



STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

EXECUTIVE ORDER 22-02

ACHIEVING EQUITY IN WASHINGTON STATE GOVERNMENT

WHEREAS, achieving equal opportunity is foundational to the story of America, and each of us bears the responsibility to stand up and keep this unalienable right in reach for all Washingtonians. Each person in this state deserves a fair chance to live life to the fullest, regardless of race, ethnicity, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of sensory, mental, or physical disability; and

WHEREAS, in 1998, Washington state voters passed Initiative 200 (I-200), now codified as RCW 49.60.400, which reads that “The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”; and

WHEREAS, in response to the passage of I-200, the then-sitting governor issued Directive 98-01 to state agencies to implement the initiative. Subsequent court decisions and legal guidance have clarified the scope of options available to state agencies to address evident discrimination; and

WHEREAS, Washington is a state of great beauty with an abundance of opportunities, resources, and a growing population that has become increasingly ethnically and racially diverse over the last several decades. Within this beautiful landscape, too many Washingtonians face systemic barriers, discrimination, and inequities that are deep, pervasive, persistent, and prevent them from flourishing and achieving their full potential; and

WHEREAS, state government recognizes and embraces its responsibility to dismantle discrimination and institutional and systemic barriers to fulfill its public service mandate to ensure that all people have full access to opportunities to flourish and live healthy, successful lives. In recent years, Washington state government has taken the following actions:

- **Public Contracting** – the Subcabinet on Business Diversity was formed in 2015 to improve opportunities for certified firms to contract with Washington state government and directed the Department of Enterprise Services (DES) to conduct a statewide disparity study. In 2019, the findings of the study supported the conclusion that people of color and women do not enjoy equal access to all aspects of state contracting opportunities. There was compelling evidence that the state should remedy the disparities and discrimination happening within state public contracting.

The Subcabinet on Business Diversity has begun to implement many of the recommendations from the disparity study, including but not limited to: a) the development and implementation of an electronic data collection and monitoring system, b) examination of current best practices, c) outreach to state agencies, certified businesses, and diverse-owned businesses that are in industries with low minority utilization by the state, d) improving technical assistance to businesses and agencies, and e) increasing direct buy limits to \$40,000 for small and certified firms.

- Public Employment – In 2020, State Human Resources (SHR) Directives 20-02 and 20-03 were issued to all executive branch agencies. SHR Directive 20-02 requires all impacted agencies to: a) update or create diversity, equity, and inclusion (DEI) plans and procedures, b) train recruitment staff on mitigating bias in the job application process, c) set workforce diversity goals, d) conduct regular reviews of agency diversity data by leadership, e) develop pathways and connections with higher education, and f) review the diversity of candidate pools for past job opportunities. SHR Directive 20-03 requires all impacted agencies to create policies for: a) diversity, equity, and inclusion, b) respectful work environment, c) anti-discrimination, harassment, and sexual harassment, and d) reasonable accommodation.
- Equity Office – The Office of Equity was established to: (1) promote access to equitable opportunities and resources that reduce disparities and improve outcomes statewide across state government per its authority in RCW 43.06D.020, (2) support state agencies in our commitment to be an anti-racist government system, (3) serve as a tool to root out racism and other forms of discrimination in state government, and (4) publish and report the effectiveness of agency programs on reducing disparities using input from the communities served by those program.

The Equity Office is partnering with the public workforce and communities to develop the state's comprehensive equity strategic plan and outcome measures designed to bridge opportunity gaps and reduce disparities.

WHEREAS, in December 2020, I declared that Washington will be an anti-racist state, and committed to take actions that hold our state to that commitment. I proposed an historic equity package of policies and funding that reflects our dedication toward disrupting the harmful systemic cycle of racism and inequity.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington, do hereby rescind Directive 98-01 immediately and direct as follows:

1. Public Contracting – As the state agency responsible under chapter 39.19 RCW for developing programs to maximize opportunities for minority- and women-owned businesses in public contracting and procurement, the Office of Minority and Women's Business Enterprises (OMWBE) is charged with the implementation of Executive Order (EO) 22-01. EO 22-01 requires all executive and small cabinet agencies to use the newly developed Tools for Equity in Public Spending. OMWBE will continue to be the lead

agency responsible for implementing the Roadmap to Contracting Equity that was developed in response to the 2019 Statewide Disparity Study.

2. Public Employment – All executive and small cabinet agencies will continue to follow SHR Directives 20-02 and 20-03. The Director of SHR will consult with the Office of Equity to deliver a report to me that reviews and evaluates each agency response to SHR Directives 20-02 and 20-03.

SHR will proactively address and dismantle oppressive systems and practices in the workplace and build new, equitable systems to achieve a workforce that is representative of the diversity of Washington and practices cultural humility. SHR will deliver to me a strategy to accomplish these objectives by October 2022.

SHR is further directed to: 1) in consultation with the Governor’s Committee on Disability Issues & Employment, review and recommend any updates to EO 13-02 to improve employment opportunities for individuals with disabilities with the State of Washington; and 2) issue a directive to require all cabinet agency employees to complete DES’s DEI training.

3. Public Education – The Washington Student Achievement Council is directed to prepare a report describing the differences in patterns of access and success across student subpopulations, the faculty and staff equity demographics at public educational institutions, and the scope and progress of existing programs designed to identify and remedy discrimination in our higher education system. The report will also describe gaps in these programs and additional recommended actions.

I will also solicit the views of the Superintendent of Public Instruction as to any additional steps needed to identify and address discrimination in our K-12 school system.

4. Public Services – All executive and small cabinet agencies shall identify ways to bolster access to state services by reducing barriers and eliminating inequities in all aspects of agency decision making, including but not limited to, service delivery, program development, policy development, staffing, and budgeting.

The rescission of Directive 98-01 does not alter other state and federal legal requirements applicable to affirmative action measures. As agencies implement this Executive Order, they are directed to consult with the Office of the Attorney General, SHR, and the Office of Equity.

I will convene a cabinet-wide and community summit in October 2022, to report on the state strategy and agency plans, and discuss the progress on implementing this Executive Order.

I recognize the traumatic and long-lasting impacts of discrimination, racism, and oppression. I also recognize that Washington state government has the responsibility and the ability to make a difference for all of us—employees, the people served, and current and future generations of Washingtonians. This order, alone, will not create equity in our state, but this is a necessary next step.

