



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 22, 2007**

**Ordinance 15777**

**Proposed No.** 2007-0293.2

**Sponsors** Gossett and Phillips

1 AN ORDINANCE related to the county's affirmative  
2 action plan; amending Ordinance 12014, Section 18, and  
3 K.C.C. 3.12.180, Ordinance 12498, Sections 1 and 4  
4 through 7, and K.C.C. 3.12.335 and repealing Ordinance  
5 9088, Section 3, and K.C.C. 3.12.185.

6

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

10 A. For purposes of this section:

11 1. "County work force" means persons employed by King County executive  
12 departments;

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

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

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

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

21           B. The county is an equal opportunity employer and shall carry out federal, state  
22 and local laws and regulations prohibiting discrimination in employment on the basis of  
23 race, color, ~~((ereed,))~~ religion, national origin, sex, sexual orientation, marital status or the  
24 presence of a sensory, mental~~((;))~~ or physical disability. Further, it is the intent of the  
25 county to ~~((i))~~ensure that employment is based on the principle of equal opportunity and  
26 that such a principle shall be implemented in all county personnel-related actions including,  
27 but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer  
28 and all other terms and conditions of employment in all job classifications.

29           ~~((B. It is the policy of the county that, until the effects of inequality in~~  
30 ~~employment opportunity within the county are eliminated))~~ C. In order to comply with  
31 federal contracting requirements and to ensure equal opportunity for all persons, all  
32 county departments shall establish and maintain an effective affirmative action plan ((of  
33 employment)), as adopted by the council by ordinance. Such an affirmative action plan  
34 shall promote the objectives of public policy set forth in applicable federal and state laws  
35 ~~((, including constitutions, statutes, regulations, and executive orders,))~~ relating to  
36 nondiscrimination, equal employment opportunity, affirmative action~~((;))~~ and civil  
37 rights. Specifically, the plan shall promote the objectives of the State Law Against  
38 Discrimination, ~~((RCW Title))~~ chapter 49.60 RCW (applicable parts), and provisions of  
39 the Washington Administrative Code adopted thereunder. As part of the county's  
40 affirmative action plan, the executive shall submit by ~~((November 30th))~~ June 1 of every

41 ~~((either))~~ fifth year, commencing with ~~((1990))~~ 2007, a ~~((biennial))~~ proposed ordinance  
42 for the approval of an affirmative action ((master)) plan pertaining to ((the appropriate))  
43 executive county departments and agencies to be approved, or modified, by the council  
44 by ordinance , or rejected by the council, by January 1 following the plan's submittal to  
45 council. ((Such plan shall include policies and procedures for the implementation of  
46 county affirmative action programs and shall set forth proposed availability rates for  
47 protected groups designated by the county in employment, and utilization goals in  
48 contract compliance and minority and women business enterprise contracting.)) The  
49 affirmative action plan shall include:

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

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

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

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

61 d. the total number of persons with disabilities in each job group within the  
62 county work force and the total number of persons with disabilities by department  
63 voluntarily reported by individuals for equal employment opportunity affirmative action

64 purposes. The plan shall include the number of positions for which an accommodation is  
65 currently in effect;

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

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

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

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

82 2. Placement goals for the plan period. For those job groups within departments  
83 where the actual number of women and persons of color employed is less than projected  
84 by labor force availability, a placement goal by race and gender shall be established for  
85 the entire plan period. A placement goal shall equal the labor force availability rate.  
86 Placement goals are used to measure progress toward achieving equal employment

87 opportunity. Placement goals may not be quotas, which must be met, nor do they create  
88 set-asides for specific groups. Placement goals may not be used to supercede merit  
89 selection principles. Further, existence of a placement goals does not constitute evidence  
90 of discrimination. If a placement goal has been established, the plan shall identify the  
91 labor force availability rate;

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

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

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

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

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

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

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

111                    (1) labor force availability rate;

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

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

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

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

128                    D. A progress report on each year's placement goals and implementation plans  
129 shall be delivered to the council annually on June 1. Eleven copies of the report shall be

130 filed with the clerk of the council, for distribution to all councilmembers. For each  
131 category where a placement goal is established, the following shall be reported:

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

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

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

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

139 5. A separate listing of placement goals not achieved. Placement goals are  
140 considered not achieved when the availability rates are greater than the hiring rates.

141 Placement goals shall only be considered not achieved in those instances in which the  
142 total number of hires is large enough such that it is statistically reasonable to expect  
143 under conditions of equal employment opportunity that the number of hires by race and  
144 gender will reflect work force availability;

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

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

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

154           SECTION 2. Ordinance 9088, Section 3, and K.C.C. 3.12.185 are each hereby  
155 repealed.

156           SECTION 3. Ordinance 12498, Sections 1 and 4 through 7, and K.C.C. 3.12.335  
157 are each hereby amended to read as follows:

158           A. It is the policy of King County to provide opportunities for paid, competitive  
159 employment for individuals with developmental disabilities, as defined in this chapter, in  
160 integrated work settings. The executive shall seek the cooperation, assistance and  
161 participation of all county departments in the successful implementation of this policy.

162           B. ~~((Eligibility for Services.))~~ Persons with developmental disabilities as defined  
163 in RCW 71A.10.020(2), as amended, shall be eligible for supported employment  
164 pursuant to this section.

165           C. ~~((Responsible Agency.))~~ The ~~((office of human resource management))~~  
166 department of community and human services, or its successor agency, is designated as  
167 the lead agency responsible for the management of the supported employment initiative  
168 with technical support provided by the developmental disabilities division, or its  
169 successor agency.

170           D. ~~((Civil Rights and Compliance Reports and Affirmative Action Master Plan.~~  
171 ~~The executive shall submit the appropriate statistics and analysis of county activities in~~  
172 ~~supported employment as part of the reporting requirements mandated in K.C.C. 3.12.185~~  
173 ~~to be used in creation of the affirmative action master plan as referenced in 3.12.180B.~~



174 ~~E. Executive Authorized to Adopt Administrative Rules.))~~ The executive is  
175 authorized to adopt administrative rules to implement this section pursuant to K.C.C.  
176 3.12.350.

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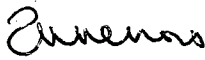
Ordinance 15777 was introduced on 5/7/2007 and passed as amended by the Metropolitan King County Council on 5/21/2007, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Phillips, Ms. Hague and Mr. Constantine  
No: 0  
Excused: 2 - Ms. Patterson and Mr. Ferguson

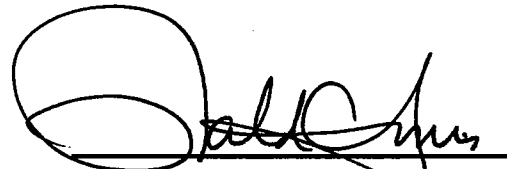
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 31 day of May, 2007.

  
Ron Sims, County Executive

Attachments None

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2007 MAY 31 AM 10:07  
CLERK  
KING COUNTY COUNCIL