

EXECUTIVE ORDER 85-09

PROHIBITING DISCRIMINATION AND ESTABLISHING AFFIRMATIVE ACTION POLICY AND RESCINDING EXECUTIVE ORDER [84-10](#)

WHEREAS, it is the long established policy of the State of Washington that the State should not discriminate in its employment practices based on characteristics that are not directly related to the ability of an individual to perform the requirements of a job;

WHEREAS, state government has traditionally adopted employment policies and procedures to encourage non-discriminatory employment practices intended to provide desirable models for the private sector and local governments;

WHEREAS, after many years of effort to address problems in hiring, promoting, and retaining an employment force which reflects the composition of the broad community of the citizens of the state, certain groups which have suffered discrimination in society still are not adequately represented in the state's work force;

WHEREAS, the state has an existing policy that its departments and agencies undertake affirmative action programs to recruit into all levels of employment certain under-represented groups which include women, ethnic and racial minorities, persons of disability, persons between the ages of 40 and 70, disabled veterans, and Vietnam era veterans; and

WHEREAS, certain groups, including some which are not otherwise protected under existing state and federal law, may experience discrimination in hiring, promotion, recruitment, and tenure associated with their employment with the state.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby:

Affirm my commitment to elimination of all barriers to employment which artificially restrict hiring, promotion, recruitment, and tenure on the basis of any physical, cultural, religious, or other status which is not directly related to the performance of a job; and

Direct that all state agencies and institutions of higher education continue to use corrective employment measures to employ designated under-represented groups in all job categories. Departments, agencies, and higher education institutions shall base their corrective programs on applicable state and federal law including the Washington Administrative Code (WAC) covering employment based on Revised Code of Washington 49.60 and Chapter 365 Laws of 1985, and comply with Federal Executive Order 11246 as amended by Federal Executive Order 11375, the Vietnam Era Readjustment Act of 1976, Section 503 of the Vocational Rehabilitation Act of 1974, and the Age Discrimination Act of 1967 as amended.

Direct that barriers to the employment of the persons of disability continue to be eliminated and that reasonable accommodation continue to be made to ensure the inclusion of handicapped individuals in the work force;

Direct that all state agencies and institutions of higher education continue to improve the employment opportunities for Vietnam era veterans;

Direct that no state agency or institution of higher education shall discriminate in employment solely on the basis of an individual's sexual orientation. No state agency or institution of higher education shall be required to establish employment goals based on sexual orientation; and,

Urge all state agencies and institutions of higher education to take reasonable and appropriate steps to encourage the participation in the state work force of persons with limited ability to speak English.

Accordingly, in order to implement the aforesaid policies, I direct all state agencies and institutions of higher education:

1. Review policy statements, programs, and procedures to ensure that all possible actions are being taken to assure that equal employment opportunity exists in accordance with state and federal laws;
2. Maintain a current affirmative action program with specific, measurable goals and objectives for the employment and promotion of ethnic and racial minorities, women, persons of disability, persons between the ages of 40 and 70, disabled veterans, and Vietnam era veterans. Programs shall include target dates and supportive systems and shall comply with all applicable state and federal laws;
3. Appoint an official who shall be the chief executive officer, his or her deputy, or another official who reports to the chief executive officer to be responsible for the implementation and supervision of the affirmative action program. The name and title of the person so designated shall be reported to the Department of Personnel or the Higher Education Personnel Board within 30 days from the date of this order; and,
4. Ensure that any state agency or institution of higher education procedures for evaluating and acting upon complaints of employment discrimination reflect current state and federal law and the policies promulgated in this executive order. These procedures shall provide appropriate requirements for confidentiality in cases arising from complaints of discrimination based on sexual orientation. Every effort shall be made by agencies of the state to resolve all complaints in the spirit and intent of this executive order.

Furthermore, the Governor's Affirmative Action Policy Committee established under Executive Order 84-10 is hereby reestablished and shall have the following responsibilities:

1. Serve to advise the Governor on state affirmative action policies and submit recommendations to the Governor for any further action.
2. Approve affirmative action plans submitted through the Department of Personnel which meet guidelines established by the Department of Personnel.

3. Approve affirmative action plans submitted through the Higher Education Personnel Board which meet guidelines established by the Higher Education Personnel Board.
4. Review and evaluate reports and guidelines submitted by the Department of Personnel and the Higher Education Personnel Board to determine the extent to which the state is meeting the employment needs of all protected groups and affirmative action obligations under federal and state laws, regulations, and policies.
5. Submit annual reports to the Governor outlining the progress of the state in meeting its goals and timetables.
6. Submit recommendations to the Governor for any further action which it deems appropriate.

Department of Personnel shall:

1. Provide agencies with guidelines and assistance for establishing and implementing an affirmative action program, such guidelines to be in accordance with all above-referenced state and federal laws and regulations.
2. Review agencies' affirmative action plans and progress reports against established guidelines and state policies. Recommend to the Affirmative Action Policy Committee approval of such plans or corrective action as needed.
3. Develop and implement a positive hiring program to include additional target recruiting, verification of the job-relatedness of examinations, educational workshops, and other training programs.
4. Develop a reporting system for monitoring the progress of each agency toward achieving its goals, including a statistical analysis of present work force.
5. Submit annual reports to the Governor, the Affirmative Action Policy Committee, and the Human Rights Commission.

The Higher Education Personnel Board shall:

1. Provide higher education institutions with guidelines and assistance for establishing and implementing an affirmative action program, such guidelines to be in accordance with all above-referenced state and federal laws and regulations.
2. Review institutions' affirmative action plans and progress reports against established guidelines and state policies. Recommend to the Affirmative Action Policy Committee approval of such plans, or corrective action as needed.
3. Assist higher education institutions in the development and implementation of a positive hiring program to include: target recruiting, verification of the job-relatedness of examinations, educational workshops, and other training programs.

4. Develop a reporting system for monitoring the progress of each higher education institution toward achieving its goals, including a statistical analysis of present work forces. 5. Submit annual reports to the Governor, the Affirmative Action Policy Committee, and the Human Rights Commission.

The Human Rights Commission shall:

1. Provide the Department of Personnel and the Higher Education Personnel Board with information to assist the Department of Personnel and the Higher Education Personnel Board to establish and implement the state's affirmative action program, such information to be in accordance with all applicable state and federal laws and regulations.
2. Provide appropriate training in coordination with the Department of Personnel and the Higher Education Personnel Board through workshops or other educational programs to state agencies/institutions regarding the interpretation and application of federal and state laws and other regulations applying to equal employment opportunity.
3. Review agencies'/institutions' affirmative action plans and progress reports and advise the Affirmative Action Policy Committee, Department of Personnel, and Higher Education Personnel Board regarding agencies'/institutions' compliance with applicable federal and state laws, regulations, and policies.
4. Where consistent with the Commission authority, enforce all applicable federal and state laws and regulations pertaining to nondiscrimination and laws affecting all protected groups to ensure compliance with the content and spirit of this Executive Order.

The Office of the Governor shall:

1. Through the executive cabinet review affirmative action plans and progress reports submitted through the affirmative action policy committee and other sources and recommend action to correct continuing deficiencies.
2. Maintain regular communications with the Affirmative Action Policy Committee and other agencies, advisory groups and advocacy organizations concerned with employment discrimination.
3. Approve state-wide affirmative action goals submitted by the Department of Personnel and the Higher Education Personnel Board after consideration of the Affirmative Action Policy Committee's recommendations.
4. Take such additional action as deemed necessary to continue an effective affirmative action program for the state of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia

this 24th day of December A.D., Nineteen hundred and eighty-five.

Additional

By:

BOOTH GARDNER
Governor of Washington

BY THE GOVERNOR:

Secretary of State