Business status is based.

#### Workforce

All employed persons between the ages of 16 and 65. Compare Labor Force.

#### Workforce - King County

All persons between the ages of 16 and 65 who are employed within the boundaries of King County excluding the City of Seattle. Compare King County Workforce.

#### Workforce - Seattle

All persons between the ages of 16 and 65 who are employed within the boundaries of the City of Seattle.

#### WSESD

Washington State Employment Security Department.



TECHNICAL PAPER #1

AFFIRMATIVE ACTION AVAILABILITY RATES

Table of Contents

	<u>Page</u>
A. Introduction	3
1. Role of an 8-Factor Analysis in Affirmative Action Plans	
2. Completion of Raw Statistics	
3. Variations on the 8-Factor Analysis Requested by the County	
B. Availability Factors	12
1. Eight Availability Factors for Minority Groups	
2. Eight Availability Factors for Women	
3. Obtaining Availability Data for Minorities and Women	
C. Determining Final Availability for Minorities and Women	20
D. Identification of Underutilization of Minorities and Women	21
E. Evaluation of Underutilization of Minorities and Women	22
1. Minorities	
2. Women	
F. Goals	24

G.	Adjustments to Data	25
	1. Age Adjustment	
	2. Recruitment Area Adjustment	
	3. Unemployment Rate Adjustment	
	4. Participation Rate Adjustment	
	5. County Work Force Utilization Rates	
H.	8-Factor Availability Analysis for Persons With Disabilities	27
	1. Obtaining Availability Data	
	2. Determining Final Availability	
	3. Identification of Underutilization	
	4. Evaluation of Underutilization	
	5. Goals	
I.	Job Group Analysis	33
J.	Job Groups	34
K.	Identification of Relevant Labor Market	36
L.	Assignment of Weights	37
	1. Factors	
	2. Steps in the Assignment of Weights	
	3. Assignment of Weights to Factors for the Various Job Categories	
M.	Availability Rates	51
N.	General Recommendations	53
O.	Bibliography	57
P.	Footnotes	60

## A. Introduction

In January 1984, the prominent workforce consultant firm of Biddle and Associates began a 3-month project with King County to update its Affirmative Action Plan by developing a compliance-oriented 8-factor availability analysis for the Department of Executive Administration, Office of Civil Rights and Compliance. From the availability analysis, final availability figures were to be derived, along with a system of documentation to justify those figures for each job group used by King County.

Biddle & Associates, specialists in availability analyses for affirmative action purposes, designed the project so that its consultant would work closely with three staff members from the Office of Civil Rights and Compliance. The objectives of the project were met through a series of on-site workshops conducted by the consultant and attended by the three staff members. Through this team approach to the project tasks, the Affirmative Action staff was able to participate fully in the project, thereby receiving hands-on experience in modifying and updating the Affirmative Action Plan, in providing valuable input to the consultant, in learning various federal requirements and relevant case law, thus ensuring that the staff would be able to fully implement, maintain, and update the Affirmative Action Plan.

### 1. Role of an 8-Factor Analysis in Affirmative Action Plans

An 8-factor availability analysis is a statistically-based component of any sophisticated Affirmative Action Plan. It is a component that is required by the Office of Federal Contract Compliance Programs (Department of Labor) of employers who have contracts to provide the Federal government with products or services.

In developing an 8-factor availability analysis, the employer begins by creating job groups. A job group consists of two or more job classifications that are similar in content. For each job group, the employer collects statistical data by sex and by race/ethnic group for up to eight different availability factors. Population data is an example of one of the eight

factors. Once data for the eight factors has been collected, the employer consolidates the eight factors into one final set of availability percentages for each job group. The final availability for each job group represents the percentage of men and women in each race/ethnic group who are available and qualified to work for the employer in that job group.

The employer next compares the percent available to the percent working for the employer in the job group. If, for any sex or race/ethnic group, the percent available is greater than the percent working for the employer, the employer is said to be underutilizing that group of people. When this occurs, the employer establishes a goal to increase representation of that specific group in the relevant job group and establishes a timetable for doing so.

## 2. Completion of "Raw Statistics"

To determine the availability, the County must consider all Eight factors for women and minorities for each Job Group. Therefore, "raw statistics" must be computed for each factor for women and separately for each minority group constituting 2% or more of the local population for each Job Group.<sup>1</sup>

At the outset, one must understand that the process of obtaining "raw statistics" allows substantial room for subjective analysis. However, following the appropriate procedures, subjectivity can certainly be minimized.

The Eight Factors can be divided into four general categories:

The general external population and workforce categories, Factors 1, 2, and 3.

External requisite skills categories, Factors 4 and 5.

Internal workforce categories, Factors 6 and 8.

The external Training Institutions category,

Factor 7.

A detailed discussion concerning each of the above categories is presented below, followed by several examples.

a. Raw Statistics Step 1: Supporting Worksheets

In order to minimize the subjectivity in developing "raw statistics" for the Eight Factors for each Job Group, certain detailed data must be developed by the Contractor. To facilitate the compilation of the additional data, a chart similar to that attached as Exhibit 8 is developed for each job title within each Job Group, listing the residences of employees in each job title, and the external or internal sources of those employees.

Ultimately, this chart serves several purposes. First, it aids in determining and defending raw statistics for the internal promotion categories, Factors 6 and 8. Second, by determining the residence of incumbent employees within each Job Group, it demonstrates the relevant labor areas and recruitment areas to be considered for all external factors. Third, it aids in determining and defending value weights by indicating the proportion of employees who were promoted from within and of those who were hired into their present jobs from the outside. And fourth, it can be used to identify those hired from training institutions as well as the experience/skill level of new hires.

b. Raw Statistics Step 2: General Population and Workforce Data

The second step in completing the "raw statistics" portion of the Eight Factor form is to complete those portions that will remain the same for every Job Group within the facility, i.e., the general external population and workforce categories. Although the importance of the general, external

population and workforce factors may vary dramatically from Job Group to Job Group, the raw statistics will obviously remain the same for every Job Group, i.e., the minority population in the labor area surrounding the facility will be the same when the County is considering an Engineer Job Group as when it is considering a Service Worker Job Group, although the importance of the minority population factor may be quite different for the two Job Groups.

Thus, once minority population (Factor 1A), minority unemployment (Factor 2), and minorities in the civilian labor force (Factor 3) have been determined, blocks 1A, 2 and 3 should be filled in for minorities on the Availability Factor Computation Form for each Job Group.

Likewise, data for the first three female Factors, females seeking employment (Factor 1B), female unemployment (Factor 2), and females in the civilian labor force (Factor 3) remain constant for all Job Groups. Note that the Office of Federal Contract Compliance Programs (OFCCP) considers Factor 1B (females seeking employment) to be equal to the female population.<sup>1</sup>

Data on the general external population and workforce factors is readily available for every geographic area. The 1980 Census of course, provides data on Factors 1 and 3. Also, state employment security commissions can provide updated "estimates" for Factors 1 and 3 for almost all areas as well as data on Factor 2.<sup>3</sup>

After having obtained data on Factors 1-3 and filled those data in for all Job Groups the contractor should then proceed to complete the remaining "raw statistics" for each individual Job Group.

c. Raw Statistics Step 3: Requisite Skills Data

The third step is to complete Factors 4 and 5, the requisite skill Factors for each Job Group. The

only difference between Factor 4 and Factor 5 is the relevant geographic area. In many instances, e.g., where unskilled, semi-skilled, or clerical jobs are involved and where there would be no reason to recruit from a larger geographic area, the immediate labor area will be the same as the reasonable recruitment area and the data for that Job Group will be the same for Factors 4 and 5.

However, where much higher level jobs are involved and where a facility would normally recruit from a wider geographic area than the immediate surrounding area, data from that wider geographic area should be used for Factor 5 for that Job Group. If a facility recruits management level employees on a nationwide basis for example, nationwide data must be used for Factor 5 for Job Groups containing managerial jobs.

In the past, the requisite skills Factors were uniformly regarded as referring to the proportion of women and minorities currently employed in comparable jobs at other employers in the relevant geographic area. Indeed, such an approach seems compelled both by logic and the regulations. However, the new Federal Contract Compliance Manual states that requisite skills for jobs filled primarily by promotion must be deemed to equal the availability for the lowest entry-level pool job at the contractor's facility. Thus, for example, if foremen are promoted from among skilled machine operators, who are in turn promoted from among semi-skilled production workers, who are in turn promoted from unskilled workers, the availability for women and minorities with the "requisite skills" for foreman jobs would equal the general availability of women and minorities for the entry-level unskilled jobs.

(Despite the transparent unreasonableness of such an approach), the OFCCP's Compliance Manual (repeatedly) states that "requisite skills" for job groups filled by promotion are measured by the general availability of women and minorities for the lowest entry-level jobs. Indeed, the Compliance Manual explicitly states that

"Availability estimates normally should be identical for each job group in a line of progression."

Most contractors find the OFCCP's new approach unacceptable because of the inflated and unrealistic availability figures which will be produced.

d. Raw Statistics Step 4: Training Institutions Data

Factor 7, the percentage of minorities and females at institutions providing training in the requisite skills, presents several problems. In many instances, this factor is clearly not applicable: e.g., where the Job Group involved is comprised of entry-level, unskilled jobs for which no training can be provided;<sup>4</sup> or at the other end of the scale, where upper-level management jobs are involved and experience is a necessity that cannot be replaced by training institutions.<sup>5</sup> However, where positions in a Job Group could be filled by a person out of a training institution, data for Factor 7 should be supplied for that Job Group.

The difficulty in obtaining training institution data will vary depending on the type of training institution in question. Where a Job Group would be filled by college graduates, e.g., engineers or nurses), on a national level, the data is relatively easy to obtain.<sup>6</sup> But where the relevant training institutions are local trade schools or colleges, it may be necessary to obtain this data on a school-by-school basis. (Most schools are required to keep this information, so it is available though sometimes very difficult to obtain.)

e. Raw Statistics Step 5: Internal Workforce Data

Factors 6 and 8 represent persons who are promotable or trainable from other Job Groups within the facility. In almost all instances, these two factors should be identical as persons "promotable or transferable within the facility"



(Factor 6) are the same as those "trainable in requisite skills" (Factor 8).<sup>7</sup>

An employer's task with regard to these two Factors is basically to identify the percentage of women and minorities among those the employer will likely draw upon his own workforce for the promotion into the Job Group.

The difficulty in obtaining and defending data for these two Factors will depend on records kept by the company and the care with which the worksheets were prepared in Raw Statistics Step 1. Basically, what is required is a knowledge of which jobs are filled from within a facility and what the feeder job categories are for each of those jobs. Thus, if jobs in an inspector Job Group within a facility are frequently filled by promotion from the general tester Job Group within the facility, the employees within the general tester Job Group are those promotable, transferable or trainable for the inspector Job Group.

Alternatively, a review of all feeder jobs for the inspector Job Group might reveal a much wider category of feeder Job Groups. For example, perhaps all Labor Grade 6 employees are in fact eligible for promotion to the inspector Job Group. In that case, Labor Grade 6 employees constitute the feeder pool, and the contractor must determine the percentage of minorities and females within that feeder pool.

Note that for Factors 6 and 8, the contractor should consider only those employees who are promotable or trainable from OTHER job Groups within the facility.

The actual completion of Factors 6 and 8 for each Job Group involves basically a four-part process:

Task A: Determining the feeder jobs (in other Job Groups) for each job title within the Job Group being analyzed.

Task B: Determining the female and minority composition of the feeder jobs for each job title.

Task C: Weighting feeder jobs by determining the total number of employees in job titles within the Job Group that are filled by promotion; and then determining what proportion of those employees are in each job title.

Task D: Internally weighting the data obtained in Task B by the proportions determined in Task C.

3. Variations on the 8-Factor Analysis Requested by County

- a. The consultant, at the County's specific request, assisted the County in developing a compliance-based 8-factor availability analysis. However, so far as the consultant was able to determine, King County is not a federal government contractor subject to the requirements of the Office of Federal Contract Compliance Programs. It may receive federal monies in the form of grants, but it probably does not provide services or supplies on a contractual basis to the Federal government. Therefore, although the consultant has assisted the County in addressing the Office of Federal Contract Compliance Programs' requirements in the development of the 8-factor availability analysis, it is the consultant's opinion that the County is under no obligation to do so.

The County does receive monies from the Office of Revenue Sharing. The Office of Revenue Sharing, although it does enforce regulations related to affirmative action and nondiscrimination, does not routinely require that employers develop and maintain an Affirmative Action Plan. In a few instances of which the consultant is aware, the Office of Revenue Sharing has required that an employer who has been charged with discrimination and whom the Office has investigated, prepare an Affirmative Action Plan that includes an 8-factor

availability analysis. However, such a requirement has never been imposed upon King County by the Office of Revenue Sharing.

- b. At the County's request, the consultant developed the 8-factor availability analysis in a format other than that prescribed by the Office of Federal Contract Compliance Programs. Under requirements of the Office of Federal Contract Compliance Programs, an 8-factor availability analysis is developed for each job group by collecting eight availability factors for women, Blacks, Hispanics, Asians, American Indians/Alaskan Natives, and total minorities as a group. King County requested that the 8-factor analysis be developed by job group for women and for the same race/ethnic groups as above, but subdivided by sex; in other words, Black men, Black women, Hispanic men, Hispanic women, Asian men, Asian women, American Indian/Alaskan Native men, American Indian/Alaskan Native women, and total minorities. Although the 8-factor availability analysis was conducted as requested for each of these groups, it should be pointed out that no Federal or State compliance agency requires that the availability analysis in an Affirmative Action Plan be conducted for sex groups falling within each race/ethnic category. This type of availability analysis, in the consultant's experience, is quite unusual. Performing an availability analysis on such detailed race/ethnic groups created two major problems:

- (1) First, there were several instances during the project when we were unable to obtain desired statistical data for the 8-factor analysis for a specific job group. Although we could obtain desired data broken out for major race/ethnic groups, we were not able to obtain the same data further subdivided for sex groups within the race/ethnic groups. Therefore, we had to reject the data that was available, and thus limit our analysis.
2. Even in those instances when we were able to

obtain data broken down into the specific sex groups and complete the desired 8-factor availability analysis, the resulting identification of underutilization was often nearly meaningless. For several minority groups, the availability for the entire group as a whole, without subdividing it by male and female categories, is typically quite small to begin with. For example, availability data for the American Native group rarely exceeds 2.0%. By the time the 2.0% is subdivided into male and female categories, the availability for the females may be only 1.0%. When this is compared to the employer's current utilization of American Native women, the identification of underutilization may be equivalent to saying the County needs to hire 1/8% or 0.125% American Native women. Subdivision of race/ethnic groups into sex groups simply creates too many groups with which to deal most of the time. This is not always true, and when it is not, the resulting data analysis has been quite useful. But the County should be aware that it is under no obligation to conduct the 8-factor analysis, and further, it is not required to conduct it for sex groups within each race/ethnic group.

- c. Although the Office of Federal Contract Compliance Programs requires employers to undertake affirmative action for applicants and employees with disabilities, it has no requirement that an 8-factor availability analysis be developed for people with disabilities. However, at the request of the County, the consultant and project staff did develop as much of an 8-factor analysis for the people with disabilities as was feasible. A full discussion of the problems encountered and solutions implemented is included in this report.

## B. Availability Factors

Revised Order 4, which is enforced by the Office of Federal Contract Compliance Programs, requires that eight factors,

at a minimum, be considered when determining overall availability for a sex or race/ethnic group for a job group. The eight availability factors are as follows:

- Factor 1 - Population data from the local labor area.
- Factor 2 - Unemployment data and data on those seeking work in the local labor area.
- Factor 3 - Civilian labor force data from the local labor area.
- Factor 4 - Requisite skills data (employment by occupation) for the local labor area.
- Factor 5 - Requisite skills data from a reasonable recruitment area (usually the State, a region, or the nation).
- Factor 6 - Availability of those promotable or transferable within the employer's own workforce.
- Factor 7 - Enrollment data in local, statewide, or national training institutes or training programs.
- Factor 8 - Training the employer can provide.

The eight availability factors can be divided into four general categories:

- Category 1 - General external population and work force categories, Factors 1, 2, and 3.
- Category 2 - External requisite skills categories, Factors 4 and 5.
- Category 3 - Internal work force categories, Factors 6 and 8.
- Category 4 - External Training Institutions category, Factor 7.

1. Eight Availability Factors for Minority Groups

- a. The minority population of the labor area surrounding the employer.
- b. The size of the minority unemployment force in the labor area surrounding the employer.
- c. The percentage of the minority work force as compared with the total work force in the immediate labor area.
- d. The general availability of minorities having requisite skills in the immediate labor area.
- e. The availability of minorities having requisite skills in an area in which the employer could reasonably recruit.
- f. The availability of promotable and transferable minorities within the employer's organization.
- g. The existence of training institutions capable of training persons in the requisite skills.
- h. The degree of training which the employer is reasonably able to undertake as a means of making all job classes available to minorities.

2. Eight Availability Factors for Women

- a. The size of the female unemployment force in the labor area surrounding the employer.
- b. The percentage of the female work force as compared with the total work force in the immediate labor area.
- c. The availability of women having requisite skills in the immediate labor area.
- d. The availability of women having requisite skills in an area in which the employer could reasonably recruit.
- e. The availability of women seeking employment in

the labor or recruitment area of the employer.

- f. The availability of promotable and transferable female employees within the employer's organization.
- g. The existence of training institutions capable of training persons in the requisite skills.
- h. The degree of training which the employer is reasonably able to undertake as a means of making all job classes available to woman.

Seven of the eight availability factors for women are identical to those for minorities. The single difference is that population percentages, which are required for consideration of minority availability, are excluded from the availability considerations for women. Substituted instead is the requirement that the availability of women seeking employment be considered.

(See 8-Factor Availability Analysis for People with Disabilities)

### 3. Obtaining Availability Data for Minorities and Women

To ensure that all eight availability factors were fully addressed in collecting availability data for each sex and race/ethnic group for each job group, an eight-factor availability analysis form was developed which lists the eight availability factors and sex and race/ethnic groups for which data was to be collected. A blank form is found as Attachment 3.

Although the eight availability factors are somewhat different for minorities than for women, the eight-factor availability analysis form includes, within the eight factors listed, all factors required for each group. Data on female population percentages, although not required, is provided in Factor 1 on the form. The availability factor regarding women seeking employment is provided as part of Factor 2 on the form.

The following text outlines the requirements for each of the eight availability factors and explains where

and how the availability data was collected to address each factor.

**Factor 1:** Requires data on the minority population of the local labor area. Although there is no requirement that population data be presented for women, this data was nevertheless supplied. Since the local labor area had been determined through the applicant residence analysis to consist of two geographic areas (except for protective service), population data was collected for both of the areas and weighted against the percentage of applicants that had been identified as residing in each area (60% City of Seattle; 40% balance of King County). Raw population counts for each of the two areas were obtained from computer printouts developed from Summary Tape File 1 of the 1980 Census. A copy of the raw population counts for each area is found in Attachment 2.

**Factor 2:** Requires data on minority and female unemployment in the local labor area. Since the local labor area had been defined as two weighted geographic areas, unemployment data was collected for each area and then weighted as the residence analysis dictated. Unemployment data was obtained from Affirmative Action Information 1987, Seattle PMSA printouts developed from Summary Tape Table 3 of the 1987 Affirmative Action Information 1986 and the Seattle PMSA Census. A copy of the raw unemployment figures for each area is found in Attachment 5.

**Factor 3:** Requires data on the percentages of minorities and women in the local work force (interpreted by the Office of Federal Contract Compliance Programs to mean the general civilian labor force in the local area). Once again, it was necessary to obtain the relevant data for both geographic areas that comprised the local labor area and to weight that data against the percentage of applicants residing in each. Data for Factor 3 was obtained from the Special Occupation Tabulation furnished by Biddle & Associates (Sacramento, California). The Special Occupation Tabulation is from a special count of the 1980 Census (EEO Census File). Its universe includes the experienced civilian labor force (both employed and unemployed at the time the Census was taken) for 29,000



occupational titles which have been grouped by the Bureau of the Census into 514 occupation codes as well as into EEO occupational categories. The data is available on computer printout for men and women and for males and females within major race/ethnic groups (Whites, Blacks, Hispanics, Asians, American Indians/Alaskan Natives, and total minorities). The data used for Factor 3 is for the experienced civilian labor force which includes the employed and the experienced unemployed as well. A copy of the weighted data is found in Attachment 2.

Factor 4: Requires data on the percentages of minorities and women in the local labor area who have the requisite skills for the job group being evaluated. It is with Factor 4 that availability data begins to differ from job group to job group and from EEO-4 category to EEO-4 category. By contrast, Factors 1 - 3 require the same data no matter which EEO-4 occupational category is being evaluated.

Since Factor 4 requires data from the local labor area, once again any data that was collected was collected for the two areas that comprise the local labor area and was appropriately weighted. Data for Factor 4 was obtained from the Special Occupation Tabulation from Biddle & Associates. The data selected for each job group was taken from the 514 job codes provided. A study was made of the types of jobs included in each Special Occupation Tabulation job code in order to most closely match the classifications included in the job group. In some cases, the codes from the Special Occupation Tabulation were a very close match, in other cases they were not. Sometimes it was necessary to aggregate two or more job codes from the Special Occupation Tabulation in order to fully match the content of the County's job group. In those cases, each code from the Tabulation received a weight based on the number of employees in the job group for which that code was the most appropriate selection.

Attachment 7 includes information on Biddle & Associates' Special Occupation Tabulation.

Factor 5: Requires data on the percentages of minorities and women having requisite skills in an area

in which the employer can reasonably recruit. In Factor 4, data was already collected for the local labor area. Therefore, for Factor 5, the reasonable recruitment area is assumed to be a larger area, such as the State or the nation. Therefore, Factor 5 does not apply to all job groups since some job groups are recruited only locally and not from a broader geographic area. But for some of the job groups, Factor 5 did apply because recruitment is conducted or applicants do apply throughout the State of Washington or, in some instances, throughout the United States. Since Factor 5 requires data for the State or nation, rather than the local area, no geographic weighting of any data obtained was necessary.

The data source for Factor 5 was the Special Occupation Tabulation. The Tabulation's job codes were selected and assigned to match the job group in question in the same way as described in Factor 4, above.

For the protective service group, data for Factor 5 was collected for this group's special labor area (identified through the applicant residence analysis). Data from the Tabulation was obtained for the three geographic areas constituting the special labor area and weighted per the residence analysis results.

Factor 6: Requires data on the percentages of promotable and transferable minorities and women within the employer's own work force. To identify the percentages promotable and transferable into a specific job group, an identification was first made of the "feeder" job classification for that job group. Feeder classifications were defined as those from which people usually are promoted or transferred, or could reasonably be expected to be promoted or transferred. Once the identification of feeder jobs was made, all persons currently employed in those feeder jobs were considered promotable and/or transferable. The sex and race of those employees were converted into percentages to be applied directly to the 8-factor availability analysis form as Factor 6. An identification was also made of the approximate proportion of time the job group is filled internally, rather than externally, since this information would serve to help us identify the relative importance of Factor 6 in determining

final availability.

**Factor 7:** Requires consideration of the existence of training institutions capable of training minorities and women in the requisite skills needed in the job group. The most appropriate information for this factor is the percentage of minorities and women either enrolled or recently graduated from training institutes or programs providing them with the skills needed for employment in the specific job groups. For job groups whose specified labor market area was the State or the nation, published data sources were examined. For example, many publications are available which provide data on enrollment in major educational disciplines in the State or nation (eg., business management, programming, or medicine). For job groups whose labor areas had been identified as the local area, no published data was available that was found to be useful. Therefore, telephone calls were made and letters written to local training institutes to request the enrollment or graduate data desired. The responses were somewhat limited, but the data obtained was quite useful and incorporated as Factor 7 into several 8-factor availability analysis forms.

**Factor 8:** Requires consideration of the degree of training which the employer can reasonably undertake in order to make job classifications available to minorities and women. Because the County does not conduct formal training programs (other than on-the-job-training), Factor 8 does not apply and was not completed for any job group.

(See 8-Factor Availability Analysis for People with Disabilities)

ADAV5/A/AVAIL1

C. Determining Final Availability For Minorities and Women

Once data for the 8 factors had been collected, transferred to the 8-factor availability analysis forms for each job group, and thoroughly documented, it was evaluated and consolidated in order to arrive at a single set of final availability figures for the job group.

The Office of Federal Contract Compliance Programs encourages employers to determine final availability by weighting each of the eight availability factors. This method was used by the consultant and the project staff. For each job group, each of the eight factors was assigned a weight based on its relevance. The sum of the weights for the eight factors equaled 100%. The weight for a particular factor was multiplied by the data collected for that factor for every sex and race/ethnic group. Once the multiplication was done across all factors, the weighted figures were added together for each of the eight factors for every sex and race/ethnic group. The weighted figures became the final availability.

The guidelines below were followed to determine the appropriate weight to assign each factor. Depending on which job group was being evaluated, the weight assigned a specific factor might vary. For example, population data might receive very little weight for an extremely skilled job group and yet receive a higher weight for a minimally skilled job group.

1. Factor 1 (local population) and Factor 2 (local unemployment) were determined for nearly all job groups to have much less relevance than the other factors. Factor 1 includes everyone in the general population, those much too young to work, much too old to work, people with total work disabilities, and the incarcerated. Factor 2 figures could be useful, but they are quite general. They include all unemployed persons, regardless of type of job skills or interest in obtaining work. In addition, Factor 3 data (employed and experienced unemployed civilian labor force) includes most of the Factor 2 data.
2. For unskilled or minimally skilled job groups, Factor 3 (civilian labor force) received the most weight. An exception was made if the data for Factor 4 (local

requisite skills) indicated higher percentages of availability for women or minorities than did Factor 3.

3. For skilled job groups whose relevant labor market was the local area, Factor 4 (local requisite skills) received the most weight.
4. For skilled job groups whose relevant labor market was the State or national labor area, Factor 5 (requisite skills in a larger, reasonable area) received the most weight.
5. For skilled job groups whose relevant labor market was identified as the State or nation, but for whom Factor 4 data indicated higher availability than did Factor 5, Factor 4 received the most weight.
6. For job groups whose relevant labor market was identified as King County's own internal work force, Factor 6 received the most weight with the following limitations: (a) it was understood that not all those who work in the feeder classifications can, at this time, be automatically considered as promotable or transferable and/or interested in promotion to this job group; (b) the sample size upon which Factor 6 data was based was considered. For example, if very few people were working in feeder classifications from which Factor 6 data was derived, then Factor 6 could be given very little weight because of the small sample size.
7. Factor 7 (training institute enrollment or graduate data) was incorporated into the determination of final availability for any job group when it proved beneficial, rather than detrimental, to minorities or women. In other words, it was weighted in order to increase final availability figures above the Factor 3, 4, 5, or 6 level if the data was relevant and reliable.

(See 8-Factor Availability Analysis for People with Disabilities)

D. Identification of Underutilization of Minorities and Women

After the 8-factor analyses were completed and final availability was identified for every job group, the next

step was to conduct an analysis to identify underutilization. This was a very simple step. A comparison was made between the percentage of people available and the percentage working for King County. This comparison was made within each job group for men and women, for men and women within each race/ethnic group, and for the total minority group. Underutilization was identified whenever the percentage available was smaller than the percentage working for the County.

(See 8-Factor Availability Analysis for People with Disabilities)

#### E. Evaluation of Underutilization of Minorities and Women

See Attachment 8 for a summary chart of the County's underutilization by job group.

##### I. Minorities

- a. Minorities as a single group are almost fully utilized throughout the County's work force. They are underutilized in only one (1) of the eight (8) job groups. Only twenty-nine (29) additional hires/promotions are needed in order to reach full utilization in the work force. This is a remarkable accomplishment, especially for an employer with such a large work force.
- b. The underutilization of some individual minority groups is more substantial than for the total minority group. Nevertheless, only 150 additional hires/promotions of specific minority group members are needed to reach full utilization. Overall, the County has one of the highest minority utilization levels the consultant is aware of for an employer of this size, in either the public or private sector.
- c. In terms of specific minority group underutilization, Attachment 8 reveals (in numerical terms--not percentages):

(1) Hispanics are the most underutilized group;

fifty-five (55) additional hires/promotions are needed to reach full utilization in the County work force.

- (2) American Natives, needing twenty-eight (28) additional hires/promotions to reach full utilization, are the least underutilized minority group. They are followed closely by Blacks, needing thirty-two (32) additional hires/ promotions to reach full utilization in the County work force.
  - (3) Among males, Hispanic men are the most underutilized group, needing twenty-five (25) additional hires/promotions, and Native American men are second, needing fifteen (15) additional hires/promotions to reach full utilization in the County work force.
  - (4) Among females, Asian women are the most underutilized; thirty-four (34) additional hires/promotions are needed to reach full utilization in the County work force. They are followed by Hispanic women, who need thirty (30) additional hires/promotions to reach full utilization.
  - (5) On the basis of sex, Asian men are by far the least underutilized group; only one (1) additional hire/promotion is needed to reach full utilization in the County work force.
  - (6) Surprisingly, the job group with the most underutilization of minorities is Service Maintenance. For most employers, this job group is not underutilized; in fact, minorities are concentrated in this area. The County needs an additional thirty-two (32) hires into this job group to reach full utilization. However, it should be noted that the underutilization is only among minority females. Minority males are not underutilized in this area.
- d. The fact that some individual minority groups are underutilized, while at the same time the total

minority group is not, means that some individual minority groups are "overutilized". For example, total minorities are not underutilized in the Security job group. However, Hispanics and American Native men, together with Black, Asian and American Native women are underutilized. This situation occurs because Blacks and Asian men are "overutilized". Their high representation, which exceeds availability percentages, increases the total minority group's representation on the job to such a high level that it is not underutilized.

## 2. Women

- a. Overall, women as a group (including all race and ethnic groups), are underutilized in the County's work force. Four hundred and sixty-one (461) additional hires/promotions are needed to reach full utilization.
- b. Women are underutilized in all of the eight job groups. This is a typical pattern among most public sector employers.
- c. In numerical terms, women are most underutilized in a typical job group: Service/Maintenance--one hundred and fifty (150) additional women are needed in this job group.
- d. The second most underutilized job group is Protective Services. White women are more underutilized in this group than any other.

(See 8-Factor Availability Analysis for People with Disabilities)

## F. Goals

For every job group, long-range percentage goals were established whenever women or any sex group within a race/ethnic group was identified as underutilized. The long-range percentage goal was set at the same level as the availability percent. The number of people which each



department will commit to hire or promote in order to reach the goal will be established as part of the implementation of the Affirmative Action Plan.

(See 8-Factor Availability Analysis for People with Disabilities)

G. Adjustments to Data

In conducting our preliminary availability analysis, the following 5 factors were used:

1. Age Adjustment

People over age 65 and under age 18 were excluded from the base.

Assumption: Children and retirement-aged people are not likely to be hired into the King County workforce.

Qualification: A slightly broader age base would be appropriate. Parameters here reflect the age groupings from 1980 census data.

Data Source: U.S. Department of Commerce, Bureau of the Census, 1980 Census Data For Seattle and King County (see Attachment 2).

2. Recruitment Area Adjustment

The age-adjusted populations of Seattle, and King County minus Seattle, were multiplied by factors of 1.333 and .787, respectively.

Rationale:

Based on residence by ZIP Code, 52% of the County government workforce resides in Seattle. The population of Seattle is 39% of the total County. There is a higher proportion of minorities in Seattle than in the County as a whole. The estimated availability of minorities for County jobs should take into consideration the higher proportion of minorities within the County's major area of recruitment. Hence

Seattle's population was treated as though it comprises 52% of the County population, i.e., 52 divided by 39 = 1.33. Likewise for King County minus Seattle, 48 divided by 61 = .787.

**Qualifications:**

- a. The County government work force outside of Seattle would include a small number of people living outside of King County.
- b. Recruitment area adjustments should be made for each minority group instead of for minorities as a whole.
- c. Some ZIP Codes overlap the city boundary.

Data Source: Department of Personnel, Payroll Report B, Postal Service Zip Codes (see attachment 2).

**3. Unemployment Rate Adjustment**

The work force participation rate (percentage of people employed or seeking employment) for each selected group was weighted by a ratio of the group's unemployment rate to the average unemployment rate. The formula used was as follows:

$$\begin{array}{r}
 \text{Group \%} \\
 \text{Unemployed} \\
 \text{General} \\
 \text{Unemployment} \\
 \text{Rate}
 \end{array}
 \times
 \begin{array}{r}
 \text{Group as \%} \\
 \text{of Total} \\
 \text{County} \\
 \text{Population} \\
 \text{Total Unem-} \\
 \text{ployed Indi-} \\
 \text{viduals in} \\
 \text{County}
 \end{array}
 +
 \begin{array}{r}
 \text{Group as \%} \\
 \text{of Total} \\
 \text{Employed} \\
 \text{Individ-} \\
 \text{uals in} \\
 \text{County}
 \end{array}
 \times
 \begin{array}{r}
 \text{Work} \\
 \text{Force} \\
 \text{Participa-} \\
 \text{tion Rate}
 \end{array}$$

In the above formula, the divisions and the multiplications are performed first; then the addition.

Assumption: Groups with higher unemployment rates supply relatively more of their members to the pool of people who are available for employment by the County.

Qualifications: Seattle-Everett SMSA statistics were

used. Rates were based on population 16 years old and over. This is not consistent with adjusted population by age. See Step 1.

Data Source: Washington State Employment Security, Affirmative Action Information 1987, Seattle-Everett SMSA (see Attachment 4).

4. Participation Rate Adjustment

Weighted participation rates (Step 3) were multiplied by adjusted population figures (Step 1 and 2) expressed as percentages (i.e., number for each group divided by the total). The resulting figures represent the estimated availability rates of each group, and are expressed in Attachment 8.

5. County Work Force Utilization Rates

The percentage of each group within each EEO category was divided by its availability rate.

Data Source: Affirmative Action Office Computer printout: Ethnic/Gender composition by job category: Totals, King County.

H. 8-Factor Analysis for Persons with Disabilities

1. Obtaining Availability Data for Persons with Disabilities

Our objective was to treat persons with disabilities as a group in the same manner as we did for minorities and women. All factors in the eight factor analysis were considered. The challenge was in obtaining meaningful raw data.

Historically, statistics on persons with disabilities has been difficult to obtain. Information is not systematically collected as it is for other minority populations. For example, Employment Security does not update unemployment rates for persons with disabilities

on a yearly basis. Universities, colleges and training schools as a whole are not able to break out enrollment and graduation information on students with disabilities. Population numbers are based on answers to census questions that are ambivalent and asked differently each decade. The question, "Do you have a disability that prevents you from working?" is difficult to answer if you are employed and use a wheelchair.

The following text outlines the requirements for each of the eight availability factors and explains where and how the availability data was collected. It also indicates which factors were used in determining the final availability rates for persons with disabilities.

**Factor 1:** Requires data on the disabled population of the local labor area. Local population figures are derived from 1980 census data that breaks out noninstitutional persons 16-64 years of age by work disability status for King and Snohomish Counties. See Attachment 9. This is one of four factors used in calculating the final rate.

**Factor 2:** Requires data on unemployment for people with disabilities in the local labor area. The Employment Security Training Program Services Division and Labor Market and Economics Analysis Branch in Olympia is unable to provide any current information on unemployment for persons with disabilities. The closest they could come is to compare the 1980 statewide general unemployment rate with the statewide unemployment rate for persons with disabilities. We decided not to use this factor in calculating availability rates.

**Factor 3:** Requires data on the percentages of persons with disabilities in the local work force (interpreted by the Office of Federal Contract Compliance Programs to mean the general civilian labor force in the local area). Labor force numbers are derived from the 1980 census for King and Snohomish Counties. The numbers are adjusted to include those not in the labor force but not prevented from working. See Attachment 9. This adjusted number includes the full range of persons with disabilities who can participate in the labor

force: those who are working, those who are looking for work, those who have become discouraged, and those who are prevented from working by barriers such as accessible transportation or loss of subsidized medical and health benefits. This factor is included in the availability analysis.

Factor 4: Requires data on the percentages of persons with disabilities in the local labor area who have the requisite skills for the job group being evaluated. This information is derived from a 5% sampling of occupations of persons with a limited work disability living in King County in 1980. This data provides information on the proportion of disabled persons in various jobs compared to non-disabled persons. The data also aggregates jobs into occupational categories which, while somewhat different than those used by the County, do show a relatively high degree of correlation. Jobs that did not correlate with County positions are not included. This factor is included in the availability analysis. See Attachment 10.

Factor 5: Requires data on the percentages of persons with disabilities having requisite skills in an area in which an employer can reasonably recruit. As Factor 4 addresses local area of recruitment, Factor 5 is assumed to be a larger area, such as the State or the nation. Current information is not available for this factor and, therefore, it is not used in the availability calculation.

Factor 6: Requires data on the percentages of promotable and transferable people with disabilities within the employer's own work force. Currently, the County has no procedure for tracking this information. Procedures are being developed so this information can be retrieved in the future. This factor is not used in availability calculation.

Factor 7: Requires consideration of the existence of training institutions capable of training persons with disabilities in the requisite skills needed in the job group. An extensive effort was made to obtain educational and training data from universities, community colleges and vocational training institutes for people with disabilities. The same barrier was

encountered: data for persons with disabilities is not being kept on a consistent and retrievable basis. We were, however, able to obtain a small sampling and felt it should be included in the analysis as it does indicate persons with disabilities are being educated and trained for jobs that are available within King County's work force. See Attachment 11.

**Factor 8:** Requires consideration of the degree of training which the employer can reasonably undertake in order to make job classifications available to persons with disabilities. The County does not conduct formal training programs (other than on-the-job-training), therefore, this factor is not included in the availability analysis.

Although the information reflected in the 8-factor analysis is limited and in some cases, out of date, it does reflect the best data that is currently available for persons with disability characteristics.

2. Determining Final Availability for Persons with Disabilities

The four factors used for determining final availability were: local population, local adjusted labor force, local requisite skills, and training. The Office of Federal Contract Compliance Programs encourages employers to determine final availability by weighting each of the factors. Given the lack of substantial and current information, we decided to weight the four factors the same for all eight EEO job categories.

a. Factor 1 (local population) is given a weight of 10%. It is difficult to ascertain the number of persons with disabilities due to several reasons. Often times people have a disability characteristic but do not consider themselves disabled and therefore, do not self-identify. Or the question may be asked in such a way that it precludes someone who is employed and disabled from answering "yes" to "Do you have a work disability?" The stigma that is still attached to the label disabled also deters people from self-

identifying. Although the data is eight years old and there are obvious errors in its collection methodology, it does give some indication of the number of persons with disabilities in the local population.

- b. Factor 3 (local labor force) was weighted at 50%. By adjusting the labor force number we are including the full range of persons with disabilities who can participate in the labor market: those employed, those unemployed and looking for work, those who have become discouraged in looking for work, and those who are prevented from working by external factors, i.e. accessible transportation.
- c. Factor 4 (local requisite skills) is weighted at 35%. This factor is weighted lower than the adjusted labor force as the 5% sampling used to obtain the data is less than 100% reliable. The instructions requested the individual to list his/her occupation for the last week referenced (March 1980), or, if not employed during that week, to list their last occupation since 1975. It did not ask for the date the person became disabled, so there is no sure way to determine if the person can or cannot perform the duties of the last job they listed.
- d. Factor 7 (training schools) is weighted at 5%. The sampling was small, but we felt it should receive some weight as it does indicate that persons with disabilities are being educated and trained for jobs that are available in the King County work force.

3. Identification of Underutilization of Persons With Disabilities

Of the 4,596 employees working for King County, 168 have identified themselves as having a disability characteristic (3.6%). By comparing the overall availability figure of 6.5% to the current utilization figure of 3.6%, we have identified severe

underutilization of persons with disabilities in the King County work force.

4. Evaluation of Underutilization of Persons with Disabilities

There is an increase in availability in the professional, technician, paraprofessional and service maintenance categories, with a significant decrease in the skilled crafts category. The 5% occupational sampling and educational and training statistics support these figures. The 7.4% decrease in the service protection category is a result of reassessing the 5% occupational sampling and deleting jobs that do not correlate with positions in the King County work force.

The following shows the number of persons with disabilities who need to be hired by each EEO category to meet availability goals.

Administrative	2
Professional	24
Technician	19
Paraprofessional	0
Protective Services	42
Office/Clerical	16
Skilled Craft	8
Service Maintenance	16

The overall availability goal decreased from 7.2% to 6.5%. A portion of this decrease can be attributed to the reduction in availability in the protective services category. In addition, the 1980 census data distributed by the Governor's Committee on Disability Issues and Employment shows a decrease in the number and percent of adults with disabilities who participate in the labor force in Washington State.

This decrease can be attributed to a number of different reasons. There has been a significant increase in the proportion of persons under 35 years old in the labor force. Disability increases dramatically with age, thus resulting in a real decrease in proportion of persons with disabilities in



the labor force age range. In addition, individuals who are working are less likely to identify themselves as disabled than those who have a disability characteristic and are not working.

## 5. Goals

For every job group, long-range percentage goals are established. The long-range goal is set at the same level as availability. The number of people each department will commit to hire or promote in order to reach the goal will be established as part of the implementation of the Affirmative Action Plan. The overall utilization goal for persons with disabilities is 6.5%. Goals by EEO Category are:

Administrative	5.9
Professional	5.6
Technician	6.1
Paraprofessional	7.4
Protective Services	6.3
Office Clerical	6.4
Skilled Craftt	7.2
Service Maintenance	9.0

### I. Job Group Analysis

The Job Group Analysis is the basis for the subsequent Availability Analysis, Underutilization Analysis and Goals and Timetables. Unlike the Workforce Analysis, which profiles the workforce by department and line of progression, the Job Group Analysis combines jobs requiring similar skills or having similar job content, wage rates and promotional opportunities, regardless of the department.

Although the OFCCP does not ordinarily like Job Groups to contain jobs which are classified into more than one EEO-1 category, the Federal Contract Compliance Manual concedes that crossing EEO-1 categories may be necessary in order to develop meaningful Job Groups.

When developing Job Groups, the following considerations were kept in mind:

1. A Job Group should be composed of one or more jobs having similar content, requiring similar skills, offering similar opportunities of promotion to higher level jobs, and paying similar wages.
2. As a general rule-of-thumb, Job Groups should have at least twenty-five (25) persons. Preferably, a Job Group should contain at least 100 employees.
3. Job Groups containing a small number of employees are unworkable since they require utilization determinations involving fractional persons. Moreover, annual goals cannot accurately be established where a Job Group will have only two or three openings a year.
4. Jobs with clearly different minority or female employment patterns should not be in the same Job Group; e.g., predominantly male clerical job titles should not be grouped with predominantly female clerical job titles.
5. Entry-level jobs should generally not be grouped with above-entry-level jobs.
6. Jobs with substantially different qualifications should not be combined (e.g., lawyer and machine operator).
7. An employer should strive for as few Job Groups as possible. While some employers have come up with as many as 700 Job Groups, as a general rule, the number of Job Groups should be approximately 12-18.

Most Job Groups will be the product of substantial compromises.. The OFCCP's Compliance Manual recommends the following order of priorities:

1. Size of the Job Group;
2. Similar utilization patterns;
3. Similar promotional opportunities;
4. Similar wage rates; and
5. Similar job content.

J. Job Groups

As Biddle & Associates began working with King County staff,

it became apparent that the existing job groups would not be acceptable for a compliance-based Affirmative Action Plan. The job groups in use at that time were EEO-4 occupational categories: Officials and Administrators; Professionals; Technicians; Protective Service Workers; Paraprofessionals; Office and Clerical; Skilled Craft Workers; Service/Maintenance.

The Equal Employment Opportunity Commission requires that King County submit employment data each year by these eight EEO-4 occupational categories. However, for Affirmative Action Plans, the categories are much too broad to be used alone. Therefore, the first step in the project was to develop supplemental job groups for which 8-factor availability analyses could be developed to augment the eight primary job groups. The principal guideline followed in creating the new job groups was to group together job classifications that were similar in job content. Secondary guidelines that we used to create the job groups are described in Attachment A. When this step of the project was complete, the consultant and King County staff had identified eighteen (18) job groups to supplement the EEO-4 categories.

1. Executive Administration
2. General Management
3. Social Workers
4. Analysts and Planners
5. Engineering
6. Nursing
7. Medical/Dental Related
8. Coordinators, Appraisals, Systems and Programming
9. Inspectors
10. Administrative Assistants/Aides/Technicians and Medical Technicians/Aides
11. Law Enforcement Supervision
12. Security
13. General Clerical and Computer Operators
14. Clerical Accounting
15. Secretaries and Stenos
16. High Skilled Maintenance
17. Skilled Maintenance and Service
18. General Maintenance

K. Identification of Relevant Labor Market

Next, we identified each job group's relevant labor market. The relevant labor market was identified as the geographic area from which King County normally obtains job applicants for classifications in the job group. The relevant labor market was designated as the nation, the State, the local area, King County's own internal work force, or a combination of any of these.

ADAV5/A/AVAIL2

## L. Assignment of Weights

As requested, the Office of Civil Rights and Compliance is providing the rationale for changes in the weights assigned to the various factors used to determine availability for each job category in the 1988 Proposed Affirmative Action Plan. The process used to make these assignments and calculating availability using a multi-factor analysis is not a precise science. Some judgment is exercised at each step in the process, including the assignment of weights to each factor. The changes in weights in 1988 resulted from a reassessment of the 1984 weights for each factor per se. The weights were recalculated as we reassessed, based on updated data, the relative values of all factors used to determine availability for the respective job categories.

### 1. Factors

A maximum of seven factors recommended by the Office of Federal Contract Compliance Programs in Revised Order No. 4 (41 CFR 60-2) are utilized to develop the 1988 availability rates for the eight King County EEO job categories. The seven factors are:

- Factor 1 - The representation of women and minorities in the Seattle-King County area;
- Factor 2 - The representation of women and minorities among the unemployed;
- Factor 3 - The representation of women and minorities in the Seattle-King County labor force;
- Factor 4 - The representation of women and minorities in the Seattle-King County labor force with the requisite skills to perform jobs in the specific job category;
- Factor 5 - The representation of women and minorities in the Washington State labor force with the requisite skills to perform jobs in a specific job category;
- Factor 6 - The representation of women and minorities

among those in the King County work force who are promotable or transferable to jobs in a specific job category;

Factor 7 - The representation of women and minorities among those graduating from training schools which provide requisite skills for jobs in a specific job category.

One factor recommended in Revised Order No. 4, representation of women and minorities among those receiving in-house training, was not used. Accurate data on in-house training for King County employees is not currently maintained.

Data for factors 1, 2, 3, and 4 combine data for the City of Seattle, and King County excluding the City of Seattle, and are weighted to reflect representation of women and minorities in the applicant pool. Such weighting is necessary since the representation of minorities in the City of Seattle is significantly higher than comparable representation for the County as a whole. Failure to consider applicant flow in developing availability rates would result in rates which are artificially low.

Approximately sixty (60) percent of the applicants for King County positions live within the Seattle City limits. Therefore, data for the City of Seattle is accorded a weight of sixty (60) percent and data for King County, excluding the City of Seattle is given a forty (40) percent weight.

## 2. Steps in the Assignment of Weights

The first step in the assignment of weights is to determine the relative importance of each factor in the eight-factor analysis by job category. For example, in reviewing the seven factors used to calculate availability of women and minorities for Job Category 7, Skilled Crafts, it was determined that the most important factor was Factor 4: persons with the requisite skills in the local area. This was deemed the most important because positions in this category require specialized skills and a majority of the

applications are received from residents of King County.

The second most important factors were judged to be Factors 2 and 3, Unemployment Data, and Representation in the Labor Force. We rated these two factors higher than the final factor used in this analysis (General Population) and representation among promotables or transferables. We believed that a significant percent of those who have skills to perform in positions in this job category are either underemployed or unemployed. This belief is based on information from County contractors who indicate that the construction industry is slow at this time, causing higher-than-normal under and unemployment among those in the skilled crafts.

The next step in assigning weights to the various factors is to determine the magnitude of the difference in weights between the factors after they have been ranked in step one. This is a difficult task and is based on the judgment of the evaluator. The critical question is how much more impact does one factor have over another. Is Factor X three or four times as important as Factor Y in calculating availability? In case of the the skilled crafts, it was determined that Factor 4 was significantly more important than the other factors and weighted this factor at least four times more than another factor.

3. Assignment of Weights to Factors for the Various Job Categories

a. Administrative

Seven factors are used to calculate availability for this job category. The weight assigned to factor 1, 2, and 3, population, unemployment and labor force remains unchanged from 1985 to 1988.

We determined the most important factors in this analysis are "Requisite Skills (Local)" and "Requisite Skills (Larger Area)". We conclude that Requisite Skills (Local) is more important than Requisite Skills Larger Area" since

applicants for these positions come mostly from the local area. Applicants however, are also received from the Requisite Skills (Larger Area). The other factors in order of their determined importance were representation in the labor force (Labor Force), representation among the unemployed and/or those seeking work (Unemployment), general population (Population), enrollment data local, state and national and promotional/transfers.

The seven factors are weighted as follows:

Factor 1: Representation in the general population (8%);

Factor 2: Representation among the unemployed (10%);

Factor 3: Representation in the local labor force (12%);

Factor 4: Representation among persons with requisite skills in the local area (38%);

Factor 5: Representation among persons with requisite skills in the larger area (25%);

Factor 6: Representation among promotable and transferable (02%);

Factor 7: Representation among graduates from appropriate training schools (10%).

The most important factor in determining availability for this job category is requisite skills data. Administrators and Managers hired by the County possess substantial work experience. Since the County recruits and at times hires individuals from out of the Seattle-King County area, larger area requisite skills data was utilized in addition to data for the City and County. Seattle-King County requisite skills data is weighted higher than larger area requisite skills data since a larger percentage of those seeking positions in this EEO category are from



the local area. This data is considered importance since a high degree of skill and ability is required for positions in this job category.

With a combined weight of 85 percent for factors 2, 3, 4, and 5, 15 percent remained for the three remaining factors. Factor 1, population and Factor 7, representation among graduates from appropriate training schools, are considered to be less important than factor 2, 3, 4 and 5. Factor 6 is considered relevant but least important. This factor is weighted at two (2) percent.

b. Professionals

All seven factors are used to calculate availability for this job category. The seven factors are weighed as follows:

Factor 1: Representation in the general population (4%);

Factor 2: Representation among the unemployed (4%);

Factor 3: Representation in the local labor force (8%);

Factor 4: Representation among persons with requisite skills in the local area (35%);

Factor 5: Representation among persons with requisite skills in the larger area (5%);

Factor 6: Representation among promotable and transferable (34%);

Factor 7: Representation among graduates from appropriate training schools (10%)

The two factors weighted the highest are factors 4 and 6. Factor 4, representation among persons with requisite skills in the local area is weighted at thrity-five (35) percent, the highest

for this EEO job category. This factor is considered the most important factor in calculating the availability of women and minorities for positions in the professional job category.

Second in importance is Factor 6, representation among those eligible for promotions and transfers. As indicated above, Factor 6 (promotions and transfers, was weighted at thirty-four (34) percent to reflect the fact that approximately (34) percent of these positions are filled through promotion or transfer.

Factor 7, enrollment data, is weighted at ten (10) percent. This factor is considered significant because many of the positions in this EEO job category require a four year degree.

Factor 3, representation in the Seattle-King County labor force, is considered fourth in importance and is assigned a weight of eight (8) percent. The remaining two Factors, 1 and 2, population and representation among the unemployed are considered relevant but less important and are assigned weights of four (4) percent.

c. Technicians

Six of the seven factors were used to calculate availability for technicians. Only Factor 5, representation among those with requisite skills in the larger area, is not used. These are not high paying positions or positions which require a high degree of skill's development. Recruitment to fill vacancies in this EEO job category is not conducted state-wide and applicants are, for the most part, from the Seattle-King County area.

The six factors were weighted as follows:

Factor 1: Representation in the general population (5%);

Factor 2: Representation among the unemployed (10%);

Factor 3: Representation in the local labor force (10%);

Factor 4: Representation among persons with requisite skills in the local area(51%);

Factor 6: Representation among promotables and transferables (9%);

Factor 7: Representation among graduates from appropriate training schools (15%).

As with all EEO job categories, Factor 4, representation among those possessing requisite skills in the Seattle-King County area is considered the most important factor in establishing availability. The weight assigned to their factor was fifty-one (51) percent.

Second in importance was Factor 7, representation among graduates from appropriate training schools. As indicated above, Factor 7 was weighed at fifteen percent to reflect the fact that positions in this EEO job category can be filled from those individuals receiving appropriate training from those training institutions in the local area.

Rated third in importance for this job category were two factors. Factors 2 and 3, representation among the unemployed and representation in the labor force were assigned a weight of ten (10) percent each.

The final two factors were considered relevant but significantly less important than other factors used in this analysis. Factor 6, representation among those eligible for promotions and transfers, was assigned an assigned weight of nine (9) percent to reflect promotions and transfers in that EEO job category. Factor 1, representation in the local population, was weighted at five (5) percent and was considered the least relevant in this analysis.

d. Paraprofessionals

The assignment of weights for this job category is similar to that of the EEO job category "Technicians".

The six factors were weighted as follows:

Factor 1: Representation in the general population (5%);

Factor 2: Representation among the unemployed (10%);

Factor 3: Representation in the local labor force (10%);

Factor 4: Representation among persons with requisite skills in the local area (51%);

Factor 6: Representation among promotables and transferables (9%);

Factor 7: Representation among graduates from appropriate training schools (15%).

e. Protective Service

Six of the seven factors were used to calculate availability of minorities and women in the EEO job category.

The six factors were weighted as follows:

Factor 1: Representation in the general population (10%);

Factor 2: Representation among the unemployed (8%);

Factor 3: Representation in the local labor force (12%);

Factor 4: Representation among person with requisite skills in the local area (30%);

Factor 5: Representation among persons with

requisite skills in larger area (20%); and

Factor 6: Representation among promotables and transferables (10%).

The most important factor in determining availability of minorities and women for this job category was determined to be Factor 4, representation among those with requisite skills in Seattle-King County labor force. As indicated above, most successful candidates for positions in this EEO job category have prior law enforcement experience.

Other experience factors used to calculate availability were Factor 5, representation among those with requisite skills in the larger area, and Factor 6, representation among promotables and transferables. The combined weight according to Factors 5 and 6 was forty (40) percent. The former was assigned a weight of twenty (20) percent to reflect the fact that a number of applications for positions in this category are received from persons residing outside of King County. The latter was accorded a weight of twenty (20) percent to reflect that vacancies in this EEO job category are filed by promotion or transferable applicants.

Factor 3, representation in the labor force and Factor 1, population of the Seattle-King County area were weighted a twenty-two (22) percent. This combined weight is to offset the age of the requisite skills data.

The last important factor, representation among the unemployed was weighted at eight (8) percent.

f. Office Clerical

Six of seven factors were used to calculate availability goals for this EEO job category. Factor 5, representation among those with requisite skills in the large area was not utilized. It is not relevant since no recruitment is done for these positions outside of the

Seattle-King County area and, in general, few applications are received from non-King County residents for jobs in this EEO job category.

The six factors were weighted as follows:

Factor 1: Representation in the general population (5%);

Factor 2: Representation among the unemployed (5%);

Factor 3: Representation in the local labor force (19%);

Factor 4: Representation among persons with requisite skills in the local area (35%);

Factor 6: Representation among promotables and transferables (26%);

Factor 7: Representation among graduates from appropriate training schools (10%).

Two factors, Factors, 4 and 6, were weighted the highest for this EEO job category. Factor 4, representation among those with requisite skills in the Seattle-King County area, was considered the most important factor in calculating the availability of women and minorities for positions in the office clerical EEO job category.

Second in importance was Factor 6, representation among those eligible for promotions and transfers. As indicated above, Factor 6 promotions and transfers was weighted at twenty-six percent to reflect the fact that approximately twenty-six (26) percent of the positions in this job category are filled through promotion or transfer.

Factor 3, representation in the Seattle-King County labor force, was considered less important than Factors 4 and 6 since a high degree of skill and ability is not required for positions in this job category. A weight of nineteen (19) percent was therefore assigned.

Factor 7, representation among graduates from appropriate training schools, was considered significantly important for this EEO job category and was rated at ten (10) percent. The training institutions in the local area graduate minorities and women with the necessary skills to perform in this EEO job category.

The ten (10) percent combined total for Factors 1 and 2 offsets the age of the census data used to establish representation in Factor 4. Though Factors 1 and 2 were therefore considered relevant, they were considered least important, and were assigned a weight of five (5) percent each.

g. Skilled Crafts

Five factors were used to determine the availability of minorities and women for this EEO job category, "skilled crafts." Factor 5, representation among those with requisite skills in the larger area and factor 7, representation among graduates from appropriate training schools were not utilized. Factor 5 was not used since recruitment to fill these vacancies is not conducted in the larger area and applicants are for the most part, from Seattle-King County area. Factor 7, representation among graduates from training schools, was not utilized since persons in these positions must serve apprenticeship programs before they are licensed and are not required to attend training schools. Also data on apprenticeship was somewhat limited.

The five factors were weighted as follows:

Factor 1: Representation in the general population (10%);

Factor 2: Representation among the unemployed (12%);

Factor 3: Representation in the local labor force (12%);

Factor 4: Representation among persons with requisite skills in the local area (50%); and

Factor 6: Representation among promotables/transferables (16%).

In this job category, the heavy reliance on specialized skills and abilities resulting from prior experience required a high weight for factor 4, representation among persons with requisite skills, therefore a fifty (50%) percent weight was accorded Factor 4.

To offset the age of the U.S. Census data used to calculate representation of minorities and women in factor 4, a total weight of thirty-four (34) percent was allocated to Factors 1, 2, and 3. The U.S. Census information does not reflect the progress made by government imposed contract compliance requirements on contracts since 1980 which have increased representation of minority and women in the skilled trades. Factors 2 and 3 are related to the work force and were weighted at twelve (12) percent each. Factor 1 was given a ten (10) percent weight.

Factor 6, representation among promotables/transferables, was accorded a sixteen (16), percent weight.

h. Service Maintenance

Six of seven factors are used to determine the availability of minorities and women for this EEO job category, "Service Maintenance." Factor 5, representation among those with requisite skills in the larger area, was not used because these are lower level positions and recruitment for vacancies is conducted in the Seattle-King County area. Few applications are received from outside of this area.

The six factors were weighted as follows:

Factor 1: Representation in the general population



(10%);

Factor 2: Representation among the unemployed (15%);

Factor 3: Representation in the local labor force (20%);

Factor 4: Representation among persons with requisite skills in the local area (40%);

Factor 6: Representation among promotables and transferables (10%);

Factor 7: Representation among graduates from appropriate training schools(5%).

The two factors, Factors 3 and 4, were given a combined weight of sixty (60) percent, the highest for this EEO job category. Factor 4, representation among those with requisite skills in the Seattle-King County area, was considered the most important factor in calculating the availability of women and minorities for positions in the Service Maintenance job category. Factor 3, representation in the local labor force was weighted at twenty (20) percent because these positions do not require a high degree of prior skill and/or ability development.

Factor 2, representation among the unemployed and Factor 7, representation among graduates from appropriate training schools were assigned a combined weight of twenty (20) percent. Factor 2, representation among the unemployed, was rated at fifteen (15) percent because the lack of prerequisites would be an incentive for unemployed persons to apply for vacancies in this EEO job category. Factor 7, representation among graduates from appropriate training schools was assigned a weight of five (5) percent because of the number of training schools in the local area that offer training for positions that accrue in this EEO job category.

The final factors, Factor 1, representation in the

local population, and Factor 6, representation among those eligible for promotion and transfer, were considered relevant but least important. They were assigned a combined weight of twenty (20) percent. They were weighted at ten percent each.

ADAV5/A/AVAIL3

Availability Rates

EEO CATEGORY	TOTAL HANDCP	TOTAL FEMALE	TOTAL MIN'TY	WHITE FEMALE	MINORITY		BLACK		HISPANIC		ASIAN		N. AMER.	
					M	F	M	F	M	F	M	F	M	F
ADMINISTRATIVE	5.9	42.1	11.9	32.3	7.0	4.9	2.3	1.7	1.3	.9	2.8	1.9	.6	.4
PROFESSIONAL	5.6	48.3	18.6	39.0	9.3	9.3	3.1	2.7	1.4	1.3	4.3	4.4	.5	.9
TECHNICIAN	6.1	42.6	16.4	35.2	9.0	7.4	2.8	2.6	1.6	1.3	3.6	2.9	1.0	.6
PARAPROFESS'L	7.4	69.9	22.6	55.0	7.7	14.9	3.3	6.8	1.2	2.0	2.7	4.9	.5	1.2
PROTECTIVE SER.	6.3	33.0	21.7	25.0	13.7	8.0	7.6	4.4	2.0	1.1	3.1	2.1	1.0	.4
OFFICE/CLERICAL	6.4	68.1	23.4	54.0	9.3	14.1	2.4	4.8	1.6	2.3	4.4	6.3	.9	.7
SKILLED CRAFT	7.2	29.5	19.6	22.3	12.4	7.2	4.1	3.0	4.1	1.0	3.3	2.1	.9	1.1
SERVICE MAINT.	9.0	46.0	22.2	36.5	12.7	9.5	5.8	3.1	2.0	2.9	4.1	2.7	.8	.8

FORMULAS TO COMPUTE OVERALL AVAILABILITY PERCENTAGE GOALS FOR  
MINORITIES, WOMEN AND PERSONS WITH DISABILITIES ARE AS FOLLOWS:

	Employees in Job Category Divided By Total Employees	X	Availability Statistic (%)	=	Overall Availability (%)
<u>MINORITIES</u>					
Administrative	.0146	X	11.9	=	0.17
Professional	.2796	X	18.6	=	5.20
Technician	.1079	X	16.4	=	1.77
Para-Professional	.0370	X	22.6	=	0.84
Protective Service	.1919	X	21.7	=	4.16
Office/Clerical	.2113	X	23.4	=	4.94
Skilled Craft	.0520	X	19.6	=	1.02
Service Maint.	.1057	X	22.2	=	2.35

TOTAL (OVERALL AVAILABILITY) 20.5%

WOMEN

Administrative	.0146	X	37.2	=	0.54
Professional	.2796	X	48.3	=	13.50
Technician	.1079	X	42.6	=	4.60
Paraprofessional	.0370	X	69.9	=	2.59
Protective Service	.1919	X	33.0	=	6.33
Office/Clerical	.2113	X	68.1	=	14.39
Skilled Craft	.0520	X	29.5	=	1.53
Service Maint.	.1057	X	46.0	=	4.86

TOTAL (OVERALL AVAILABILITY) 48.3%

PERSONS WITH DISABILITIES

Administrative	.0146	X	5.9	=	0.09
Professional	.2796	X	5.6	=	1.57
Technician	.1079	X	6.1	=	0.66
Paraprofessional	.0370	X	7.4	=	0.27
Protective Service	.1919	X	6.3	=	1.21
Office/Clerical	.2113	X	6.4	=	1.35
Skilled Craft	.0520	X	7.2	=	0.37
Service Maint.	.1057	X	9.0	=	0.95

TOTAL (OVERALL AVAILABILITY) 6.5%

ADAV3/M/AV2

## N. General Recommendations

The County has determined problem areas by identifying underutilization by job group. It now knows where groups of people, categorized by race/ethnicity, sex and disability status are not fully utilized in its work force.

The County also has available quarterly progress reports which, although based on population percentages rather than the newly-developed 8-factor analyses, provide valuable information regarding each County department's ability to meet hiring/promotion goals and to contribute toward increased representation of minorities and women in the County's work force.

The County further has established long-range percentage goals equal to availability, which it will strive to meet. When the goals are met, it will be fully utilizing currently underutilized groups of people in its work force. It will be employing these groups at the level of their availability in the relevant labor market.

The following recommendations are offered to assist the County in accomplishing its goals:

1. Develop a systemic methodology to identify what is causing the underutilization. Until an employer is able to determine why a specific group of people is not fully represented in the work force, appropriate, and permanent corrective actions are often not possible.
2. The primary step in identifying the cause of underutilization is to implement and monitor a detailed recordkeeping system on applicants and employees. The system must provide the County with information on the impact of its recruitment, hiring, promotion, transfer, training and disciplinary procedures have on specific groups of people by race, ethnic origin, sex, or people with disabilities.

Such a record-keeping system is required by Title VII of the Civil Rights Act of 1964. King County, as an employer subject to Title VII, must comply with the Equal Employment Opportunity Commission's guidelines to enforce Title VII -- the Uniform Guidelines on Employee Selection Procedures. Sections 4D and 15A of those

guidelines require King County to maintain and evaluate data that will reveal the adverse impact of its selection procedures.

The records should be maintained by job classification. Later, data can be consolidated into EEO categories or other supplemental job groups. The data should be evaluated for adverse impact, using both the 80% (or 4/5's) rule of thumb and tests of statistical significance.

If adverse impact is found in a total selection procedure for a job classification, the next step should be for the County to identify the specific selection tool, step, or device that is causing the adverse impact. Next, the County should determine the job-relatedness of that step, tool, or device and, if it is not related, correct the problem immediately. If it is job-related, the County may still elect to modify it in order to minimize or even eliminate the adverse impact it is creating.

Such data and its accompanying analysis will also be useful in evaluating the impact of King County's recruitment procedures. It will allow the County to compare its initial applicant pool (by percent) to the availability identified in its Affirmative Action Plan. This will enable the County to determine the effectiveness of its recruitment procedures. When the percentage of women, people with disabilities, or minorities in the applicant pool is significantly less than their availability, focused or target recruiting can take place in the future to correct the problem.

3. Another method to assist the County in reaching goals may be to establish a flexible policy in regard to whether a selection procedure is "open" or "closed". When an employer has this flexibility, it can examine and consider its own internal availability of minorities and women for promotion. When internal availability is greater than external availability in terms of minority and female representation, then, for affirmative action purposes, it would be best to conduct a closed selection process. Only County employees working in certain classifications could apply for the promotion. When the external

availability exceeds the internal availability, the reverse would be true, and it would be best to open the selection process to employees and outside applicants.

4. A fourth method to help in reaching goals is to develop a recruitment program that provides for focused recruitment of targeted groups. Rather than simply implementing a "shotgun" approach by contacting various minority, women's, or persons with disabilities organizations regarding general employment within the County, a focused program delivers recruitment information to a specific underutilized group. The program considers which sex/race/ethnic/persons with disabilities group is underutilized by job group and concentrates its resources on contacting that group's members for specific types of employment. The need for focused recruitment is apparent from the fact that the County is fully utilizing minorities as a whole, but is underutilizing specific sex groups within individual race/ethnic groups.

5. Regarding the problem of the significant underutilization of persons with disabilities, the County needs to move affirmatively and quickly in this area. There are a number of King County employees who have nonvisible disabilities and have not self-identified. This is evidenced by the numerous calls to our office inquiring about possible negative consequences of identifying themselves as having a disability.

Our goal is not only to increase new hires of persons with disabilities, but to provide a positive environment within King County so employees who are currently disabled will not feel threatened in self-identifying. Steps that are currently being implemented include:

- a. Providing disability awareness workshops to provide directors, managers, supervisors and other staff an opportunity to better understand the barriers persons with disabilities encounter and ways to eliminate those barriers.
- b. Working in cooperation with Personnel to develop countywide policies and procedures to provide

reasonable accommodation to employees who become disabled.

- c. Proactive recruitment of qualified people with disability characteristics by establishing working liaisons with local community agencies.
- d. Appointing a representative from the disabled community to the Office of Civil Rights and Compliance advisory committee.
- e. Establishing a 504 Compliance advisory committee to provide input and guidance in providing access to County programs, services and employment opportunities.
- f. Taking part in the new employee orientation to explain 504 compliance and the County's commitment to persons with disabilities.
- g. Review and implement, where possible, specific recommendations made in the 1987 report "King County Committee on Employment of the Disabled: Report and Recommendations."
- h. Identify a staff member to assume responsibility for affirmative action for persons with disabilities. Allow the responsible party the authority to require full justification from hiring authorities if an applicant with a disability is rejected for employment. Ensure that the responsible party audits data from the recordkeeping system described above in order to determine the impact of the County's selection procedures on persons with disabilities.

ADAV5/A/AVAIL4



0. Bibliography

1. Breakdown in Minority Participation, Females & Veterans as of September 30, 1983, Washington State Department of Labor & Industries, Apprenticeship & Training Division.

Census of minority, female and veteran enrollment in apprenticeship and training programs. Minority enrollment is broken down by race/ethnicity. Information is as reported by the apprenticeship programs themselves, and includes both those sponsored by private industry and those sponsored by labor unions.

2. Equal Employment Opportunity (EEO-4) Report, King County Systems Services Division, June 30, 1988.

List of full-time employees of King County government by EEO job category and salary range. Information is as provided to King County Systems Services Division by the King County Personnel Division payroll report.

3. Handicapped Workers in Washington State, Washington State Employment Security Department, Research & Statistics Branch, October 1981.

Disabled population by sex, using 1970 census data.

4. Directory of Secondary Schools with Occupational Curriculum, Public and Non-Public, National Center for Educational Statistics, Department of Education, Washington, D.C., 1980-81.

Data on 17,460 schools, by geographic area and by type of vocational training offered, as reported by the schools themselves.

5. Racial and Ethnic Enrollment in Institutions of Higher Education, Office for Civil Rights, Department of Education, Washington, D.C., 1980-81.

Details racial and ethnic full-time student enrollment in institutions of higher education in the 48 coterminous states and the District of Columbia, including the following types of schools: undergraduate, graduate and professional, medical, dental and law. Also includes totals for each state. Data is as supplied by the institutions themselves in response to a survey questionnaire, the method of data collection being determined by the individual institutions.

6. Countdown: Volume 2, Washington State Commission on Asian American Affairs, June 1987.

A detailed demographic profile of Asian and Pacific Islanders in the State of Washington. Information was obtained from U.S. Census Publication PC80-1-C49, "General Population and Detailed Population Characteristics of Washington".

7. Affirmative Action Information, 1987, Seattle PMSA, Washington State Employment Security Department, December 1987.

Minority population of King County and of Snohomish County. This publication makes projections from U.S. Census data.

8. Training Institution Data - Four-Year Colleges in Washington State, Individual Responses from Universities and Community Colleges, 1987-88 information.

Lists full-time student enrollment by race/ethnicity in institutions of higher education, reported by registrars of the individual institutions, the method of data collection being determined by each institution.

9. 1986-87 Vocational Technical Institute Program Completion Report, Washington State Superintendent of Public Instruction.

Lists full-time student enrollment by race/ethnicity in vocational/technical institute programs. Data is as reported by the individual institutions, the method of data collection being determined by each institution.

10. Workforce Analysis: Ethnic/Gender by Job Class and Category, PEC230-20N, King County Systems Services Division, August 31, 1988.

Listing by ethnicity and gender of all full-time and part-time employees of King County government, including newly-hired, terminated, reclassified, promoted, or demoted status. Information is as reported to King County Systems Services Division by King County Personnel Division.

11. Washington State by Subgeographic Areas, Part 1/1980: Occupations of Persons with a Limited Work Disability, Census of Population and Housing, 1980: Public-Use Microdata A.

Summary of employment in King County, for persons with disabilities, persons 40 years of age and over, Vietnam veterans, and disabled Vietnam veterans. Five per cent sample compilation. Compiled by University of Washington from U.S. Census data.

ADAV5/A/AVAIL5

P. Footnotes

1. For some job groups, some factors may not be relevant. For example, for most entry-level job groups, Factors 6 and 8 will not be relevant.
2. The OFCCP Compliance Manual recommends that Factor 1B be deemed the equivalent to female population in order "to comply with the spirit of the regulations and simplify the availability analyses...." In the OFCCP's new Instructors' Guide, however, Factors 1B and 7 were equated for an Attorney job group because attorney jobs are "typically filled through recruitment of graduating law school students." No explanation was offered for this different recommendation.
3. Note that Factor 2 relates to the proportion of women and minorities among all persons who are unemployed. Factor 2 does not refer to the female or minority unemployment rate, which indicates the proportion of all women workers or minority workers who are unemployed. Typically, state employment security commissions provide information on the unemployment rate of women and minorities. This, of course, is not the data required in Factor 2.
4. For such jobs, the Federal Contract Compliance Manual requires that population figures be used for Factor 7. For moderately skilled jobs, the OFCCP requires use of civilian labor force (Factor 3) figures.
5. For jobs filled by promotion, the OFCCP Compliance Manual requires that the Factor 7 statistics for the lowest entry-level pool job group be used.
6. See, e.g., Scientific Manpower Commission, Professional Women and Minorities, a Manpower Data Resource Service, May 1975.
7. In the past, many compliance officers treated Factors 6 and 8 as referring to separate pools of incumbent employees. This misunderstanding should be eliminated in the future, however, because the new Compliance

Manual makes it clear that Factor 8 "will usually equal (the) representation (of women) and minorities in lower-level jobs in the contractor's work force", which is the same group considered in Factor 6.

ADAV5/A/AVAIL6