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

Sponsors: Pete von Reichbauer

Indexes: Affirmative Action, Employment

Code sections: 3.12.180 - .

Attachments: 1. Ordinance 17631.pdf, 2. 2013-0249 fiscal note.xls, 3. 2013-0249 trasnmittal letter.doc, 4. Staff Report 2013-0249.doc

Date	Ver.	Action By	Action	Result
7/22/2013	1	Metropolitan King County Council	Hearing Held	
7/22/2013	1	Metropolitan King County Council	Passed	Pass
7/9/2013	1	Government Accountability and Oversight Committee	Recommended Do Pass Consent	Pass
7/1/2013	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/22/2013

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

BE IT ORDAINED BY THE COUNTY COUNCIL OF KING COUNTY:

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

A. For purposes of this section:

1. "County work force" means persons employed by King County executive departments;
2. "Job group" means a grouping of jobs as defined by the United States Department of Labor;
3. "Labor force availability rate" means the percentage of persons of color or women with requisite

job skills in King County as reported by the United States Census Bureau;

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

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

B. 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, religion, religious affiliation, creed, national origin, ancestry, sex, sexual orientation, gender identity or expression, age (except by minimum age and retirement provisions), marital status, honorably discharged veteran or military status, or the presence of a sensory, mental or physical disability. Further, it is the intent of the county to ensure that employment is based on the principle of equal opportunity and that such a 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.

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

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

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

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

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

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

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

f. an analysis by race and gender of the positions filled by promotion during the prior plan period. For the purposes of this subsection, "promotions" means those instances in which an individual advances in salary level because the individual changed to a position with a higher pay range assignment;

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

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

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

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

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

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

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

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

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

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

(1) labor force availability rate;

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

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

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

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

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

1. Labor force availability rates as proposed in the affirmative action plan by department, job group, race and gender;

2. Data by department and job group of the total number of positions filled;

3. For each department and job group, the number of positions that were filled by each race and gender category;

4. For each department and job group, the percentage of positions that were filled by each race and gender category;

5. A separate listing of placement goals not achieved. Placement goals are considered not achieved

when the availability rates are greater than the hiring rates. Placement goals shall only be considered not achieved in those instances in which the total number of hires is large enough such that it is statistically reasonable to expect under conditions of equal employment opportunity that the number of hires by race and gender will reflect work force availability;

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

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

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

SECTION 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.