

AFFIRMATIVE ACTION PLAN

2012-2017



YELM COMMUNITY SCHOOLS

Affirmative Action Plan 2012-2017

Board of Directors

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Adopted by Yelm Community Schools: April 26, 2012

Affirmative Action Plan for 2012-2017

Yelm Community Schools

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Introduction/Reaffirmation of Policy

Yelm Community Schools has established a firm commitment to providing equal employment opportunity to its staff and to applicants for positions in the district. In accordance with WAC 392-190-005, which implement chapters 28A.640 and 28A.642 RCW, the district has implemented affirmative action programs that are designed to ... “eliminate discrimination on the basis of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.”

It is the purpose of Yelm Community School’s Affirmative Action Plan to ensure equal employment opportunity for all personnel:

- A. To ensure the absence of discrimination in employment practices because of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.
- B. To identify at all levels of the district’s work force areas of underutilization of minorities and females.
- C. To recognize identified underutilization when planning and implementing recruitment efforts.

The Affirmative Action policy will be reaffirmed annually and modified, if necessary, in accordance with applicable law.

The basis for analysis in the current plan involves a comparison of the district’s minority staff in various job categories to the percentage of minorities in the available labor force. Similarly, the basis for the analysis relative to gender balance in this plan is the proportion of men to females in the available labor force for various job categories. Additionally, the district’s commitment to avoidance of discrimination in the hiring and promotion of disabled persons, disabled veterans, Vietnam-era veterans, and persons over age forty is reaffirmed. The purpose of these affirmative action commitments is to ensure the absence of discrimination in employment practices. The Affirmative Action Plan presented in this document represents Yelm Community School’s commitment to equal employment opportunity. Each employee of the district who is involved in a hiring or promotion recommendation must be committed to ensuring that the recommendation is made without discrimination. It is the responsibility of each employee to promote a strong commitment to equal employment opportunity at his/her work site and throughout the district.

The district’s Board Policy and Procedure 5010 on Affirmative Action is included in Appendix B of this document.

Dissemination of Policy

It is the responsibility of the Superintendent of Yelm Community Schools, or designee, to inform all applicants for employment, all current employees, all persons responsible for hiring within the district, all employee associations, and all district contractors and subcontractors of its commitment to equal opportunity employment. Communication of the Affirmative Action Plan for Yelm Community Schools will be accomplished as follows:

- A. Copies of the 2012-2017 Affirmative Action Plan will be distributed to all pertinent organizations, agencies, and people within the district and outside of it as follows:
 - Board of Directors
 - All administrators (certificated and classified)
 - All district work sites
 - All employee associations
 - Any employee, upon request
 - The Office of the State Superintendent of Public Instruction
- B. A statement of the district's nondiscrimination policy will be placed on pertinent district recruitment material and application forms.
- C. As part of the district's teacher recruitment program, information will be provided about the district's Equal Employment Opportunity Policy and its Affirmative Action Plan.
- D. Upon adoption of the district's 2012-2017 Affirmative Action Plan, the affirmative action officer will issue a statement and information concerning the Affirmative Action Plan in regular district publications.
- E. The name, address, and telephone number of the district's affirmative action officer will be published, at least annually, in regular district publications to staff and the community. The district official responsible for affirmative action is identified in Appendix A of this document.
- F. An equal employment opportunity statement will be included on all district job postings and newspaper advertisements.
- G. Upon employment, each new employee will receive information about the district's Affirmative Action Plan.
- H. Unit and department administrators shall inform all staff of the district's Affirmative Action Plan at least annually. All employees are responsible for the success of the district's Affirmative Action Plan.

Staff Responsibilities for Implementation and Evaluation

The superintendent of the district has the overall responsibility for the development, implementation, coordination, and monitoring of the Affirmative Action Plan. The superintendent has delegated to the individual identified in Appendix A the authority to represent the district in the identification of problem areas and recommendations or directives for solving identified problems. Questions regarding affirmative action should be directed to this individual.

Numerical Review Analysis

A. Marital Status, Age

This district's commitment in these areas is based on the reaffirmation of its practice of avoiding discrimination in all aspects of employment in regard to members of these groups. The district will review and, if necessary, revise its employment application forms to reduce the possibility of discrimination in these and other areas. The staff responsible for hiring in the district will be given information relative to the use of appropriate pre-employment inquiries. The district will continue to ensure the absence of discrimination based on age or marital status.

B. Persons with Disabilities

In compliance with Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the district is committed to the avoidance of discrimination in hiring and promotion of persons with disabling conditions. The district is also committed to making reasonable accommodations to allow disabled employees the opportunity to be successful. The action of the district with respect to this group is to reaffirm its strong commitment to avoid illegal discrimination in all aspects of employment in regard to disabled individuals. As one demonstration of this commitment, the district will include on all vacancy announcements a statement encouraging persons with disabilities to apply.

C. Disabled Veterans and Vietnam-Era Veterans

The district's commitment for these groups involves the reaffirmation of its commitment to avoid discrimination in all aspects of employment with regard to disabled and Vietnam-era veterans. Although it seems clear that the number of individuals from these categories seeking entry-level positions is decreasing over time, the district maintains its commitment to avoid discrimination in employment practices related to this group. Staff responsible for hiring and promotion will be given information designed to sensitize them to the potential for discrimination in this area. This information will be reviewed in meetings with the management team as we begin implementation of the newly adopted plan. In addition, the district will include a statement in all its job vacancy announcements encouraging disabled and Vietnam-era veterans to apply.

D. Sex, Race, Creed, Color, National Origin

Table 2, on the next page, summarizes the ethnic and gender composition of Yelm Community Schools staff as of December 1, 2011. This summary includes only regular full-and part-time employees. It does not include substitute and temporary employees.

E. General Utilization Analysis for Ethnic and Gender Composition

Table 3, on the following page, summarizes the utilization analysis for gender and ethnicity. This analysis is based on a comparison of the composition of the district's workforce with the availability of ethnic minorities and females in various job classifications based on census information as summarized in Table 1 on page 6. Where underutilization is identified, it is noted. Further analysis applying the "4/5 or 80% rule" was conducted to identify underutilization, which is statistically significant. Underutilization is also identified in Table. 3.

Table 2

Summary of Minority and Females Staff Members as of 12/1/11

This table compares the total number of minority employees in each staff category to the total number of employees in the category. In a separate comparison, the total number of females in each staff category is compared to the total number of employees (men and females) in the category.

Staff	Total	African	Asian	Native	Hispanic	Total	Percent	Total	Percent
	Employees	American	American	American	American	Minority	Minority	Women	Women
Central Office Administrators	11	0	0	0	0	0	0.00%	4	36.36%
Principals/Asst Principals	13	0	1	0	0	1	7.69%	6	46.15%
Elementary Teachers	142	1	3	5	0	9	6.34%	124	87.32%
Secondary Teachers	113	1	4	5	0	10	8.85%	62	54.87%
Special Education Teachers	31	0	1	1	0	2	6.45%	26	83.87%
Certificated Support Staff	28	0	0	2	0	2	7.14%	24	85.71%
Classified Support Staff	155	0	0	8	1	9	5.81%	141	90.97%
Clerical	34	2	1	0	0	3	8.82%	30	88.24%
Custodians	28	0	0	1	2	3	10.71%	12	42.86%
Food Service Workers	34	0	1	2	1	4	11.76%	26	76.47%
Bus Drivers	40	0	0	4	0	4	10.00%	31	77.50%
Maintenance Worker	12	0	0	0	0	0	0.00%	1	8.33%
Professional-Technical	6	0	0	0	0	0	0.00%	2	33.33%
TOTAL	647	4	11	28	4	47		488	

Table 3

Utilization Analysis for Ethnicity/Gender

Staff	Total	Total		Total		% Availability In		% Expected		Underutilized***	
	Emp	Minority	Females	Minority	Women	Minority	Women	Minority	Women	Minority	Women
Staff	#	#	%	#	%	Minority	Women	Minority	Women	Minority	Women
Cent. Office Admin.	11	0	0.00	4	36.36	27.60	45.20	22.08	36.16	YES	NO
Principals/Asst. Prin	13	1	7.69	6	46.15	27.60	45.20	22.08	36.16	YES	NO
Elementary Teacher	142	9	6.34	124	87.32	23.10	73.80	18.48	59.04	YES	NO
Secondary Teacher	113	10	8.85	62	54.87	10.10	41.10	8.08	32.88	NO	NO
SpEd Teacher	31	2	6.45	26	83.87	14.30	100.00	11.44	80.00	YES	NO
Certificated Support	28	2	7.14	24	85.71	31.20	79.90	24.96	63.92	YES	NO
Classified Support	155	9	5.81	141	90.97	50.80	95.80	40.64	76.64	YES	NO
Clerical	34	3	8.82	30	88.24	21.50	95.80	17.20	76.64	YES	NO
Custodians	28	3	10.71	12	42.86	42.70	24.80	34.16	19.84	YES	NO
Food Service	34	4	11.76	26	76.47	60.40	60.30	48.32	48.24	YES	NO
Bus Drivers	40	4	10.00	31	77.50	32.70	41.70	26.16	33.36	YES	NO
Maint. Workers	12	0	0.00	1	8.33	68.20	8.90	54.56	7.12	YES	NO
Professional.-Tech.	6	0	0.00	2	33.33	30.60	14.60	24.48	11.68	YES	NO

*Based upon 2000 Census data (2010 Census Data not available until fall of 2012)

**Expected Utilization: figures represent 80% of the corresponding figures for "Availability in Workforce"

***Underutilization is determined by applying the 4/5 or 80%

Salary Ranges

The following is a list of salary ranges for all job categories, including stipends for athletics and other activities:

<u>Position</u>	<u>Salary Range</u>
Management Team—Other than principals	\$51,741 - \$149,276 (annual)
Principals and assistant principals	\$75,185 - \$113,265 (annual)
Cert. Support staff, basic/spec. ed. teachers	\$33,401 - \$62,955 (annual)
Vocational teachers	\$33,401 - \$62,955 (annual)
Educational assistants	\$11.45 - 13.35 (per hour)
Clerical	\$13.41 - 16.99 (per hour)
Custodians	\$13.56 - 18.99 (per hour)
Food service workers	\$11.07 - 15.45 (per hour)
Bus drivers	\$15.09 - 17.48 (per hour)
Maintenance workers	\$16.09 - 24.12 (per hour)
Professional-technical workers	\$18.66 - 31.52 (per hour)
Athletic coaches	\$2,037 - 7,959 (per activity)

SUMMARY OF UNDERUTILIZATION IDENTIFIED

JOB CATEGORY	ETHNIC	
	MINORITIES	FEMALES
Central Office Administrators	X	
Principals/Asst. Principals	X	
Elementary Teachers	X	
Secondary Teachers		
Special Education Teachers	X	
Certificated Support Staff	X	
Classified Support Staff	X	
Clerical	X	
Custodians	X	
Food Service Workers	X	
Bus Drivers	X	
Maintenance Workers	X	
Professional-Technical Workers	X	

Table 4 represents a summary of underutilization in job categories identified in the plan.

Problem Area Identification

Central Office Administrators

Summary: The analysis indicates that ethnic minorities are underutilized in this area. These findings will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Principals/Asst. Principals

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusions of all groups in such efforts.

Elementary Teachers

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Secondary Teachers

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Special Education Teachers

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Certificated Support Staff

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Classified Support Staff

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Clerical

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts.

Custodians

Summary: The analysis indicates that ethnic minorities are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts.

Food Service Workers

Summary: The analysis indicates that ethnic minorities as a group are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Bus Drivers

Summary: The analysis indicates that ethnic minorities as a group are underutilized in this area. This finding will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Maintenance Workers

Summary: The analysis indicates that ethnic minorities and females are underutilized in this area. These findings will be considered as the district plans and implements its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Professional-Technical Workers

Summary: The analysis indicates that ethnic minorities as a group are underutilized in this area. This finding will be considered as the district plans and implants its future recruitment efforts to ensure the inclusion of all groups in such efforts.

Goals (Three to Five Year)

The following goals shall assure that a meaningful educational experience may continue to exist for students and staff alike. The district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, handicapped, ethnic minorities, females and veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district shall continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district shall continue to use aged, handicapped, ethnic minorities, females and Vietnam veterans in the recruitment and employment process. Job postings for classified staff shall be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities shall include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain aged, handicapped, ethnic minorities and females at all levels and in all segments of the district's work force. Criteria for selecting staff shall be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there shall be no preferential employment practices based on race or gender.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Administrators shall assist in the attainment of the established goals and purposes of this affirmative action plan.

Internal Audit and Monitoring System

The Human Resources Department will maintain such records as to comply with local, state, and federal requirements pertaining to employment. The Human Resources will maintain a record system that will collect facts on district employees' and applicants' sex, minority status, etc. to help ensure that the district's recruiting efforts are reaching protected groups.

The Affirmative Action Officer will evaluate the effectiveness of the plan, prepare an annual report on the effectiveness of the plan, and recommend changes to the Board of Directors through the superintendent. The annual report and recommendations will be submitted to the Board of Directors. Changes mandated by the board will be carried out under the direction of the Affirmative Action Officer.

Supportive Systems

A. Recruitment of Employees

The district shall ensure that all applicants and employees are considered on the basis of job-related qualifications. The district shall select employees as needed on the basis of merit, training, and experience; and there shall be no illegal discrimination against any employee or applicant. The purpose of the Affirmative Action Plan is to include persons of an underutilized class into the employment process, not to exclude others from it. The district shall emphasize in all recruitment contacts that discrimination is prohibited in the district's recruitment process.

Applicants are recruited from a variety of sources, including, but not limited to the following:

- Teacher Career Fairs
- College campus visitations
- Conferences, activities, presentations, receptions, etc.
- Mailings to teacher training institutions
- Current candidate files
- Current substitutes
- Newspaper advertisements
- Student teachers

A continuing review of hiring criteria for each open position will be conducted, and the relevancy of these criteria to the essential functions of the position will be analyzed. Employee selection procedures and materials will be carefully reviewed to ensure they do not illegally discriminate against any candidate.

B. Career Counseling/Skill Training

The Human Resources shall announce the career counseling services available to district staff. Upon request, the department will meet individually with employees in order to answer questions or concerns regarding career opportunities in the district and, when appropriate, make

recommendations regarding additional training that would enhance the individual's opportunity for career advancement.

The District's staff development function shall be responsible for ensuring that each employee in the district receives the opportunity to participate in staff development classes and programs offered. The development of various training programs is an important part of establishing an effective system by which people might move from beginning levels to a district program of training and development. Opportunities will be provided through the staff development program for employees to receive such training.

C. Grievance Procedure

To ensure fairness and consistency, grievance procedures related to the district's Equal Employment Opportunity Policies have been established. (See Appendix F.) No individual's status with the district shall be adversely affected in any way because the individual has utilized these procedures in good faith.

Reduction in Force

Reduction in staff will be made in accordance with applicable law and with collective bargaining agreements currently in force. If a reduction in force is necessary, consistent with its legal and contractual obligations, the district will make reductions in force bearing in mind its commitment to equal employment opportunity.

Appendix A
Identification of District Affirmative Action Officer

The superintendent has designated the individual listed below as the Affirmative Action Officer of Yelm Community Schools.

Marc Brouillet
Director of Human Resources

Yelm Community Schools
107 First Street North
PO Box 476
Yelm, WA 98576

(360) 458-1900

Date of appointment: July 1, 2009

Appendix B
Yelm Community Schools
Yelm Washington

Policy 5010
PERSONNEL

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Nondiscrimination

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The board shall designate a staff member to serve as the compliance officer.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which shall make effective equal employment opportunities for staff and applicants for employment. Such affirmative action shall include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action shall also include recruitment, selection, training, education and other programs.

The superintendent shall develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups - aged, persons with disabilities, ethnic minorities and women and Vietnam veterans, although under state law racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall be reported annually to the board.

Employment of Persons with Disabilities

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions shall prevail:

- A. No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination, and the district shall not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.
- B. The district shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the district program. Such reasonable accommodations may include:
 - 1. Making facilities used by staff readily accessible and usable by persons with disabilities, and
 - 2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions. In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.
- C. The district shall not make use of any employment test or criteria that screens out persons with disabilities unless:
 - 1. The test or criteria is clearly and specifically job-related, and
 - 2. Alternative tests or criteria that do not screen out persons with disabilities are available.
- D. While the district may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.
- E. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service

The district will not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of their participation in a uniformed service. This includes initial

employment, retention in employment, promotion, or any benefit of employment. The district will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Cross References:	Board Policy 5270 Board Policy 5407	Resolution of Staff Complaints Military Leave
Legal References:	RCW 28A.400.310 RCW 28A.640.020 RCW 28A.642 RCW 49.60 RCW 49.60.030 RCW 49.60.180 RCW 49.60.400 RCW 73.16 WAC 392-190 WAC 392-190-0592 42 USC 2000 e1 – 2000 e10 20 USC § 1681-1688 42 USC 12101 – 12213 8 USC 1324 38 USC §§ 4301-4333 29 USC 794 34 CFW § 104	Law against discrimination applicable to district's employment practices Regulations, guidelines to eliminate discrimination—Scope Discrimination prohibition Discrimination – Human rights commission Freedom from discrimination – Declaration of civil rights Unfair practices of employers Discrimination, preferential treatment prohibited Employment and Reemployment Equal Education Opportunity – Unlawful Discrimination Prohibited Public school employment--Affirmative action program Title VII of the Civil Rights Act of 1964 Title IX Educational Amendments of 1972 Americans with Disabilities Act (IRCA) Immigration Reform and Control Act of 1986 Uniformed Services Employment and Reemployment Rights Act Vocational Rehabilitation Act of 1973 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
Management Resources:	<i>Policy News</i> , June 2001 <i>Policy News</i> , Aug. 2007 <i>Policy News</i> , Feb. 2011 <i>Policy News</i> , June 2011	State Updates Military Leave Rights Washington's Law Against Discrimination Nondiscrimination Laws Against Discrimination Address Equal Education Opportunities

ADOPTED: 09/24/98

REVISED: 06/22/00; 03/22/2001; 06/28/2001; 08/30/2001; 10/25/07; 04/28/11; 9/22/11

Procedure 5010P
PERSONNEL

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A "respondent" will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and, the following steps will be taken:

Affirmative Action Plan

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The following goals will assure that a meaningful educational experience may continue to exist for students and staff alike. The district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.

- E. Take appropriate action to attract and retain aged, persons with disabilities, ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However pursuant to state law there will be no preferential employment practices based on race or gender.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan shall be the responsibility of the superintendent. Administrators shall assist in the attainment of the established goals and purposes of this affirmative action plan.

Internal Audit and Monitoring System

The superintendent's office, in compliance with WAC 162-12, Preemployment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons with disabilities, ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
- F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

Grievance Procedure

(See Nondiscrimination at the beginning of this policy)

Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is

intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures.

Level One

The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent's written response will state that the district either:

- A. Denies the allegations contained in the written complaint received by the district, or
- B. Will implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

Such corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the 10th calendar day following:

- A. The date upon which the complainant received the superintendent's response; or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed.

Level Three - Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, the complainant may

appeal the board's decision to the superintendent of public instruction.

- A. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.
- B. A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth:
 - 1. A concise statement of the original complaint and the portions of the board of directors' decision which is appealed; and
 - 2. The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of 6 years.

Resources

- 1. District Contact:
Director of Human Resources, 360.458.1900
- 2. State Contacts:
Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office of Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

ADOPTED: 02/25/93

REVISED: 09/24/98; 08/31/00; 03/22/01; 9/22/11

Appendix C Department of Employment Security Census Data

Department of Employment Security, 2000 (EEO Census Data)
Employment Area and Job Categories Used to Compare with Yelm Community Schools

Affirmative Action Category	Geographic Area	EEO Job Categories*
Central Office Administrators	Washington State	Administrators, Education & Related Fields
Principals/Asst. Principals	Washington State	Administrators, Ed & Related Fields
Elementary Teachers	Washington State	Teachers, Elementary
Secondary Teachers	Washington State	Teachers, Secondary
Spec. Ed. Teachers	Washington State	Teachers, Spec Ed
Certificated Support Staff	Washington State	OT, PT, SLP, Counselors, ED & Vocational, Librarians
Classified Support Staff	Washington State	Teacher's Aides
Clerical	Washington State	Secretaries, Stenographers, & Typists
Custodians	Washington State	Janitors & Cleaners
Food Service Workers	Washington State	Supervisors, Food Prep, Cooks, Kitchen Workers, Misc., Food Prep Occupations
Bus Driver	Washington State	Bus Drivers
Maintenance Workers	Washington State	Construction Trades, Except Supervisors
Professional-Technical Workers	Washington State	Management Related

*Where more than one job category is listed, figures were aggregated for comparisons.

Appendix D

Instructions for Performing A Utilization Analysis Using the 4/5 or 80% Rule

This rule, commonly used in the development of affirmative action plans, establishes a value which is used to determine whether or not underutilization exists.

The steps used to conduct the 4/5 or 80% rule are:

1. Calculate the percentage of minorities and females available in the labor market.
2. Calculate the percentage of minority and females employees.
3. Determine whether the percentage of employees is less than, greater than, or equal to 4/5 of the available labor market.
4. If the percentage of employees is less than 4/5 of the available labor market, underutilization exists. If the percentage of employees is greater than or equal to 4/5 of the available labor market, underutilization does not exist.

Example #1:

Assume a job group with the following characteristics:

12,324	= Total labor force
6,801	= Females in labor force
45	= Total employees
11	= Females employees

Step 1:

$$6,801/12,324 = 55.19\% \text{ (females in labor force)}$$

Step 2:

$$11/45 = 24.44\% \text{ (female employees)}$$

Step 3:

$$55.19 \times .8 = 44.15\% \text{ (4/5 or 80% of total labor force)}$$

Step 4:

Four-fifths or 80% of the total labor force is 44.15%. The percentage of female employees is 24.44%. Underutilization exists because 24.44% is less than 44.15%.

Example #2

Assume, however, the following job group:

16,379	=	Total labor force
4,806	=	Females in labor force
121	=	Total employees
43	=	Females employees

Step 1:

$$4,806/16,379 = 29.34\% \text{ (females in labor force)}$$

Step 2:

$$43/121 = 35.53\% \text{ (female employees)}$$

Step 3:

$$29.34 \times .8 = 23.47\% \text{ (4/5 or 80\% of total labor force)}$$

Step 4:

Four-fifths or 80% of the total labor force is 23.47%. The percentage of female employees is 35.53%. Underutilization does not exist because 35.53% is greater than 23.47%.

Appendix E

Preemployment Inquiry Guide

Chapter 162-12 WAC

Last Update: 12/21/99

WAC Sections:

- 162-12-100 Purpose.
- 162-12-120 General approach.
- 162-12-130 Discriminatory inquiries are prohibited.
- 162-12-135 Bona fide occupational qualifications.
- 162-12-140 Preemployment inquiries.
- 162-12-150 Required inquiries.
- 162-12-160 Data for legitimate purposes.
- 162-12-170 Conditions for inquiries to applicants.
- 162-12-180 Post employment records.

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 162-12-020, 162-12-030, 162-12-040. [Guide (part), filed 10/22/62.] Repealed by Rule, filed 10/23/67, § 162-12-910.
- 162-12-050 Preemployment inquiry guide -- Bona fide occupational qualification. [Guide (part), filed 10/22/62.] Repealed by Order 8, filed 6/22/70.
- 162-12-060 Preemployment inquiry guide -- Petitioning for a bona fide occupational qualification exemption. [Guide (part), filed 10/22/62.] Repealed by Order 8, filed 6/22/70.
- 162-12-070 Preemployment inquiry guide -- Exemptions based on government security regulations or directives of other government agencies. [Guide (part), filed 10/22/62.] Repealed by Order 8, filed 6/22/70.
- 162-12-080 [Rule, filed 7/17/64; Guide (part), filed 10/22/62.] Repealed by Rule, filed 10/23/67, § 162-12-910.
- 162-12-110 Statutes interpreted. [Order 16, § 162-12-110, filed 5/22/74; Order 9, § 162-12-110, filed 9/23/71; § 162-12-110, filed 10/23/67.] Repealed by 96-21-054, filed 10/14/96, effective 11/14/96. Statutory Authority: RCW 49.60.120(3).

WAC 162-12-100 - Purpose.

(1) These regulations carry out the law against discrimination as stated generally in RCW 49.60.010 and 49.60.030, and interpret RCW 49.60.180 and 49.60.200 which declare certain preemployment inquiries to be unfair practices.

(2) The commission generally follows chapter 49.60 RCW and federal court decisions that interpret comparable statutes and rules. The commission will not follow federal precedents when a different interpretation of state statutes and rules will better carry out the purposes of chapter 49.60 RCW.

(3) This regulation cannot cover every question that might arise in connection with inquiries prior to employment. The commission expects that in most cases these rules, either directly or by analogy, will guide those who are covered by the law.

(4) Definition: In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained

dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.180).

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-100, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-100, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-100, filed 5/22/74; Order 9, § 162-12-100, filed 9/23/71; § 162-12-100, filed 10/23/67.]

WAC 162-12-120 General approach

(1) Inquiries that convey to a reasonable person that applicants in a protected class will be discriminated against are prohibited whether or not they are connected to a discriminatory purpose.

(2) The commission recognizes the legitimate interests of employers and employment agencies with respect to making preemployment inquiries that are consistent with the purpose of the law against discrimination, or where required by government or to carry out an employer's policy of nondiscrimination. In the absence of safeguards, preemployment inquiries or records of applicants' protected status can be misused for discriminatory purposes. The rules in WAC [162-12-140](#) identify common fair and unfair preemployment inquiries so that employers and employment agencies do not convey the impression that applicants will be discriminated against based on protected status.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-120, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-120, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-120, filed 5/22/74; Order 9, § 162-12-120, filed 9/23/71; § 162-12-120, filed 10/23/67.]

WAC 162-12-130 Discriminatory inquiries are prohibited.

Any preemployment inquiry or the keeping of any record of protected status before employment for a discriminatory purpose is prohibited and may be evidence of an unfair practice when connected to the applicant's protected status unless the particular quality inquired about is a bona fide occupational qualification.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-130, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-130, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-130, filed 5/22/74; Order 9, § 162-12-130, filed 9/23/71; Order 8, § 162-12-130, filed 6/22/70; § 162-12-130, filed 10/23/67.]

WAC 162-12-135 Bona fide occupational qualifications.

Chapter 49.60 RCW recognizes an exception to unfair preemployment inquiries when the inquiries are based upon a "bona fide occupational qualification." (See WAC 162-16-240.)

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-135, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-135, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-135, filed 5/22/74; Order 9, § 162-12-135, filed 9/23/71; Order 8, § 162-12-135, filed 6/22/70.]

WAC 162-12-140 Preemployment inquiries.

(1) The following examples of fair and unfair inquiries apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of job applicants. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.

(2) Employers and employment agencies shall comply with these rules except where one or more of the following conditions exist:

- (a) When there is a "bona fide occupational qualification."
- (b) A voluntary affirmative action plan that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.
- (c) A requirement of federal law or regulation, as explained in WAC 162-12-150.

If one or more of the above conditions apply, the inquiries of employers and employment agencies must be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-160 and 162-12-170.

(3) The following examples of fair and unfair preemployment inquiries define what is an unfair practice under RCW 49.60.180(4) and 49.60.200. These examples, however, are not all inclusive. All preemployment inquiries that unnecessarily elicit the protected status of a job applicant are prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES
a. Age	Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090.	Any inquiry not in compliance with RCW 49.44.090 that implies a preference for persons under 40 years of age.
(For age discrimination, RCW 49.44.090 must be read in conjunction with RCW 49.60.180 and 49.60.200. RCW 49.44.090 limits age discrimination coverage to persons 40 years of age and older, and makes other limitations and exceptions to the age discrimination law.)		
b. Arrests (see also Convictions)	Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults. See RCW 43.20A.710;43.43.830 through43.43.842 ; and RCW 72.23.035.	Any inquiry that does not meet the requirements for fair preemployment inquiries.
c. Citizenship	Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of a legal right to work in the United States after hire.	Whether applicant is citizen. Requirement before job offer that applicant present birth certificate, naturalization or baptismal divulge applicant's lineage, ancestry, national origin, descent, or birth place.

d. Convictions (see also Arrests)	Statistical studies on convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business necessity if the crimes inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710;43.43.830 through43.43.842 ; and RCW 72.23.035.	Inquiries concerning convictions and imprisonment which either do not relate reasonably to job duties or did not occur within the last ten years will not be considered justified by business necessity.
e. Family	Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.	Specific inquiries concerning spouse, spouse's employment or salary, children, child care arrangements, or dependents.
f. Disability	Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other office as may be able to assist them.	Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation prior to a conditional job offer. Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.
g. Height and Weight	Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.	Any inquiry which is not based on actual job requirements and not consistent with business necessity.
h. Marital Status (see also Name and Family)	None.	<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. Whether the applicant is married, single, divorced, separated, engaged, widowed, etc.
i. Military	Inquiries concerning education, training, or work experience in the armed forces of the United States.	Type or condition of military discharge. Applicant's experience in military other than U.S. armed forces. Request for discharge papers.
j. Name	Whether applicant has worked for this company or another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name.	Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name that would divulge marital status, lineage, ancestry, national origin or descent.
k. National Origin	Inquiries into applicant's ability to read, write and speak foreign languages, when such inquiries are based on job requirements.	Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.

l. Organizations	Inquiry into organization memberships, excluding any organization the name or character of which indicates the race, color, creed, sex, marital status, religion, or national origin or ancestry of its members.	Requirement that applicant list all organizations, clubs, societies, and lodges to which he or she belongs.
m. Photographs	May be requested <i>after</i> hiring for identification purposes.	Request that applicant submit a photograph, mandatorily or optionally, at any time before hiring.
n. Pregnancy (see also Disability)	Inquiries as to a duration of stay on job or anticipated absences which are made to males and females alike.	All questions as to pregnancy, and medical history concerning pregnancy and related matters.
o. Race or Color	None. See WAC <u>162-12-150</u> , <u>162-12-160</u> , and <u>162-12-170</u> .	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC <u>162-12-150</u> , <u>162-12-160</u> , and <u>162-12-170</u> .
p. Relatives	Name of applicant's relatives already employed by this company or by any competitor.	Any other inquiry regarding marital status, identity of one's spouse, or spouse's occupation are considered unfair practices in accordance with WAC <u>162-12-150</u> .
(While the law does not prohibit company policies governing the employment of relatives, any policy that has the effect of disadvantaging minorities, females, married couples, or other protected classes, would be in violation of the law unless it is shown to serve a necessary business purpose.) See WAC <u>162-12-150</u> , <u>162-12-160</u> , and <u>162-12-170</u> .		
q. Religion or Creed	None.	Inquiries concerning applicant's religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed.
r. Residence	Inquiries about address to the extent needed to facilitate contacting the applicant.	Names or relationship of persons with whom applicant resides. Whether applicant owns or rents own home.
s. Sex	None.	Any inquiry concerning gender is prohibited.

[Statutory Authority: RCW 49.60.120(3), 00-01-177, § 162-12-140, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-140, filed 10/14/96, effective 11/14/96; Order 19, § 162-12-140, filed 1/20/75; Order 18, § 162-12-140, filed 1/20/75; Order 16, § 162-12-140, filed 5/22/74; Order 9, § 162-12-140, filed 9/23/71; Order 8, § 162-12-140, filed 6/22/70; § 162-12-140 and chart, filed 10/23/67.]

WAC 162-12-150 Required inquiries.

An employer or employment agency may ask applicants about protected status to the extent that the employer is required to do so by the Washington state or the United States government or a federal or state court decree. When the applicant data are required by the court or government, the information shall be acquired by means other than inquiry to the applicants, unless the court or government expressly requires the inquiries or unless the inquiries are made in conformity with WAC 162-12-160 and 162-12-170.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-150, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-150, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-150, filed 5/22/74; Order 9, § 162-12-150, filed 9/23/71; § 162-12-150, filed 10/23/67.]

WAC 162-12-160 Data for legitimate purposes.

(1) An employer or employment agency may make inquiries as to race, sex, national origin, or disability for purposes of affirmative action, when the inquiries are made in the manner provided in WAC 162-12-170.

(2) Data on protected status shall not be recorded on any record that is kept in the applicant's preemployment file, nor shall such data be kept in any other place or form where it is available to those who process the application. Application records that identify the protected status of a particular person shall be kept confidential, except to the extent necessary to implement an affirmative action program as authorized by law, to permit the compilation of statistics, and to permit verification of the statistics by top management of the employer, or by the Washington state human rights commission.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-160, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-160, filed 10/14/96, effective 11/14/96; Order 18, § 162-12-160, filed 1/20/75; Order 16, § 162-12-160, filed 5/22/74; Order 9, § 162-12-160, filed 9/23/71; § 162-12-160, filed 10/23/67.]

WAC 162-12-170 Conditions for inquiries to applicants.

An employer or employment agency may ask an applicant to voluntarily state his or her protected status for reasons stated in WAC 162-12-150 and 162-12-160 only if it has satisfied all of the following conditions:

(1) The employer shall have adopted a written equal employment policy which authorizes the inquiries as a means of monitoring its enforcement, and which sets out detailed procedures for keeping the responses confidential and separate from other records relating to applicants, in fulfillment of the requirements of WAC 162-12-160(2); and

(2) The form on which the question appears contains statements clearly informing the applicant the information is strictly voluntary, the reasons for asking for the information, the uses to which the information will be put, and the safeguards that will prevent use of the information by those who will process the application.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-170, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-170, filed 10/14/96, effective 11/14/96; Order 18, § 162-12-170, filed 1/20/75; Order 16, § 162-12-170, filed 5/22/74; Order 9, § 162-12-170, filed 9/23/71; § 162-12-170, filed 10/23/67.]

WAC 162-12-180 Post employment records.

RCW 49.60.180 and 49.60.200 and these rules do not prohibit making or keeping records of the protected status of persons after they are employed, unless the records are used for the purpose of discrimination. To prevent improper use, records of an employee's protected status must be maintained in a manner accessible only on a need to know basis.

[Statutory Authority: RCW 49.60.120(3). 00-01-177, § 162-12-180, filed 12/21/99, effective 1/21/00; 96-21-054, § 162-12-180, filed 10/14/96, effective 11/14/96; Order 16, § 162-12-180, filed 5/22/74; Order 9, § 162-12-180, filed 9/23/71; § 162-12-180, filed 10/23/67.]

Appendix F Discrimination Grievance Procedure

**Yelm Community Schools
Yelm, WA
Affirmative Action Administrative Procedures**

Procedures for Resolving Equal Employment Opportunity Complaints/Grievances

GRIEVANCE PROCEDURE

Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures.

Level One

The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent's written response will state that the district either:

- A. Denies the allegations contained in the written complaint received by the district, or
- B. Will implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

Such corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the 10th calendar day following:

- A. The date upon which the complainant received the superintendent's response; or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed.

Level Three - Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction.

- A. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.
- B. A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth:
 1. A concise statement of the original complaint and the portions of the board of directors' decision which is appealed; and
 2. The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of 6 years.