

Establishing an Affirmative Action
Plan for the City of Seattle.

Ordinance No. 109112

84:B:03

AN ORDINANCE establishing an
Affirmative Action Plan
for the City of Seattle;
amending Sections 8 and 9
of Ordinance 107790 and
amending Section 8 of
Ordinance 107791; and
repealing Ordinance 101548.

9/24/79 P+PM (Public Hearing) Hold

9/24/79 P+PM Hold

4/27/80 D WITH W/ P+PM

COMPTROLLER 6/4/80 DO NOT PASS AS AMENDED P+PM
FILE NUMBER _____

Council Bill No. 100708

INTRODUCED: SEP 24 1979	BY EXECUTIVE REQUEST
REFERRED: SEP 24 1979	PERSONNEL & PROPERTY MANAGEMENT
REFERRED: MAY 5 1980	PERSONNEL & PROPERTY MANAGEMENT
REFERRED:	
REPORTED: JUN 16 1980	SECOND READING: JUN 16 1980
THIRD READING: JUN 16 1980	SIGNED: JUN 16 1980
PRESENTED TO MAYOR: JUN 17 1980	APPROVED: JUN 17 1980
RETD. TO CITY CLERK: JUN 20 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

- Police

- Parks

- Mr. Clark

- and copy

- HE

- DCD

PUB

BLDG. (BC)

ENG. (LaVergne)

B. O.

A. C.

S. E.

C. O.

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ORDINANCE 109112

AN ORDINANCE establishing an Affirmative Action Plan for the City of Seattle; amending Sections 8 and 9 of Ordinance 107790 and amending Section 8 of Ordinance 107791; and repealing Ordinance 101548.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Title. This ordinance shall be entitled "The Affirmative Action Plan Ordinance."

Section 2. Policy. It is the policy of The City of Seattle to provide a workplace for its employees that is free from discrimination on the basis of race, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. It is also the policy of The City of Seattle to take strong affirmative action to remedy the effects of past discrimination against minorities, women, handicapped and older workers, and to avoid practices which are suspect and capable of abuse or which have an adverse impact on the opportunities of such groups where it reasonably can to produce an efficient system. By doing so, the City will then be able to provide equal employment and advancement opportunities for all qualified persons and obtain a workforce in which such groups are fairly represented.

Section 3. Findings. The City Council has considered the analysis of the City's present and past employment practices contained in the Appendix of the attached Affirmative Action Plan, incorporated here by reference, and other materials presented to it and previously before it relative to the need for affirmative action, and finds that affirmative action to improve the progress of such groups and remove impediments to their employment opportunities within the

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City continues to be necessary and proper.

The City Council recognizes that two Washington State Superior Courts have already found certain of the City's past practices to be discriminatory against minorities and have determined not only that affirmative action within the City of Seattle was necessary but was required under the circumstances evidenced as late as 1976 to eliminate the effects of such practices, and that those decisions were affirmed on appeal in Lindsay v. Seattle, 86 Wn.2d 698, 548 P.2d 320 (1976) and Maehren et al. v. Seattle, et al., 92 Wn.2d 480, ___ P.2d ___ (August 1979).

Section 4. Affirmative Action Plan Adopted. The attached "Affirmative Action Plan" incorporated here by reference, is adopted. City officials and employees will act in accordance with the duties and procedures set forth in the adopted Plan.

Section 5. Personnel Ordinance Amendment. Section 8 of Ordinance 107790 is amended as follows:

Section 8. Affirmative Action.

~~(A. Affirmative Action Required:~~

~~1. Past discrimination in the City of Seattle employment processes has resulted in present underrepresentation of minorities and women in City of Seattle employment. Notwithstanding other provisions of this ordinance, this past discrimination and its continuing effects require the City to take affirmative action to ensure Equal Employment Opportunity for minorities and women in all aspects of employment.~~

~~2. When minorities and women are not fairly represented on registers or among applicants;~~

1 a-good-faith-effort-shall-be-made-through
2 appropriate-recruitment-and-examinations-to
3 secure-sufficient-minority-and-women-candidates.
4 No-examination-or-selection-procedure-or-the
5 results-thereof-shall-be-used-which-significantly
6 exclude-or-discriminate-against-minorities-or
7 women-if-a-less-exclusionary-or-discriminatory
8 examination-or-selection-procedure-exists-or
can-with-reasonable-likelihood-be-developed.

9 3.---Job-related-training-programs-in-essential
10 skills-and-abilities-shall-be-developed-and
11 made-available-to-minorities-and-women-to
12 assist-them-in-entering-job-classifications
13 in-which-they-are-substantially-underrepresented.

14 4.---Efforts-shall-be-made-to-include-minorities
15 and-women-in-the-employee-selection-process,
16 such-as-the-inclusion-of-women-and-minorities
17 on-interviewing-panels.

18 5.---A-responsibility-of-every-employee-shall-be
19 to-further-the-success-of-the-City's-affirmative
20 action-plan, and-is-an-appropriate-element-of
every-employee's-performance-evaluation.

21 B.---Affirmative-Action-Plan.---The-Mayor-shall-be
22 responsible-for-developing-and-implementing-the
23 Affirmative-Action-Plan-of-the-City-of-Seattle;
24 provided-that-the-plan-shall-be-approved-by-the
25 City-Council.---The-plan-shall-be-based-on-adequate
26 data-regarding-the-community-and-the-City's-workforce.
27 Comprehensive-data-related-to-affirmative-action
28 shall-be-included-in-the-personnel-management
records-system.---The-Mayor-shall:

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1.---Annually prepare, revise and update the City's Affirmative Action Plan or revision thereto.

2.---Establish new goals and timetables for the employment of minorities and women on a City-wide departmental basis according to Equal Employment Opportunity Commission category or other usable form.

3.---Adopt guidelines for designating which positions are to be filled affirmatively to meet goals and timetables for the employment of minorities and women.

4.---Identify areas where special training programs are needed to meet the goals and timetables of the Affirmative Action Plan.

5.---Prescribe guidelines for use during any layoff which will meet the affirmative action needs of the City.

C.---Affirmative action monitoring and implementation.

1.---The Personnel Director and other City officers, departments, and agencies shall provide all necessary information to enable the Human Rights Department (HRD) to monitor the progress of minorities and the Office of Women's Rights (OWR) to monitor the progress of women under the Affirmative Action Plan. HRD and OWR shall verify whether departments are in conformance with the plan. Any instance of noncompliance with the plan shall be reported to the appointing authority and the Personnel Director, who shall cooperate with HRD and

1 OWR-in-eliminating-noncompliance-and-in
2 remedying-its-effects-and-ensuring-future
3 compliance.--Failure-of-a-department-or
4 agency-to-cooperate-or-to-comply-with-a
5 request-shall-be-reported-to-the-Mayer.
6 2:---If-a-department-is-not-in-compliance-with-the
7 Affirmative-Action-Plan,--the-Mayer-may-require
8 by-executive-order-that-the-Director-provide
9 a-selective-certification-of-women-or-minorities
10 to-fill-certain-positions-in that-department.
11 3:---To-ensure-that-affirmative-action-is-fully
12 implemented-in-all-City-departments-and
13 offices,--adequate-resources-shall-be-provided
14 to-carry-out-the-activities-mandated-by-this
15 ordinance.))

15 The City shall have an Affirmative Action Plan, as
16 adopted by Ordinance 109112 and as subsequently amended,
17 in order to provide its employees with a workplace free from
18 discrimination, and to remedy the effects of past discrimination
19 against women, minorities, handicapped and older workers.
20 Personnel actions taken in accordance with this Personnel
21 Ordinance shall be subject to and consistent with the Affirmative
22 Action Plan.

23 Section 6. Personnel Ordinance Amendment. Section 9
24 of Ordinance 107990 is amended as follows:

25 Section 9. Handicapped.

26 ((Ar-It-is-the-policy-of-the-City-to-employ-handicapped
27 persons-and-to-make-substantial-efforts-to-continue
28 the-employment-for-those-persons-who-become-handicapped
while-performing-City-duties.--The-Affirmative
Action-Plan-will-encourage-recruitment,--hiring,

1 and-retention-of-the-handicapped-))

2 A. The City's Affirmative Action Plan, as adopted by
3 Ordinance 109112 and as subsequently amended,
4 shall contain provisions to encourage recruitment,
5 hiring and retention of handicapped workers.

6 ((B-The-appointing-authority-with-the-concurrence-of
7 the-Personnel-Director,-is-encouraged-to-restructure
8 jobs-and-adjust-job-schedules-in-order-to-hire
9 handicapped-persons-))

10 ((E-)) B. A preemployment physical which discloses
11 existence of a disability that would affect job
12 performance may result in the disqualification of
13 that applicant for that particular job; provided
14 that an applicant may be hired as long as the
15 handicap or disability does not affect the proper
16 performance of the job; provided further that the
17 applicant may be hired if the job may be accommodated
18 to the employee's limitations.

19 Section 7. Public Safety Civil Service Ordinance
20 Amendment. Section 8 of Ordinance 107791 is amended to read
21 as follows:

22 Section 8. AFFIRMATIVE ACTION ((-HANDICAPPED--All
23 personnel-actions-regarding-employees-covered-by-this-system
24 are-subject-to-the-affirmative-action-and-handicapped
25 requirements-of-the-Personnel-Ordinance,-provided,-that-any
26 duties-assigned-to-the-Personnel-Director-shall-be-performed
27 by-the-Commission-with-regard-to-employees-covered-by-this
28 system-))

29 Personnel actions regarding employees covered by the
30 system set forth in this Public Safety Civil Service Ordinance
31 shall be subject to and consistent with the City's Affirmative

1 Action Plan as adopted by Ordinance 109112 and as
2 subsequently amended.

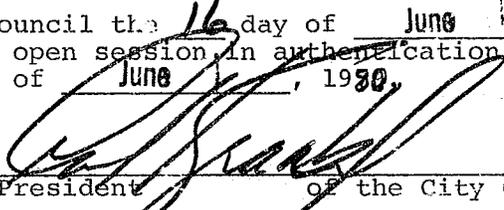
3 Section 8. Repealer. Ordinance 101548, entitled:

4 "AN ORDINANCE declaring and providing for implementation
5 of the policy of the City for Affirmative Action
6 Programs by City departments to achieve equality
7 of City employment opportunities for members of
8 minority races, women, and persons over 40 years
9 of age.",

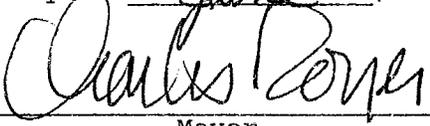
10 is hereby repealed.

11 Section 9. Effective Date. Subject to the provisions
12 of this Section, this Ordinance shall take effect and be in
13 force thirty days after its passage and approval, if approved
14 by the Mayor; otherwise it shall take effect at the time it
15 shall become law under the provisions of the City Charter;
16 provided however, in no event shall this ordinance take
17 effect and be in force earlier than January 1, 1980, if
18 passed and approved or passed without the Mayor's approval
19 or passed over the Mayor's veto earlier than thirty-one days
20 before said date.

21 PASSED by the City Council the 16 day of June,
22 1979, and signed by me in open session, in authentication of
23 its passage this 16 day of June, 1980.

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25 _____
26 President of the City Council

27 Approved by me this 17 day of June, 1980.

28 

Mayor

Filed by me this 17 day of June, 1980.

Attest: 

City Comptroller and City Clerk

By: 

Deputy

(SEAL)

Published _____

AFFIRMATIVE ACTION PLAN FOR EMPLOYMENT
as amended June 9, 1980

POLICY STATEMENT

It is the policy of the City of Seattle to provide a workplace for its employees that is free from discrimination on the basis of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. The City recognizes that in the past some of its employment practices have discriminated against minority, women, and qualified disabled workers. Past practices have impeded the hiring and progress of workers in these protected groups, and certain of the City's current practices may perpetuate discrimination and arguably have an adverse impact on protected group members. The City of Seattle should be a leader in the area of affirmative action and should set an example for other employers by its behavior. The City of Seattle desires to remedy the effects of past discrimination by a strong affirmative program that will provide equal employment and advancement opportunities for all qualified persons, and will provide the City with a group of employees in which the representation of disabled persons, women and minorities is at parity with their representation in Seattle's labor force. The City will pursue programs which accommodate and increase employment access and opportunities for the disabled.

PURPOSE

The purpose of the City's Affirmative Action Plan is to provide a general framework for affirmative action activities in the City of Seattle. The primary emphasis of affirmative action activities will be on minorities, women, and the disabled. This plan identifies the persons and departments responsible for implementing affirmative action and establishes the procedures for developing the annual work plan. General programs and activities that will be used to further affirmative action are identified in this plan, but specific programs and activities will be identified in the annual work plan. The activities in the annual work plan will be designed to (1) help eliminate the effects of past discriminatory employment practices; (2) avoid or ameliorate any adverse impact and effects of present employment practices, procedures or policies on protected group members; (3) serve the needs of the City of Seattle by having a work environment free of discriminatory practices and barriers to equal employment opportunity; and (4) ensure that minorities, women, and the disabled are employed and advanced.

AUTHORITY

The City of Seattle has established its Equal Employment Opportunity and Affirmative Action Plan in accordance with the laws, rules, regulations, and guidelines of the various federal, state, and local agencies having jurisdiction in the City. Executive Order 11246, as amended by Executive Order 11375, requires all federal contractors and subcontractors with 50 or more employees and contracts over \$50,000 to develop and implement a written Affirmative Action Plan. The City as a federal contractor is subject to the provisions of Executive Order 11246, as amended, and the regulations issued thereunder. The City is also required to take affirmative action to employ and advance in employment qualified handicapped individuals (Section 503 of the Rehabilitation Act of 1973) and qualified disabled veterans and Vietnam era veterans (Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974).

NEED FOR AFFIRMATIVE ACTION

This section summarizes the findings of the study of past and present employment practices contained in the Appendix. Past discrimination, and perhaps some current practices, have resulted in clear underutilization of protected group members in many City jobs. For example, according to the 1979 Affirmative Action Plan⁴, in 1978 of 108 Manager 2-12 positions, 15.7% were held by women and 11.1% were held by minorities; of 556 Police Officer positions, 2.7% were held by women and 7.6% were held by minorities; and of 67 Automotive Machinists, 1.5% were held by women and 11.9% were held by minorities.

Minority groups have consistently been underrepresented in City employment, and when employed have been relegated primarily to unskilled laborer and service positions. Women have also been underrepresented in City employment. They have been excluded from many jobs without regard to their ability to perform the required duties, and have often been confined to traditional clerical roles. For example, according to the 1979 Affirmative Action Plan⁵, at the end of 1979 23.7% of service and maintenance jobs will be held by minorities and 64% of office and clerical jobs will be held by women.

In the past, discriminatory practices permeated all phases of the personnel system. Poor recruitment efforts created in-house job "pipelines" which made it difficult for minority group members to even hear about job openings. Many job titles and job announcements expressly limiting employment to males either discouraged or prevented women from applying for positions for which they may have been well qualified.

Minimum job qualifications, either in terms of experience or education, have been excessive. The City excluded individuals whose lack of credentials may not have indicated a lack of ability to do the job. Protected groups whose educational and experience opportunities were limited due to past discrimination suffered the consequences. Arbitrary height requirements have also restricted the entry of many minority and female job applicants.

In an attempt to limit employment to individuals meeting a rather vague standard of "good moral character," the City used to collect irrelevant information concerning the background of applicants. Police record and credit checks, and references from previous employers served to screen out minority and women applicants without regard to their present ability to safely and efficiently perform a job.

The Civil Service examination process, meant to be a fair and objective system of measuring the ability to do a job, not only included subjective elements which were racially and sexually suspect, but often tested for abilities and knowledge not related to the duties of a particular position. This use of tests not validated for job relatedness was historically aggravated by the "Rule of Three." Under that rule, only the three highest scorers on an examination were considered in the final selection. Yet minorities and women fortunate enough to be certified to a department's appointing authority were faced with another suspect subjective evaluation process, since departments exercised wide discretion in who they hired from a list of certified eligibles.

A workforce with a low representation of women and minority employees was perpetuated by a seniority system which encouraged "promotional only" examinations and limited entry level opportunities. Present employees received preference over initial applicants on many competitive examinations. For the protected group members who gained access to City employment, upward mobility presented selection practices similar to those encountered in the initial examination process. Advancing the promotional ladder of course, meant more pay and responsibility. To the extent it was considered inappropriate to have women and minorities receive more pay or responsibility than their white male counterparts, these protected groups faced additional barriers.

Many of the causes of present underrepresentation of women and minorities are societal in nature, and beyond the scope and power of the City of Seattle. The limited educational and employment opportunities afforded them because of past discrimination, leaves them lacking in the skills and experience truly necessary to the performance of some jobs. Discrimination also takes on an institutionalized character such that women and minorities themselves learn to believe they are not qualified for certain jobs. It becomes accepted that certain careers are reserved for white males. Thus, women and minorities do not bother to apply for the positions. This "constructive denial" renders the result no less discriminatory.

Although the City of Seattle is not solely responsible for all the discriminatory barriers which have or continue to limit job opportunities for potential women and minority employees, its past actions do make it responsible for a good share of such barriers. This Affirmative Action Plan is developed to remove these barriers and to ultimately achieve an employment system which provides equal employment and advancement opportunities for all qualified persons. This employment system will provide the City with a group of employees in which the representation of disabled persons, women and minorities is at parity with their representation in Seattle's labor force.

ASSIGNMENT OF AFFIRMATIVE ACTION RESPONSIBILITIES

Mayor

The Mayor is responsible for providing active leadership and administrative direction to implement the Affirmative Action Plan of the City of Seattle.

The Mayor will:

1. Recommend to the Council the necessary money and staff for affirmative action.
2. In accordance with this Plan, oversee and assign responsibilities for affirmative action implementation to the Personnel Department, Human Rights Department, Office for Women's Rights, Department of Human Resources, other City departments, offices and employees.
3. Issue an Annual Affirmative Action Work Plan that will include specific affirmative action programs and hiring goals for each year.
4. Assign a staff member to devote a substantial portion of his or her time to affirmative action implementation and to serve as chairperson for the Affirmative Action Task Force.

5. Identify and provide positive incentives to those departments meeting their affirmative action goals and negative sanctions against departments failing to meet their responsibilities. The conditions under which these incentives and sanctions will be applied will be identified by the Mayor and each department affirmative action progress will be a factor in the Mayor's performance evaluation of every department head.
6. Require by executive order that the Personnel Director or the Public Safety Civil Service Commission provide a selective certification of minorities, disabled persons and or women to fill certain positions in departments, where the Mayor finds that such action is necessary for the department to meet the goals of the Annual Work Plan.

City Council

The City Council will provide adequate resources to carry out the activities mandated by the Personnel Ordinance and this Plan to ensure that affirmative action is fully implemented in all City departments and offices. The Council will review departmental performance and the Affirmative Action Work Plan during the annual review of the City's budget.

Personnel Department

The Personnel Director will have the primary responsibility for administration of the Affirmative Action Plan and will provide a City personnel system in accordance with the nondiscrimination laws and this Plan.

The Personnel Director shall:

1. Direct the Personnel Department's activities to promote the success of Seattle's affirmative action goals, including recruiting, examination, selection, performance evaluation, training, classifications and labor contract negotiations.
2. Provide selective certification of women, disabled persons, and/or minorities, when ordered by the Mayor or requested by appointing authorities, to fill certain positions in a department when necessary to meet the goals of the Annual Work Plan.
3. Maintain comprehensive data related to Affirmative Action in the personnel management records system.
4. Provide necessary information to enable the HRD to monitor the progress of minorities, OWR to monitor the progress of women, and DHR to monitor the progress of the disabled, Vietnam era veterans, and older workers under the Affirmative Action Plan.
5. Cooperate with HRD, OWR, DHR and federal and state agencies with EEO law responsibilities in eliminating discriminatory employment practices, remedying their effects and promoting the objectives of the Affirmative Action Plan.
6. Appoint and direct an Affirmative Action Administrator.
7. With the assistance of an Affirmative Action Administrator, develop rules and procedures governing the interview and selection of certified eligible by appointing authorities to insure unbiased consideration of candidates.

Under the direction of the Personnel Director, an Affirmative Action Administrator shall:

1. Prepare the City's Annual Affirmative Action Work Plan for the Mayor.
2. Negotiate goals and timetables in conjunction with HRD, OWR and DHR, for the employment of minorities, disabled persons and women on a City-wide and departmental basis, according to Equal Employment Opportunity category or other appropriate job group.
3. In order to promote affirmative action, suggest specific affirmative measures, rules and guidelines to the Personnel Director and the Mayor concerning affirmative filling of positions, layoffs, examinations and other City personnel actions.
4. Identify areas where special training programs are needed to meet the goals of the Annual Work Plan.
5. Recommend that the Mayor and the Personnel Director provide a selective certification of women, disabled persons or minorities to fill certain positions or categories of positions in a department when necessary to meet the goals of the Annual Work Plan.
6. Recommend funds and resources for City-wide Affirmative Action in the budget and in the Work Plan.
7. Review City personnel practices and policies for adverse impact or suspect practices or other problem areas affecting the employment opportunities of the protected groups identified in this Plan, and make recommendations to the Personnel Director for modifying and eliminating such practices and policies to achieve equal employment and affirmative action.
8. Assist the other divisions of the Personnel Department in complying with EEO/Affirmative Action requirements in all personnel processes, including the following: selection, recruiting, examinations, performance evaluation, training, classifications and labor contract negotiation.
9. Review City Apprenticeship programs and encourage Affirmative Action oriented programs.
10. Train department EEO Officers on EEO law and Affirmative Action, with the assistance of HRD and OWR.
11. Serve as general resource for Department EEO Officers.
12. Serve as the central recordkeeper of affirmative action data provided to Federal and state agencies by City departments.
13. Prepare the City's EEO-4 reports annually.
14. Serve as the spokesperson to Federal and State agencies and the public on affirmative action matters.

15. Disseminate information on current legislation and court decisions or other policy guidelines concerning EEO and Affirmative Action to City officials, Department Heads and employees.

Public Safety/Civil Service Commission

The Public Safety/Civil Service Commission shall:

1. Provide a selective certification of women and/or minorities, under the Mayor's order, to fill certain positions in the Police and Fire Departments when necessary to meet the goals of the Annual Work Plan.
2. Provide selective certification on the request of an appointing authority and according to selective certification guidelines in the master plan.
3. Provide necessary information to the Personnel Department, HRD, OWR and DHR to enable those departments to monitor the progress of minorities, women, the disabled, Vietnam era veterans, and older workers in the Police and Fire Departments.

Human Rights Department

The Human Rights Department shall:

1. Audit departmental and Personnel Affirmative Action Unit performance under the Affirmative Action Master Plan and each year's Work Plan.
2. Monitor the progress of minorities, women, and all other groups covered by the Affirmative Action Plan (see Monitoring, Reporting and Evaluation section).
3. Issue a special mid-year report to the Mayor and Council after the end of the second quarter each year, outlining affirmative action progress and detailing problems the City is having in attaining its annual goals for the year. This report will make recommendations to the Affirmative Action Unit and departments on how to increase the effectiveness of their activities (see Monitoring, Reporting and Evaluation section).
4. Submit an annual report to the Mayor and Council evaluating the City's affirmative action progress and programs for the preceding year. This report should include specific recommendations regarding the budget, recruiting programs, testing, certification, training and data systems.
5. In conjunction with the Personnel Affirmative Action Unit and OWR, set Citywide annual affirmative action goals.
6. In conjunction with the Affirmative Action Unit, provide technical assistance to departments.
7. Assist the Affirmative Action Unit in training departmental EEO officers.
8. Independently comment to the Mayor and Council on the draft annual Work Plan each fall, recommending changes and budget alterations to better reach the City's long-term affirmative action goals.

9. Order that additional lists of women, disabled persons or minorities be provided to departments by the Personnel Department before Requests for Certification are approved (Selective certification).
10. Certify changes of ethnic and racial identification status for affirmative action purposes.
11. Serve as the central recordkeeper of discrimination complaints filed with or by Federal or State agencies against the city and keep records of conciliation agreements and court orders relating to said complaints; also monitor affirmative action requirements of such compliance agreements or orders.

Office for Women's Rights

The Office for Women's Rights shall:

1. Review the progress of women under the Affirmative Action Plan, and assist HRD in preparing the mid year and annual reports.
2. Make specific recommendations to be included in the mid year and annual reports by HRD on programs to improve the economic and job status of women employees at the City, and programs to improve recruitment, training and promotion of women.
3. Report on discriminatory practices against women, or other problems in implementing the City's Affirmative Action Plan, where such practices reduce the City's ability to reach its affirmative action goals.
4. In conjunction with the Personnel Affirmative Action Unit and HRD, set Citywide annual affirmative action goals.
5. In conjunction with the Personnel Affirmative Action Unit, provide technical assistance to departments.
6. Assist the Affirmative Action Unit in training departmental EEO officers.
7. Independently comment to the Mayor and Council on the draft annual Work Plan each fall, recommending changes and budget alterations to better reach the City's long-term affirmative action goals.
8. Develop new or revised City programs to achieve our affirmative action goals for women, and through the annual work plan recommend the budget and location of such programs.

Department of Human Resources

The Department of Human Resources shall:

1. Monitor the progress of the disabled, Vietnam era veterans and older workers under the Affirmative Action Plan (see Monitoring, Reporting and Evaluation section).

2. Review the progress of the disabled, Vietnam era veterans and older workers in recruitment, training and special programs under the Affirmative Action Plan, identify any discriminatory practices relating to the disabled, Vietnam era veterans and older workers, and make recommendations as necessary, and assist HRD in preparing the mid year and annual reports.
3. Assist the Personnel Director and other departments in identifying specific handicaps of applicants and employees and in determining what restrictions or accommodations are appropriate and necessary to allow such disabled persons to perform City jobs yet maintain safe standards.
4. Assist the Affirmative Action Administrator in reviewing personnel processes of the City to determine whether present procedures assure the employment and advancement of qualified disabled individuals, disabled veterans, Vietnam era veterans and older workers.
5. Assist the Affirmative Action Administrator in designing or modifying personnel procedures to comply with Affirmative Action requirements for qualified disabled individuals, disabled veterans, Vietnam era veterans and older workers.
6. Work with the Affirmative Action Administrator to develop specific City programs designed to employ and advance older workers, qualified disabled workers, disabled veterans and Vietnam era veterans.
7. In conjunction with the Affirmative Action Administrator, provide technical assistance to departments.

Office of Management and Budget

The Office of Management and Budget is responsible for recommending the human and financial resources for the Affirmative Action Program.

The OMB Director shall:

1. With the assistance of the Affirmative Action Administrator, consider each department's progress toward its annual affirmative action work plan goals as part of its annual departmental review.
2. Recommend to the Mayor and City Council financial support for affirmative action programs based on the needs and effectiveness of departments and on the proposals contained in the draft Affirmative Action Work Plan for the following year.

Departments and Offices

Appointment and promotion decisions are the responsibilities of department heads. As appointing authorities, department heads will be held accountable to the Mayor in meeting the requirements of the Affirmative Action Plan. Department Heads, as appointing authorities shall:

1. Meet their annual affirmative action goals.
2. Comply with EEO laws and the City Affirmative Action Plan.

3. Provide assistance and information to the Personnel Department, OWR, HRD, DHR, and OMB in the development and implementation of the Affirmative Action Plan.
4. Request selective certification of women, disabled persons and/or minorities to fill certain positions in their department if such action is needed to meet their Affirmative Action goals. Such requests for selective certification are to be made in accordance with guidelines in the Affirmative Action Master Plan.
5. Appoint a qualified Equal Employment Opportunity Officer according to Guidelines which will be established by the City Personnel Department in conjunction with HRD, OWR and DHR and submit the name to the Affirmative Action Administrator, HRD, OWR, and DHR. The EEO Officer will be a high level manager with administrative authority which will allow the officer to effectively promote each department's affirmative action goals.
6. Provide adequate time and resources for the EEO Officer to perform his/her duties.
7. Delineate the responsibility for equal opportunity and affirmative action in each supervisor's and manager's job description and include in performance evaluations the affirmative action performance of supervisors and managers. Work performance will be evaluated on the basis of efforts and results achieved. Valid discrimination complaints against any employee should be noted in the employee's performance evaluation. Such notations should be considered a significant factor in determining the person's ability to do the job or a higher level job, especially jobs which involve managerial or supervisory responsibilities. Any negative sanctions used on an employee will be done according to Ordinance 107790 Section 21.
8. Provide periodic reports, as requested by the Affirmative Action Administrator, describing the Department's affirmative action progress. These reports may include, but are not limited to, information regarding hiring, promotions, transfers, training and terminations. Copies of the reports will be provided to HRD, OWR and DHR.

Department EEO officers shall:

1. Report directly to their respective department directors on matters concerning affirmative action and equal employment opportunity.
2. Participate in developing, monitoring and implementing department Affirmative Action programs.
3. Review each Department request for certification as part of their routine monitoring responsibility.
4. Bring any noncompliance with EEO/Affirmative Action requirements to the immediate attention of the Department Director.
5. Participate in evaluating and remedying employment practices and policies which discriminate against, are suspect, or have an adverse effect on opportunities of protected groups.

6. Participate in training sessions offered by OWR, HRD and the Personnel Department.
7. Assist their department in resolving EEO complaints and counsel employees on EEO problems.
8. 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.

City Employees

Every employee shall further the success of the City's Affirmative Action Plan and perform in conformance with the City's Fair Employment Practices Ordinance.

This responsibility will be an element of the performance evaluation of department managers and supervisors.

Affirmative Action Task Force

The Affirmative Action Task Force (AATF) is responsible for providing advice and consultation to the Mayor on the development, implementation and conduct of the City's Affirmative Action programs. The AATF will help resolve and work out EEO/AA problems between departments. The AATF is appointed by the Mayor and consists of the Affirmative Action Administrator, a member of the Mayor's staff, the Directors of the Personnel Department, HRD, OWR, DHR, a representative of Department EEO Officers and other appointees as appropriate. The Mayor's representative will chair the AATF.

PREPARATION OF THE ANNUAL WORK PLAN

When the proposed annual budget is submitted to the City Council, the Mayor will submit to the City Council a draft Affirmative Action Work Plan for the following year. There will be community participation in the development of the Work Plan; at a minimum, the Mayor will hold a public hearing to solicit such participation. The draft Work Plan will include (1) an identification of the previous year's progress; (2) an identification of problem areas in attaining affirmative action goals; (3) specific programs to achieve Seattle's Affirmative Action goals and respond to the problems. These specific programs will include proposals relating to training and career development, recruitment, examinations, certification and selective certification, and programs for qualified disabled individuals, Vietnam era veterans, disabled veterans and older workers. Programs included in the draft Work Plan will correspond with appropriate funding in the proposed budget. Each December, after approval of the annual budget, the Mayor will issue a final Affirmative Action Work Plan for the following year. The Work Plan will include:

- 1) A utilization analysis
- 2) An identification of problem areas
- 3) Reasonable and achievable hiring and promotion goals for minorities, the disabled and women
- 4) An identification of funding levels and staff resources used to accomplish the specific Affirmative Action activities.
- 5) Specific programs to achieve Affirmative Action objectives and respond to specific recommendations made by HRD in its annual reports.

The Affirmative Action Administrator will prepare the Annual Work Plan for the Mayor.

Procedure for Developing a Utilization Analysis

The utilization analysis will be developed in accordance with the requirements of Revised Order No. 4, Office of Federal Contract Compliance. In making the utilization analysis, the City shall conduct such analysis separately for minorities, disabled persons and women. "Labor area" for the City of Seattle is defined, by priority, as the area of the City of Seattle, the Puget Sound area, and the State of Washington.

In determining whether minorities, disabled persons and women are being underutilized in any job group, the City will consider at least all of the following factors:

1. The disabled, minority and female population of the Seattle labor area;
2. The availability of disabled persons, minorities and women seeking employment in the labor or recruitment area of the City;
3. The size of the minority, disabled and female work force as compared with the total work force in the Seattle labor area;
4. The percentages of the minority, disabled and female work forces as compared with the total work force in the Seattle labor area;
5. The general availability of minorities, disabled workers and women having requisite skills in the Seattle labor area;
6. The availability of minorities, disabled workers and women having requisite skills in the Seattle labor area;
7. The availability of promotable and transferable women, disabled persons or minorities within the City of Seattle;
8. The existence of training institutions capable of training persons in the requisite skills; and
9. The degree of training which the City is reasonably able to undertake as a means of making all job classes available to minorities, women and disabled person.

Procedure for Identifying Problem Areas

The Affirmative Action Administrator will conduct an in-depth analysis of employment practices and procedures to determine problem areas. This analysis will be coordinated with the City's utilization analysis to determine how certain employment practices may be causing significant underutilization of minorities, disabled workers and women. This analysis includes a review of applicant flow, selection, transfer, promotion, training and other personnel practices with appropriate corrective action. The analysis should also include a review of the types of discrimination complaints (e.g. hiring, firing, or work environment) filed with HRD.

Potential areas of discrimination that require review and action include:

1. The recruitment process and personnel procedures.
2. Concentrations of women, minorities and disabled workers in various job titles and job groups.
3. Selection standards and procedures.
4. Upward mobility systems, assignments, job progressions, transfers, promotions, performance evaluation, and training.
5. Wage and salary structure.
6. Benefits and working conditions.
7. Layoff, recall, termination, disciplinary action, and discharge.

Comprehensive data related to affirmative action in the personnel management record system will be used to aid analysis of the above personnel practices.

Procedure for Establishment of Goals and Timetables

The Mayor will establish specific City-wide and departmental goals and timetables to correct deficiencies identified in the utilization analysis and the problem identification process. Goals and timetables will be established for minorities, women and disabled persons and the City will only collect employment data on Vietnam era veterans and older workers. Goals will be established to assure that progress is made toward having a City workforce where the percentage representation of minorities, women and disabled persons is equal to their percentage representation in Seattle's civilian labor force.

Goals - Goals will be established for blacks, Asians, Hispanics, native Americans, women and disabled persons for each Equal Employment Opportunity job category in each department. City-wide goals will be equal to the sum of all departmental goals.

Timetables - The annual Work Plan will establish goals for five years and the goals should be established to assure that the minimum feasible time period necessary to meet the goals is used.

The following are guidelines for developing goals and timetables:

1. The Affirmative Action Administrator reviews the utilization analysis and problem areas and with the assistance of the Human Rights Department, Department of Human Resources and Office for Women's Rights develops City-wide affirmative action goals. The Human Rights Department, Department of Human Resources and the Office for Women's Rights may also make recommendations on goals and timetables for a specific department.
2. The Affirmative Action Administrator, department head and department EEO officers will negotiate each department's annual goals and timetables.
3. Goals should be significant, measurable, attainable and reasonable.
4. Rigid and inflexible quotas should be avoided; but will be employed where significant underrepresentation exists and where goals cannot be met through other alternatives.

5. Anticipated expansion, reduction, and turnover in the work force should be considered.
6. The specific affirmative action hiring or training measure used to attain goals will be terminated upon correction of the identified problems. Affirmative action processes and procedures will remain in effect to audit, enforce and maintain employment levels for women, minorities and disabled persons.

Specific Programs to Achieve Affirmative Action Objectives

Specific activities and programs in the annual work plan will be listed under the specific categories outlined in the master plan, such as Training and Career Development. Each such activity or program will have, whenever possible, a timetable for its completion or implementation.

Training and Career Development

In the past, City training efforts have been primarily confined to individual departments with the Personnel Department providing a small number of City-wide training offerings that supplemented departmental training. Since no coordinated focus for training existed, training money was spent in a sporadic, fragmented and often repetitive manner.

In its annual Training Plan, the City will include special programs and goals to improve selection and upward mobility for protected groups, such as non-traditional skills development for women, supervisory training and new apprenticeship programs to attract members of protected groups.

Annually, each City department will submit their training plans to the Personnel Department. The department must clearly outline how those plans will help them attain their Affirmative Action goals. Departmental training plans must assure that training opportunities and expenditures for protected groups are adequate to meet their training needs. Regular training offerings should be readily available to members of protected groups and departments will encourage members to participate in such offerings. At a minimum, training expenditures for women, the disabled and minorities must be proportionate to their representation in the department. Where special training programs are needed to meet affirmative action goals, these will be identified within the department's training plan. On-the-job training and development programs should be addressed as part of career development programs. With the assistance of HRD, OWR and DHR, the Personnel Department will review departmental training plans and make recommendations to OMB and the Mayor during the budget process.

The Annual Work Plan will include training goals consistent with the Training Plan.

Recruitment

The Personnel Recruitment Office provides centralized job information and an application center for the public seeking employment with City departments. The Recruiting Office also offers job counseling and informational services consistent with departmental requirements and affirmative action guidelines. The Recruiting Coordinator participates in job fairs held by schools and non-profit agencies, and in community work recruiting.

The Affirmative Action Administrator will assist the Recruiting Coordinator in developing Affirmative Action recruitment objectives and programs for the Annual Work Plan. The Affirmative Action Administrator and Recruiting Coordinator will also work with departments in addressing their recruitment needs to meet Affirmative Action requirements.

Examinations

Examination and selection procedures should be valid and job-related. If a valid job-related procedure results in an adverse impact upon a protected group, an alternative procedure will be used when it is available or can with reasonable likelihood be developed.

The Affirmative Action Administrator will work with the Personnel Department Exam Division in reviewing and identifying exams or procedures that adversely impact protected groups and in developing alternatives that are less exclusionary.

Certification and Selective Certification

When a test has been administered, by either Personnel or the department with a vacancy, it is graded and a register is compiled of the names of those who passed the exam. When a department has an opening in that class, it requests a certification of those individuals eligible to be considered for appointment.

Normally persons are appointed to a position from the top fifteen or top 25%, whichever is greater, of persons who have successfully completed an exam. "Selective certification" is a means of improving representation of women, the disabled and minorities by certifying the highest ranking minority and/or women candidates in order to assure that eligible minorities, disabled persons and women are represented in the pool of candidates from which the department head appoints.

The Affirmative Action Administrator, and Human Rights Department may: (1) identify those situations where selective certification may be required in the Annual Work Plan and (2) recommend that the Mayor and the Personnel Director provide a selective certification of minorities, disabled persons and women to fill certain positions or categories of positions where such action is necessary for the department to meet its annual goals.

The Affirmative Action Unit will develop new rules for promulgation by the Personnel Director, detailing the selective certification process. The following guidelines will govern the selective certification process that will take effect upon the issuance of revised rules:

1. Annual goals have been set for all EEO categories, within departments, where there is a significant underrepresentation imbalance of minority, disabled persons and female employees. These goals are achievable objectives, and are generally lower than the long-term goal of a City work force, throughout all categories, that reflects the general labor force participation rate of various groups in Seattle.

2. When a vacant job position is within a category for which a department has not yet met its annual goal, the department will request a list (in addition to the regular list of the top 25% of persons who took an exam) of the top 25% or top 15 qualified women, the top 25% or top 15 qualified minorities, or the top 25% or top 15 qualified disabled persons, as the need may be. The department may then appoint from the expanded pool consisting of the regular list and the additional list(s).
3. In order to meet their annual affirmative action goals, and to remedy the effects of past discrimination, departments may take race, disability and sex into consideration in assessing candidates for appointment.
4. HRD will maintain its function in reviewing Requests for Certification (RFCs) at the Personnel Department. The Personnel Department/Affirmative Action unit, or the HRD, may order that a department receive an additional list or lists when a vacant job position is within a category for which a department has not yet met its annual goal for hiring of women, the disabled and minorities. The department shall then consider all persons within the expanded pool for appointment to the relevant position. The Mayor shall by Executive Order require that specific positions be filled by women, the disabled or minorities whenever he/she finds that: (1) imbalance in a job category where women, the disabled or racial minorities have traditionally been underrepresented; and (2) the department involved does not appear able to achieve its annual affirmative action goals by another available alternative.

Retention and Lay-offs

As part of its Affirmative Action program, the City will seek to retain representation of all protected groups in the current workforce. To aid retention of protected groups, the City will maintain a work environment that provides equal employment opportunity.

In the Annual Work Plan, the Personnel Department will evaluate any planned layoff proceedings and identify any adjustments that are necessary to ensure that affirmative action goals will not be adversely affected or impeded.

Employee layoff should not occur in a manner which produces a negative disparate impact upon members of protected groups. Preceding any scheduled layoff, the Personnel Director or designee shall evaluate the classification affected to ascertain the impact of the planned layoff proceedings upon the City and department Affirmative Action Goals. Where the layoff proceeding can be predicted to have a negative disparate impact, the Personnel Director and departments shall follow these guidelines:

- a. Layoffs shall be evaluated by the Personnel Director or designee to determine if any related City positions are available for transfer of employees subject to layoff. An inquiry shall be conducted prior to the layoff to locate these vacancies, and eligible employees will be assigned to them subject to approval of the appointing authority.

- b. When (1) women, the disabled or minorities are substantially underrepresented in an EEO category within a department; or (2) a planned layoff would produce substantial underrepresentation of women, the disabled or minorities; and (3) five or more employees in that category in that department are scheduled to be laid off at one time; and (4) such layoff in normal order would have a negative disparate impact on women, the disabled or minorities: Then the Personnel Director shall make the minimal adjustment necessary in the order of layoff in order to prevent that negative disparate impact.

In the Annual Work Plan, the Personnel Department will evaluate any planned layoff proceedings and identify an adjustments that are necessary to ensure that affirmative action goals will not be adversely affected or impeded.

Programs for Qualified Disabled Individuals, Vietnam Era Veterans, Disabled Veterans and Employees Over 40

The City will take affirmative action to employ and advance in employment qualified disabled persons at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship programs.

The City will make reasonable accommodations to the known physical, mental or sensory limitations of an otherwise qualified applicant or employee. The Affirmative Action Administrator will provide guidance and technical support to appointing authorities for developing and implementing appropriate accommodations.

In the Annual Work Plan the City will review its personnel processes to determine whether its present procedures assure careful, thorough and systematic consideration of the job qualifications of known protected group members. To the extent that is necessary to modify personnel procedures, annual plans will identify any new procedures to meet Affirmative Action requirements.

The City will monitor the progress of employees over 40 and Vietnam era veterans.

PLAN DISSEMINATION

The City of Seattle Affirmative Action Program includes procedures for formal internal and external dissemination of the Affirmative Action Plan. The primary objective of this aspect of the program is to insure awareness and understanding of the program by all employees and the public.

Internal

1. Each department will post a copy of the City's Affirmative Action Policy Statement on department bulletin boards or in some other conspicuous place.
2. The Affirmative Action Administrator will distribute the Affirmative Action Plan and Annual Work Plan to each Department Head, each Departmental EEO Officer and to the members of both the Seattle Women's Commission and the Human Rights Commission.

3. The City's Affirmative Action Policy Statement and a summary of the Affirmative Action Plan will be included in the employee handbook when issued.
4. The Affirmative Action Administrator will make the Affirmative Action Plan and Annual Work Plan available upon request to employees.
5. The Affirmative Action Administrator, with the assistance of Human Rights Department, Office for Women's Rights and Department of Human Resources will provide orientation training to new employees on the City's EEO and affirmative action policy.
6. The Affirmative Action Administrator will provide information on the Affirmative Action Plan and the Annual Work Plan in the City Employees' News and in an annual report.

External

1. The Affirmative Action Administrator, Human Rights Department, Office for Women's Rights and Department of Human Resources will have copies of the Affirmative Action Plan available for perusal by the public; copies of the Affirmative Action Plan will also be available in the Municipal Library and the main branch library system.
2. The Affirmative Action Administrator will disseminate the Affirmative Action Plan to all unions, crafts and guilds representing City employees.
3. The Affirmative Action Administrator will use the community and mass media where appropriate to notify the general public of the Affirmative Action Plan and specific affirmative action programs.
4. The Affirmative Action Administrator will notify organizations of protected group members, community agencies, community leaders, secondary schools and colleges of the City's Affirmative Action Plan.
5. The Affirmative Action Administrator will ensure that City stationery indicates that the City is an Equal Employment Opportunity/Affirmative Action employer.
6. The Personnel Department will ensure that advertisements for employment and recruitment efforts indicate that the City is an Equal Employment Opportunity/Affirmative Action employer.

LABOR CONTRACTS

The City will include in its collective bargaining agreements provisions that ensure that the parties to those agreements will comply with applicable Federal, State and local laws.

PROCEDURE FOR MONITORING, REPORTING AND EVALUATION

Monitoring by the Human Rights Department is an essential part of this Affirmative Action work plan and is authorized by the Personnel Ordinance. The system is

designed to meet the three basic purposes of any monitoring system: accountability, information gathering, and planning for the future. Each department, as well as the City government as a whole, is responsible to the Mayor, City Council and the public to ensure that the City of Seattle is acting to address the current underrepresentation of women and minorities in the City's work force. The monitoring system has been developed to review departmental compliance closely and to promote accountability. Reporting requirements are also designed to insure that the City is in compliance with federal guidelines.

The Human Rights Department, Office for Women's Rights and the Department of Human Resources will have a primary role in evaluating the City's success and deficiencies in carrying out Affirmative Action. With assistance from OWR and DHR, HRD will semi-annually submit an independent report directly to the Council and the Mayor analyzing the City's progress in affirmative action, identifying problem areas, and making specific recommendations to improve the City's performance. HRD shall also have the authority to:

1. Monitor and verify whether departments are meeting goals and carrying out other responsibilities under the Affirmative Action Plan.
2. Report to the appointing authority and the Personnel Director instances of noncompliance.
3. Maintain records on discrimination complaints filed with HRD by City employees and applicants for City jobs.

Monitoring

A monitoring system should also give immediate feedback to departments on their achievement of their own goals and to provide this information to the Personnel Department, the Rights agencies, and the Mayor and to the Public.

Monitoring will work as follows:

1. The first step in monitoring is the responsibility of the departments themselves. Each agency will accurately record personnel changes by filing Personnel Action Forms (PAFs) when people are hired, promoted, terminated or receive a pay change. The Rights agencies may request at any time a current printout based on these PAFs for purposes of evaluating a department's progress or lack of progress in goal achievement and/or recommending corrective action when necessary. Departments may also request current printouts for purposes of self-evaluation. Departments will submit upon request a written narrative report to HRD and the Affirmative Action Unit explaining any special conditions related to their employment profile.

Information identifying the ethnic origin, sex or disability of an employee or applicant will only be provided for affirmative action purposes to the designated department EEO Officer. The EEO Officer will be required to sign a confidentiality statement. General statistics, without individual names, on the racial composition of City personnel will be available to departments.

2. The Affirmative Action Unit will on an ongoing basis review departmental performance, and contact the department's EEO Officer or Department Head if the agency appears seriously behind in reaching its goals. The Affirmative Action Unit will discuss the difficulty, suggest remedies or offer direct assistance.
3. The Affirmative Action Unit should review Personnel Department activities that affect affirmative action: recruiting, testing, certification, training and review of registers, etc. The Unit should make recommendations to the Personnel Director when appropriate. The AA unit will also provide all necessary information to the HRD for monitoring and evaluation purposes.
4. Regular Quarterly Reports. After the end of each quarter, HRD and the Affirmative Action Unit will transmit computer printouts on departmental Affirmative Action progress to each department, together with an indication of categories where the agency appears behind in its goal. A copy of the report for any department that is behind in its progress will be sent to the Mayor and to the City Council Committee handling personnel matters.

The Personnel Department, working with HRD and OMB/MIS, will develop a computer program and printout format that will display each department's quarterly progress together with its annual goal. If possible, the program would allow for an automatic highlight of departmental categories that are behind in progress toward the applicable annual goal. Highlighting will be done manually if a computer procedure is not practical.

Reporting and Evaluation

Special Mid-Year Report. After the end of the second quarter, in addition to the regular quarterly report, HRD will meet with the Affirmative Action Unit and with selected departments that appear seriously behind in meeting their annual goals. With respect to each of those departments, the agencies will prepare a report outlining the nature of the problem and recommending corrective action to the department and to the Affirmative Action unit.

The HRD upon review will prepare an analysis of the City's performance toward its annual Affirmative Action goals. This report will analyze hiring and promotion data for the first six months, and discuss departmental and Affirmative Action Unit performance toward solving the special problem areas through the special programs outlined in germane sections. This report will make recommendations to the Affirmative Action Unit and departments - particularly the target departments - on how to increase the effectiveness of their activities. The mid-year report will be submitted to the Mayor and the Council.

Special Fourth Quarter (Annual) Report. After the end of the fourth quarter, in addition to the regular quarterly report, HRD will prepare with assistance from OWR and DHR an evaluation of the year's affirmative action progress. This report will analyze both departmental performance and the work of the Personnel Department and its Affirmative Action Unit. It may include information about recruiting programs, testing, certification, training and data systems. The report should assess the effectiveness of the personnel system at meeting our affirmative action needs.

The Annual Report should be more than simple monitoring of how well the Affirmative Action unit and the departments are doing at implementing their programs and reaching their goals. That report should be an overall evaluation of the City's approach to affirmative action: are we addressing the right problems? Are we using the right kinds of techniques? Are we structuring the affirmative action program effectively? Should we make fundamental changes in our approach to affirmative action? How should the next annual budget be developed to make affirmative action more effective? The annual report might suggest specific technical changes, for example: an improved data collection or display system, a new apprenticeship training program, or changes in the City's methods of using selective certification. Specific recommendations for programs or procedures will be listed by priority.

Departments and Offices

Departments and offices shall provide periodic reports, as requested by the Affirmative Action Administrator, describing the Departments' affirmative action progress. These reports may include, but are not limited to, information regarding hiring, promotions, transfers, training and terminations. Copies of the reports will be provided to HRD, OWR and DHR.

Complaint Procedures

Any employee or applicant for employment who feels that he or she has been unlawfully discriminated against in a City employment practice may file a complaint in accordance with Seattle's Fair Employment Practices Ordinance. The Fair Employment Practices Ordinance provides that: complaints based on race, color, religion, ancestry, national origin, age, handicap, creed, political ideology, sex, marital status and sexual orientation be filed with the Human Rights Department.

Equal Employment Opportunity Officers shall 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.

Employees may report departmental failures to act in accordance with their responsibilities under the Affirmative Action Plan to their supervisors, department heads and the Affirmative Action Administrator.

FOOTNOTES

1. Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972);
The Equal Pay Act of 1963;
The Age Discrimination in Employment Act of 1967;
Title VI of the Civil Rights Act of 1964;
Executive Order 11246, as amended;
The Vocational Rehabilitation Act of 1973;
The Vietnam Era Veterans Readjustment Act of 1974;
Regents of the University of California v. Bakke, 98 S. Ct. 2733 (1978);
Steelworkers v. Weber, 39 CCH S. Ct. Bull. (1979).
2. Revised Code of Washington 49.60,
Lindsay v. Seattle, 86 Wn2d 698, 548 P2d 320 (1976);
Maehren, et al. v. City of Seattle (No. 44975) _____ Wn2d _____ (1979).
3. City of Seattle Fair Employment Practices Ordinance 102562, as amended;
The 1978 Personnel Ordinance 107790, Section 8B;
Seattle City Charter, Article XVI;

City of Seattle Affirmative Action Plan Ordinance _____ (1979).
4. 1979 Affirmative Action Plan for the City of Seattle, Appendix C, p.C-1 and 2.
5. 1979 Affirmative Action Plan for the City of Seattle, Appendix A, p.A-4, Table V.



Seattle City Council
Memorandum

CITY OF SEATTLE
FILED

JUL 1 1980

CITY COMPTROLLER
AND CITY CLERK

Date: June 27, 1980
 To: Tim Hill, City Comptroller and City Clerk
 From: Dolores Sibonga, Chairperson, Personnel and Property Management Committee
 Subject: Legislative History on the Affirmative Action Plan Ordinance (Ordinance 109112)

Dolores Sibonga

The following is a chronology of the City Council's review, discussions, and votes concerning Ordinance 109112. Comments have been provided to describe the work and the decisions made by the Committee or the full City Council. Please enclose this chronology with the ordinance.

- September 14, 1979 The City Council received the Mayor's proposed master plan for affirmative action (C.B. 100702), but the annual work plan was not received as originally requested. The Mayor was given until December to complete the work plan.
- September 26, 1979 Public hearing on the master plan.
- October 24, 1979 P&PM Committee discussion about whether the affirmative action unit should be in Personnel or the rights agencies. The purpose of the meeting was to discuss the issue before the Personnel Department's 1980 budget was approved. Without the work plan it was difficult to resolve the issue, and no final decision was made. The City Council, however, kept the unit in Personnel and funded only two of the four positions requested. In the Statements of Legislative Intent, Resolution 26226, the City Council stated it would review the staffing of the unit after the master plan was approved.
- January 22, 1980 The Mayor signs an Executive Order issuing the 1980 work plan.
- February 28, 1980 Public hearing on the master plan and the work plan.
- March 7, 1980 P&PM Committee begins its review of the proposed plan submitted as C.B. 100708. A general discussion was held.

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Tim Hill, City Comptroller and City Clerk
June 27, 1980

- March 12, 1980 P&PM Committee begins amending the plan and reviews the plan according to its decision agenda.
- March 26, 1980 P&PM Committee review.
- March 28, 1980 P&PM Committee review.
- April 16, 1980 P&PM Committee review.
- April 23, 1980 P&PM Committee finishes its review of the master plan and has made three significant amendments. The responsibility for the affirmative action unit would be in the Human Rights Department; goals would be established for the four ethnic minority groups by job category in each department; and goals for the disabled would not be required (Divided Report).
- May 5, 1980 Because the three amendments would be controversial and because the plan must be completely rewritten due to numerous amendments, it was decided that a full Council advisory vote would be helpful before modifying the plan. At this City Council meeting, advisory votes were taken on the three issues, and the Council decided 1) to leave the affirmative action unit in Personnel rather than place it in Human Rights as recommended by the Committee, 2) to establish goals by ethnic group for each job category in each department, and 3) to require goals for the disabled. Based on these votes and the previous P&PM Committee amendments based on the decision agenda, the master plan was to be rewritten.
- June 4, 1980 The P&PM Committee amended the plan to include the decisions made by the full Council and added additional amendments to complement the full Council decisions. The plan was rewritten with the full Council amendments and all other P&PM amendments. Because the P&PM Committee disagreed with the final version of the Council Bill and the included plan, the P&PM Committee referred C.B. 100708 to the full Council with a "do not pass as amended" recommendation with a divided vote.
- June 9, 1980 The full Council vote to accept the P&PM Committee recommendation ended in a 4-4 tie.

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Tim Hill, City Comptroller and City Clerk
June 27, 1980

June 16, 1980

The full Council voted 5-3 not to accept the Committee recommendation, and consequently, the affirmative action unit stays in Personnel. The plan passes as amended.

DS:PM:ho
cc: Members, P&PM Committee
Peter Moy, Audit Staff

ORDINANCE 107112

AN ORDINANCE establishing an Affirmative Action Plan for the City of Seattle; amending Sections 8 and 9 of Ordinance 107790 and amending Section 8 of Ordinance 107791; and repealing Ordinance 101548.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Title. This ordinance shall be entitled "The Affirmative Action Plan Ordinance."

Section 2. Policy. It is the policy of The City of Seattle to provide a workplace for its employees that is free from discrimination on the basis of race, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. It is also the policy of The City of Seattle to take strong affirmative action to remedy the effects of past discrimination against minorities, women, handicapped and older workers, and to avoid practices which are suspect and capable of abuse or which have an adverse impact on the opportunities of such groups where it reasonably can to produce an efficient system. By doing so, the City will then be able to provide equal employment and advancement opportunities for all qualified persons and obtain a workforce in which such groups are fairly represented.

Section 3. Findings. The City Council has considered the analysis of the City's present and past employment practices contained in the Appendix of the attached Affirmative Action Plan, incorporated here by reference, and other materials presented to it and previously before it relative to the need for affirmative action, and finds that affirmative action to improve the progress of such groups and remove impediments to their employment opportunities within the City continues to be necessary and proper.

The City Council recognizes that two Washington State Superior Courts have already found certain of the City's past practices to be discriminatory against minorities and have determined not only that affirmative action within the City of Seattle was necessary but was required under the circumstances evidenced as late as 1976 to eliminate the effects of such practices, and that those decisions were affirmed on appeal in Lindsay v. Seattle, 86 Wn.2d 698, 548 P.2d 320 (1976) and Maehren et al. v. Seattle, et al., 92 Wn.2d 480, ___ P.2d ___ (August 1979).

Section 4. Affirmative Action Plan Adopted. The attached "Affirmative Action Plan" incorporated here by reference, is adopted. City officials and employees will act in accordance with the duties and procedures set forth in the adopted Plan.

Section 5. Personnel Ordinance Amendment. Section 8 of Ordinance 107790 is amended as follows:

Section 8. Affirmative Action.

(A) Affirmative Action Required:

1. Past discrimination in the City of Seattle employment processes has resulted in present underrepresentation of minorities and women in City of Seattle employment. Notwithstanding other provisions of this ordinance, this past discrimination and its continuing effects require the City to take affirmative action to ensure Equal Employment Opportunity for minorities and women in all aspects of employment.
2. When minorities and women are not fairly represented on registers or among applicants, a good faith effort shall be made through appropriate recruitment and examinations to secure sufficient minority and women candidates. No examination or selection procedure or the results thereof shall be used which significantly exclude or deter applicants against minorities or women if a less exclusionary or discriminatory

examination or selection procedure exists or can with reasonable likelihood be developed.

3. Job-related training programs in essential skills and abilities shall be developed and made available to minorities and women to assist them in entering job classifications in which they are substantially underrepresented.
4. Efforts shall be made to include minorities and women in the employee selection process, such as the inclusion of women and minorities on interviewing panels.
5. A responsibility of every employee shall be to further the success of the City's affirmative action plan, and in an appropriate element of every employee's performance evaluation.

B. Affirmative Action Plan. The Mayor shall be responsible for developing and implementing the Affirmative Action Plan of the City of Seattle, provided that the plan shall be approved by the City Council. The plan shall be based on adequate data regarding the community and the City's workforce. Comprehensive data related to affirmative action shall be included in the personnel management records system. The Mayor shall:

1. Annually prepare, revise, and update the City's Affirmative Action Plan or revision thereto.
2. Establish new goals and timetables for the employment of minorities and women on a City-wide departmental basis according to Equal Employment Opportunity Commission category or other usable form.
3. Adopt guidelines for designating which positions are to be filled affirmatively to meet goals and timetables for the employment of minorities and women.
4. Identify areas where special training programs are needed to meet the goals and timetables of the Affirmative Action Plan.
5. Prescribe guidelines for use during any layoff which will meet the affirmative action needs of the City.

C. Affirmative action monitoring and implementation:

1. The Personnel Director and other City officials, departments, and agencies shall provide all necessary information to enable the Human Rights Department (HRD) to monitor the progress of minorities and the Office of Women's Rights (OWR) to monitor the progress of women under the Affirmative Action Plan. HRD and OWR shall verify whether departments are in conformance with the plan. Any instance of noncompliance with the plan shall be reported to the appointing authority and the Personnel Director, who shall cooperate with HRD and OWR in eliminating noncompliance and in remedying its effects and ensuring future compliance. Failure of a department or agency to cooperate or to comply with a request shall be reported to the Mayor.
2. If a department is not in compliance with the Affirmative Action Plan, the Mayor may require by executive order that the Director provide a selective certification of women or minorities to fill certain positions in that department.
3. To ensure that affirmative action is fully implemented in all City departments and offices, adequate resources shall be provided to carry out the activities mandated by this ordinance.)

The City shall have an Affirmative Action Plan, as adopted by Ordinance _____ and as subsequently amended, in order to provide its employees with a workplace free from discrimination, and to remedy the effects of past discrimination against women, minorities, handicapped and older workers. Personnel actions taken in accordance with this Personnel Ordinance shall be subject to and consistent with the Affirmative Action Plan.

Section 6. Personnel Ordinance Amendment. Section 9 of Ordinance 107990 is amended as follows:

Section 9. Handicapped.

(A. It is the policy of the City to employ handicapped persons and to make substantial efforts to continue the employment for those persons who become handicapped while performing City duties. The Affirmative Action Plan will encourage recruitment, hiring, and retention of the handicapped.)

A. The City's Affirmative Action Plan, as adopted by Ordinance _____ and as subsequently amended, shall contain provisions to encourage recruitment, hiring and retention of handicapped workers.

(B. The appointing authority with the concurrence of the Personnel Director, is encouraged to restructure jobs and adjust job schedules in order to hire handicapped persons.)

(C. E. A preemployment physical which discloses existence of a disability that would affect job performance may result in the disqualification of that applicant for that particular job; provided that an applicant may be hired as long as the handicap or disability does not affect the proper performance of the job; provided further that the applicant may be hired if the job may be accommodated to the employee's limitations.

Section 7. Public Safety Civil Service Ordinance Amendment. Section 8 of Ordinance 107791 is amended to read as follows:

Section 8. AFFIRMATIVE ACTION (~~7-HANDBICAPPED~~ -- All personnel actions regarding employees covered by this system are subject to the affirmative action and handicapped requirements of the Personnel Ordinance; provided that any duties assigned to the Personnel Director shall be performed by the Commission with regard to employees covered by this system.)

Personnel actions regarding employees covered by the system set forth in this Public Safety Civil Service Ordinance shall be subject to and consistent with the City's Affirmative Action Plan as adopted by Ordinance _____ and as subsequently amended.

Section 8. Repealer. Ordinance 101548, entitled:

"AN ORDINANCE declaring and providing for implementation of the policy of the City for Affirmative Action Programs by City departments to achieve equality of City employment opportunities for members of minority races, women, and persons over 40 years of age."

is hereby repealed.

Section 9. Effective Date. Subject to the provisions of this Section, this Ordinance shall take effect and be in force thirty days after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become law under the provisions of the City Charter; provided however, in no event shall this ordinance take effect and be in force earlier than January 1, 1980, if passed and approved or passed without the Mayor's approval or passed over the Mayor's veto earlier than thirty-one days before said date.

PASSED by the City Council the 16th day of June, 1980, and signed by me in open session in authentication of its passage this 16th day of June, 1980.

PAUL KRAABEL,
President of the City Council.

Approved by me this 17th day of June, 1980.

CHARLES ROYER,
Mayor.

Filed by me this 17th day of June, 1980.

Attest: TIM HILL,
City Comptroller and City Clerk.

(Seal)

By G. C. GEISERT,
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of Official Publication in the Daily Journal of Commerce,
Seattle, June 26, 1980. (C-985)

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on **P + P.M.**

~~MAY 5 1980~~

to which was referred

C.B. 100708

JUN 9 - 1980

Establishing an Affirmative Action Plan for the City of Seattle.

Establishing an Affirmative Action Plan for the City of Seattle;
amending Sections 8 and 9 of Ordinance 107790 and amending
Section 8 of Ordinance 107791; and repealing Ordinance 101548.

A Vote Yes is for Human Rights Dept.
3

4/23/80

— DO NOT PASS

A Vote No is for Personnel Dept.
5

6/4/80

— DO NOT PASS AS AMENDED

DO PASS

DO NOT PASS.

H. Dolores Sibong

Chairman

H. Dolores Sibong

Chairman

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Committee

Committee

C-995 .

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109112

was published on June 25, 1980

P. Blain
Subscribed and sworn to before me on

June 25, 1980

J. Mahalyo
Notary Public for the State of Washington,
residing in Seattle.