



# **SELAH SCHOOL DISTRICT**

## Affirmative Action Program

2019-2024

This program is a continuation of the 2013-2018 program and will be updated following the 2020 census.



# **SELAH SCHOOL DISTRICT**

## Affirmative Action Program

2013-2018

Adopted by Board of Directors

September 26, 2013

Selah Public Schools

Affirmative Action Program

2013-18

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Adopted by Board: 8/22/2013

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## Introduction

The Selah School District has established a firm commitment to providing equal employment opportunity to its staff and to applicants for positions in the district. Board Policy No. 5010, “Nondiscrimination and Affirmative Action” was revised and adopted on February 21, 2012 and is reaffirmed with the adoption of this Affirmative Action Plan. Policy 5010, along with its corresponding regulation, is reviewed in Section A of this document. The entire policy is included as Appendix A, and Procedure 5010P “Nondiscrimination and Affirmative Action” is included as Appendix B. The plan presented here is designed for the years 2013-18. Although this plan covers a five-year period, it is important that it be reviewed regularly and modified, if necessary, in accordance with applicable law.

This 2013-18 Affirmative Action Plan was developed following guidelines issued by the Equity and Civil Rights division of the Washington State Office of Superintendent of Public Instruction. These guidelines are included in the publication *Prohibiting Discrimination in Washington Public Schools: Guidelines for School Districts to Implement Chapters 28A.640 and 28A.642 and Chapter 392 WAC* (February, 2012). 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 women in the available labor force for various job categories. Additionally, the district's commitment to provide equal employment opportunity and to avoid discrimination in recruitment, hiring, retention, assignment, transfer, promotion, and training is reaffirmed with the adoption of this document. This commitment is made to ensure that equal employment opportunity is 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 purpose of these affirmative action commitments remains the same as that of earlier plans: to ensure the absence of discrimination in employment practices. The Affirmative Action Program presented in this document represents the Selah School District'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.

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Shane Backlund  
Superintendent

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Kelliann Ergeson  
President, Board of Directors

## A. POLICY AND REVIEW

The Selah Public Schools Board of Directors regularly reviews its policies and regulations to ensure they reflect current local, state, and federal statutes and regulations and proven pedagogical and financial practices. As evidence of this, the Board recently studied and revised its policy and regulations related to nondiscrimination and affirmative action. On February 21, 2012, a revised policy, Policy No. 5010—Nondiscrimination and Affirmative Action, was adopted. The Board will continue to review this policy, along with other policies, and will make revisions, if necessary, to conform to current local, state, and federal statutes and regulations and proven pedagogical and financial practices.

Policy 5010 is divided into two sections: Nondiscrimination and Affirmative Action. Each section is discussed separately below. The entire Policy is included as Appendix A.

### Nondiscrimination

Policy 5010 outlines the district's commitment to nondiscrimination in employment. The section of the policy related to nondiscrimination reads, in part:

*The Selah School District specifically does not discriminate on the basis of sex, race, creed, religion, color, national origin, age (40 or older), marital status, honorable discharged veteran or military status, gender expression or identity, genetic information, non-job related sensory, mental or physical disability, the use of a trained dog guide or service animal by a person with a disability, or any other legally protected status, condition or characteristic, except where a bona fide qualification disqualifies an individual.*

This section of the policy also provides that the Superintendent will designate a compliance officer to ensure compliance with state and federal requirements for employment practices. Specific information about the District's designated compliance officers is included in Section D of this document.

### Affirmative Action

This section of the policy outlines the district's commitment to Affirmative Action. Under this policy, the superintendent is directed to develop an affirmative action plan which "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 veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications." The policy notes that, consistent with Washington law, the plan should not include hiring or employment preferences based on gender or race, color, ethnicity, or national origin.

## B. WORKFORCE ANALYSIS BY RACE, ETHNICITY, AND GENDER

The analysis in this publication addresses differences in the utilization rate of women and ethnic minorities in the district as compared with their availability in a reasonable recruitment area. Where there is a difference that indicates the underutilization of women or ethnic minorities, this difference is noted. In analyzing the district's work force for evidence of possible

underutilization, the general approach used is to compare the “protected class” percentage of district employees in various job classifications to the percentage of this class in the available work force. In establishing comparison figures representing the available work force, information was taken from the “EEO Tabulation” created by the Census Bureau from Census 2010 data. A strategy suggested by the Equal Employment Opportunity Commission was used to combine categories from the 2010 census into categories previously used for affirmative action purposes. An EEOC document summarizing this strategy is included as Appendix C. A summary of the census bureau data used is presented here as Tables 1 and 2. A listing of the job titles aggregated to form these totals is included as Appendix D.

Available Pool

Table 1: Summary of Available Minorities in the Employment Pool for EEO Categories

Source: EEO Tabulation prepared by U.S. Census Bureau using Year 2010 Census Data (Washington State & Yakima County)

Employment Category	Geographic Area	Hispanic or Latino		Not Hispanic or Latino One Race					Not Hispanic or Latino Two or More Races				
		White Hispanic or Latino	All other Hispanic or Latino	White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	White and Black	White and American Indian or Alaska Native	White and Asian	Black and American Indian or Alaska Native	Balance
Administrators	WA	2.6%	1.3%	84.3%	3.0%	1.6%	4.6%	0.1%	0.6%	0.4%	1.1%	0.1%	0.4%
Elem/MS Teachers	WA	1.9%	1.4%	90.2%	1.4%	0.6%	2.7%	0.1%	0.0%	0.7%	0.5%	0.0%	0.4%
Secondary Teachers	WA	1.9%	1.3%	90.2%	1.2%	0.2%	3.1%	0.3%	0.2%	0.6%	0.5%	0.0%	0.6%
Cert. Support Staff	WA	1.3%	1.1%	86.1%	3.8%	0.8%	4.5%	0.6%	0.1%	0.7%	0.8%	0.0%	0.2%
Bus Drivers	Yakima	2.7%	9.5%	87.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Clerical Staff	Yakima	12.3%	9.0%	71.3%	0.0%	3.0%	3.2%	0.0%	0.0%	0.5%	0.2%	0.0%	0.5%
Custodial/Maint.	Yakima	29.8%	21.6%	42.8%	0.3%	4.3%	0.5%	0.0%	0.0%	0.8%	0.0%	0.0%	0.0%
Food Service	Yakima	23.2%	19.1%	49.3%	0.0%	3.8%	1.0%	0.6%	2.4%	0.0%	0.0%	0.0%	0.6%
Paraeducators	Yakima	37.9%	16.3%	45.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%
Class. Support Staff	Yakima	39.4%	7.6%	42.0%	0.0%	7.9%	3.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Table 2: Summary of Available Minorities and Women in the Employment Pool for Traditional Race/Ethnic Categories

Source: EEO Tabulation prepared by U.S. Census Bureau using Year using 2010 Census Data (Washington State & Yakima County) Bridging Strategy based on EEOC recommendation (see Appendix D)

Employment Category	Availability for Race/Ethnicity in Traditional Categories							Totals (for Both EEO and Traditional Categories)	
	White	Black or African American	Hispanic or Latino	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Balance	Total Minority	Women
Administrators	84.3%	3.6%	3.9%	2.0%	5.7%	0.1%	0.5%	15.7%	62.9%
Elem/MS Teachers	90.2%	1.4%	3.3%	1.3%	3.3%	0.1%	0.4%	9.8%	76.6%
Secondary Teachers	90.2%	1.4%	3.3%	0.7%	3.6%	0.3%	0.6%	9.8%	51.1%
Cert. Support Staff	86.1%	3.9%	2.4%	1.5%	5.2%	0.6%	0.2%	13.9%	71.1%
Bus Drivers	87.8%	0.0%	12.2%	0.0%	0.0%	0.0%	0.0%	12.2%	35.1%
Clerical Staff	71.3%	0.0%	21.3%	3.5%	3.4%	0.0%	0.5%	28.7%	97.0%
Custodial/Maint.	42.8%	0.3%	51.4%	5.0%	0.5%	0.0%	0.0%	57.2%	19.4%
Food Service	49.3%	2.4%	42.3%	3.8%	1.0%	0.6%	0.6%	50.7%	59.9%
Paraeducators	45.4%	0.0%	54.2%	0.4%	0.0%	0.0%	0.0%	54.6%	88.2%
Class. Support Staff	42.0%	0.0%	47.0%	7.9%	3.2%	0.0%	0.0%	58.0%	55.8%

Current Employees

Tables 3 and 4 on the following page, summarize the racial/ethnic and gender composition of the Selah School District staff as of October 1, 2012. This summary includes only regular full- and part-time employees; it does not include substitute and temporary employees.

Table 3  
 Number of Employees by Race/Ethnicity and Gender as of 10/01/2012

This table shows the number of employees in each staff category by race/ethnicity and gender for categories tracked in Selah S.D.

Employment Category	White	Hawaiian Pacific Islander	Black	Native American	Asian	Hispanic	Total Employees	Total Minority	Women
Administrators	17	0	0	0	1	1	19	2	7
Elem/MS Teachers	106	0	0	2	1	3	112	6	90
Secondary Teachers	59	2	0	1	2	4	68	9	40
Certificated Support Staff	23	1	0	0	0	0	24	1	23
Bus Drivers	15	0	0	0	0	0	15	0	15
Clerical Staff	17	0	0	0	0	0	17	0	17
Custodial/Maintenance	16	1	1	1	0	7	26	10	3
Food Service Workers	16	0	0	0	0	1	17	1	17
Paraeducators	72	0	0	2	2	10	86	14	75
Classified Support Staff	13	0	0	0	1	3	17	4	15
Totals	354	4	1	6	7	29	401	47	302

Table 4  
 Percentage of Employees by Race/Ethnicity and Gender as of 10/01/2012

This table shows the percentage of employees in each staff category by race/ethnicity and gender for categories tracked in Selah S.D.

Employment Category	White	Hawaiian Pacific Islander	Black	Native American	Asian	Hispanic	Total Employees	Total Minority	Women
Administrators	89.5%	0.0%	0.0%	0.0%	5.3%	5.3%	100.0%	10.5%	36.8%
Elem/MS Teachers	94.6%	0.0%	0.0%	1.8%	0.9%	2.7%	100.0%	5.4%	80.4%
Secondary Teachers	86.8%	2.9%	0.0%	1.5%	2.9%	5.9%	100.0%	13.2%	58.8%
Certificated Support Staff	95.8%	4.2%	0.0%	0.0%	0.0%	0.0%	100.0%	4.2%	95.8%
Bus Drivers	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%
Clerical Staff	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%
Custodial/Maintenance	61.5%	3.8%	3.8%	3.8%	0.0%	26.9%	100.0%	38.5%	11.5%
Food Service Workers	94.1%	0.0%	0.0%	0.0%	0.0%	5.9%	100.0%	5.9%	100.0%

Paraeducators	83.7%	0.0%	0.0%	2.3%	2.3%	11.6%	100.0%	16.3%	87.2%
Classified Support Staff	76.5%	0.0%	0.0%	0.0%	5.9%	17.6%	100.0%	23.5%	88.2%
Totals	88.3%	1.0%	0.2%	1.5%	1.7%	7.2%	100.0%	11.7%	75.3%

Utilization Analysis for Ethnic and Gender Composition

Goals in this report are based on an underutilization analysis for minorities and women. For purposes of this analysis, the total percentage of ethnic/racial minorities in each employment group is compared to the total percentage of ethnic/racial minorities in the available employment pool. If the employee percentage is less than the percentage in the available pool, underutilization is noted. The approach of analyzing total minority percentages, rather than individual ethnic/racial categories, was utilized because of the relatively small number of employees in several of the employment categories. It should be noted, however, that a large percentage of minorities in the Yakima MSA employment pool are Hispanic. It is expected that efforts to expand recruitment for classified job openings will result in a similar higher percentage of Hispanic applicants. A similar approach was used to identify possible underutilization for women.

Table 6, below, summarizes the utilization analysis for gender and race/ethnicity. This analysis is based on a comparison of the composition of the district’s workforce with the availability of ethnic minorities and women in various job classifications based on census information as summarized in Tables 1 and 2 on pages 2 and 3 respectively. Where underutilization is identified, it is noted.

Table 5  
Utilization Analysis for Race/Ethnicity and Gender

Staff	Employees					Workforce				Utilization Analysis			
	Total Employees	Total Minority		Total Women		Availability In Workforce		Expected Utilization*		Underutilized		Add to Eliminate Minority Underutilization	Add to Eliminate Gender Underutilization
		Number	Percentage	Number	Percentage	Minority	Women	Minority	Women	Minority	Women		
Administrators	19	2	10.5%	7	36.8%	15.7%	62.9%	12.6%	50.3%	YES	YES	1	3
Elem/MS Teachers	112	6	5.4%	90	80.4%	9.8%	76.6%	7.8%	61.3%	YES	NO	3	0
Secondary Teachers	68	9	13.2%	40	58.8%	9.8%	51.1%	7.9%	40.9%	NO	NO	0	0
Certificated Support Staff	24	1	4.2%	23	95.8%	13.9%	71.1%	11.1%	56.9%	YES	NO	2	0
Bus Drivers	15	0	0.0%	15	100.0%	12.2%	35.1%	9.7%	28.1%	YES	NO	2	0
Clerical Staff	17	0	0.0%	17	100.0%	28.7%	97.0%	23.0%	77.6%	YES	NO	4	0
Custodial/Maintenance	26	10	38.5%	3	11.5%	57.2%	19.4%	45.8%	15.5%	YES	YES	2	2
Food Service Workers	17	1	5.9%	17	100.0%	50.7%	59.9%	40.5%	47.9%	YES	NO	6	0
Paraeducators	86	14	16.3%	75	87.2%	54.6%	88.2%	43.7%	70.6%	YES	NO	24	0
Classified Support Staff	17	4	23.5%	15	88.2%	58.0%	55.8%	46.4%	44.7%	YES	NO	4	0

\* Availability is adjusted using the 80% rule (see Appendix F for explanation)

## C. GOALS AND ACTION STEPS FOR RECRUITMENT

As noted above, goals in this report are based on an underutilization analysis for total minorities and women. Table 6 on the previous page summarizes this analysis. Table 6 also notes, where underutilization is indicated, the number of employees which would need to be added to eliminate underutilization. These values are not intended to represent numeric goals. Rather they are included to indicate the relative magnitude of underutilization.

### General Goals Applying to All Job Categories Where Underutilization Was Found

The following general goals apply across job categories. These general goals will be addressed throughout the five-year period covered by this plan.

1. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. (A copy of the Pre-employment Inquiry Guide published by the Washington State Human Rights Commission is included as Appendix E). The purpose of the affirmative action plan is to actively include persons of underutilized 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.
2. Copies of Policy 5010—Nondiscrimination and Affirmative Action, as well as this affirmative action plan, regulations, and procedures developed in accordance with it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations.
3. Review all employment procedures and programs to assure that there is no indication of discriminatory practices.
4. Maintain a record system that will collect facts on district employees' and applicants' gender, race/ethnic status, and other protected category status to help ensure that the district's recruiting efforts are reaching protected groups.
5. Forward job descriptions for classified staff to the Washington Employment Service and other organizations which are recruiting sources for groups that may be underutilized in the district's work force.
6. Take appropriate action to attract and retain aged, handicapped, ethnic minorities and women at all levels and in all segments of the district's work force.
7. Review criteria for selecting staff to assure that such statements relate directly to the requirements for specific positions.
8. Provide management development training to current staff to assure that individuals of underutilized groups are prepared for positions of new and increased responsibility.
9. Include a statement of the district's nondiscrimination policy in pertinent district recruitment material and application forms.
10. As part of the district's teacher recruitment program, provide information about the district's Equal Employment Opportunity Policy and its Affirmative Action Program.

11. Upon adoption of the district's 2013-18 Affirmative Action Program, issue, from the Superintendent's Office, a statement and information concerning the Affirmative Action Program in regular district publications.
12. An equal employment opportunity statement will be included on all district job postings and newspaper advertisements.
13. Upon employment, each new employee will receive information about the district's Affirmative Action Program.
14. Unit and department administrators will inform all staff of the district's Affirmative Action Program at least annually. (All employees are responsible for the success of the district's Affirmative Action Program.)
15. Establish and maintain relationships with organizations which are a source for the recruitment of individuals from groups which may currently be underrepresented in the work force. This will include such agencies as the state job service agencies and college and university minority affairs departments.

#### Discussion of Underutilization and Goals for Individual Job Categories

In the paragraphs which follow, the numerical analysis for each job category is reviewed and, where appropriate, goals are discussed. As noted above, any numerical reference to adding employees should not be interpreted as a numeric goal; rather these figures indicate the relative extent of underutilization.

#### Administrators

Summary: The analysis shows underutilization for both minorities and women in this category. Expected utilization for minority employees in this job group is 12.6%; there are currently two minority administrators in the district. Given the total number of employees in this job category, one minority employee would have to be added to eliminate underutilization. Expected utilization for women is 50.3% and there are currently 36.8% women in this job group. Three women would have to be added to eliminate gender underutilization.

Within the next five years, it is important for the district to expand current recruitment efforts for minorities and women administrators. Particular emphasis will be placed on recruitment at workshops, conferences and conventions where large numbers of minority educators are in attendance. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

#### Elementary/Middle School Teachers

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 61.3% and there are currently 80.4% women in this job group. Expected utilization for minority employees in this job group is 7.8%; current utilization is 5.4%. Given the total number of employees in this job category, 3 minority employees would have to be added to eliminate underutilization.

Within the next five years the district will intensify its recruitment with a focus on attracting applications from ethnic minorities. Meetings will be held with principals to discuss recruitment and retention strategies and current staff will be encouraged to assist in the recruitment of minority applicants for teaching positions in the district. In addition, it is important for the district to expand current recruitment efforts for minority elementary and middle school teachers. Particular emphasis will be placed on recruitment at workshops, conferences and conventions where large numbers of minority educators are in attendance. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

### Secondary Teachers

Summary: The analysis shows no underutilization for women or minorities. Expected utilization for women is 40.9% and there are currently 58.8% women in this job group. Expected utilization for minority employees in this job group is 7.9%; current utilization is 13.2%.

### Certificated Support Staff

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 56.9% and there are currently 95.8% women in this job group. Expected utilization for minority employees in this job group is 11.1%; current utilization is 4.2%. Given the total number of employees in this job category, 2 minority employees would have to be added to eliminate underutilization. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

Strategies similar to those outlined above for the elementary/middle school teachers will be utilized to increase recruitment for this job group. Within the next year, and annually thereafter, meetings will be held with principals and other hiring administrators to discuss recruitment and retention strategies and current staff will be encouraged to assist in the recruitment of minority applicants for certificated support positions in the district.

### Bus Drivers

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 28.1% and there are currently 100% women in this job group. Expected utilization for minority employees in this job group is 9.7%; current utilization is 0.0%. Given the total number of employees in this job category, 2 minority employees would have to be added to eliminate underutilization.

Recruiting for transportation positions is complicated by the fact that they are primarily part-time positions. Most positions are “split-shift” positions with gaps of unpaid time between morning and afternoon bus runs. New hires must participate in unpaid driver training before being considered for substitute or regular positions. Over the next five years, the district will continue to advertise permanent and substitute driver positions in local media. The process for training and hiring bus drivers will be reviewed with the intention of increasing the recruitment of minority applicants for open positions. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

### Clerical Staff

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 77.6% and there are currently 100% women in this job group. Expected utilization for minority employees in this job group is 23.0%; current utilization is 0.0%. Given the total number of employees in this job category, 4 minority employees would have to be added to eliminate underutilization.

Throughout the next five years, the district will continue to advertise clerical vacancies in local media and send job announcements to local community colleges and other relevant training programs. The district will also work with principals to make sure minority parents and community members are encouraged to apply for positions in this job group. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

### Custodial Maintenance

The analysis shows underutilization for both minorities and women in this category. Expected utilization for minority employees in this job group is 45.8%; there are currently ten minority employees in this category. Given the total number of employees in this job category, 2 minority employees would have to be added to eliminate underutilization. Expected utilization for women is 15.5% and there are currently 11.5% women in this job group. Two women would have to be added to eliminate gender underutilization.

Strategies similar to those discussed above for other classified positions will be followed to increase the number of minority applicants in this category. Throughout the next five years, training programs for trades' jobs will be contacted with the goal of instituting recruitment programs with these programs. The district will also work with principals to make sure minority parents and community members are encouraged to apply for positions in this job group. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

### Food Service Workers

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 47.9% and there are currently 100% women in this job group. Expected utilization for minorities in this job group is 40.5%; current utilization is 5.9%. Given the total number of employees in this job category, 6 minority employees would have to be added to eliminate underutilization.

Recruiting food service employees is complicated by the fact that most entry-level positions provide only a minimal number of hours for part of the calendar year. Throughout the next five years, the district will continue to advertise food service vacancies in local media and monitor the food service hiring process. The district will also work with principals to make sure minority parents and community members are encouraged to apply for positions in this job group. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

### Paraeducators

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 70.6% and there are currently 87.2% women in this job group. Expected utilization for minority employees in this job group is 43.7%; current utilization is 16.3%. Given the total number of employees in this job category, 24 minority employees would have to be added to eliminate underutilization.

Recruitment for instructional assistant positions is complicated by the fact that these are mostly part-time jobs. Efforts to attract minority applicants for these positions will be intensified. Throughout the next five years, the district will continue to advertise instructional assistant vacancies in local media and send job announcements to local community colleges and Early Childhood Education programs in these institutions. The district will also work with principals to make sure minority parents and community members are encouraged to apply for positions in this job group. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

#### Classified Support Staff

Summary: The analysis shows no underutilization for women. However, minorities are underutilized in this employment category. Expected utilization for women is 44.7% and there are currently 88.2% women in this job group. Expected utilization for minority employees in this job group is 46.4%; current utilization is 23.5%. Given the total number of employees in this job category, four minority employees would have to be added to eliminate underutilization.

Strategies similar to those discussed above for other classified positions will be followed to increase the number of minority applicants in this category. Throughout the next five years, training programs for trades' jobs will be contacted with the goal of instituting recruitment programs with these programs. The district will also work with principals to make sure minority parents and community members are encouraged to apply for positions in this job group. Progress toward goals will be assessed at least annually and reported to the Board of Directors.

Table 6  
Summary of Underutilization Identified

<b>JOB CATEGORY</b>	<b>MINORITIES</b>	<b>WOMEN</b>
Administrators	<b>X</b>	<b>X</b>
Elementary/Middle School Teachers	<b>X</b>	
Secondary Teachers		
Certificated Support Staff	<b>X</b>	
Bus Drivers	<b>X</b>	
Clerical Staff	<b>X</b>	
Custodial/Maintenance	<b>X</b>	<b>X</b>
Food Service Workers	<b>X</b>	
Paraprofessionals	<b>X</b>	
Classified Support Staff	<b>X</b>	

Table 7 represents a summary of underutilization identified in this plan. An “X” indicates underutilization (percentage of employees is below Expected utilization in the workforce).

#### D. STAFF RESPONSIBILITIES FOR IMPLEMENTION, MONITORING AND EVALUATION OF PROGRESS

The Superintendent of the district has the overall responsibility for the development, implementation, coordination, evaluation, and monitoring of the Affirmative Action Program. Much of the work under this responsibility has been delegated to the Assistant Superintendent for Business Services and Human Resources whose contact information is listed below. The Assistant Superintendent for Business Services and Human Resources shares, with the Superintendent, the responsibility to represent the district in the identification of problem areas and recommendations or directives for solving identified problems.

For questions or complaints involving discrimination or affirmative action, the following contacts are listed:

##### Title IX Officer

(For question/complaints involving sex discrimination or sexual harassment.)

Dana Floyd

Director of Special Services

105 W. Bartlett,  
Selah, Washington 98942  
DanaFloyd@selah.k12.wa.us  
(509) 697-0716

##### Section 504/ADA Coordinator

(For question/complaints involving disability discrimination, including Section 504 or accessibility.)

Dana Floyd

Director of Special Services

105 W. Bartlett,  
Selah, Washington 98942  
DanaFloyd@selah.k12.wa.us  
(509) 697-0716

##### State Compliance Coordinator

(For question/complaints involving all other areas of discrimination based on sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a service animal.)

Chris Scacco

Assistant Superintendent, Business and Human Resources

105 W. Bartlett,  
Selah, Washington 98942  
ChrisScacco@selah.k12.wa.us  
(509) 697-0705

## E. INTERNAL MONITORING AND PROGRESS REPORTING

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

Under the direction of the Superintendent, the Assistant Superintendent for Business and Human Resources will evaluate the effectiveness of the program, prepare an annual report on the effectiveness of the program, and recommend changes to the Board of Directors. 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 Superintendent.

## Appendix A—Nondiscrimination and Affirmative Action Policy

SELAH SCHOOL DISTRICT NO. 119

FILE: 5010

### NONDISCRIMINATION AND AFFIRMATIVE ACTION

**Nondiscrimination:** Selah School District complies with all federal and state rules and regulations and does not discriminate on the basis of any protected class as defined by law. This holds true for all District employment and opportunities. The Selah School District specifically does not discriminate on the basis of sex, race, creed, religion, color, national origin, age (40 or older), marital status, honorable discharged veteran or military status, gender expression or identity, genetic information, non-job related sensory, mental or physical disability, the use of a trained dog guide or service animal by a person with a disability, or any other legally protected status, condition or characteristic, except where a bona fide qualification disqualifies an individual.

This holds true for all students who are interested in participating in educational programs and/or extracurricular school activities, and provides equal access to the Boy Scouts and other designated youth groups.

Inquiries regarding compliance and/or grievance procedures may be directed to the school district's Title IX compliance officer and Section 504 Coordinator, Dana Floyd, Special Services Director (509)697-0714; ADA Coordinator and Affirmative Action Compliance Coordinator, Chris Scacco, Assistant Superintendent for Business & Personnel (509)697-0705.

**Affirmative Action:** The District, as a recipient of public funds, is committed to initiating affirmative action to support 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 veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Veterans shall include:

Veterans covered under 41 CFR 60-250 of the Vietnam Era Veteran's Readjustment Assistance Act of 1974 (VEVRAA):

- Other Protected Veteran: 1) A person who served in a war with active duty service between December 7, 1941 and April 28, 1952; or, 2) a person who served in a campaign or expedition for which a campaign badge, a service medal, or expeditionary medal has been awarded. For a complete list of campaigns refer to VetGuide Appendix A.
- Veteran of the Vietnam Era: A person who served on active duty for a period more than 180 days, any part of which occurred between February 28, 1961, and May 7, 1975 in the Republic of Vietnam or between August 5, 1964, and May 7, 1975 in other regions, and who were not dishonorably discharged, or who were released from active duty for a service-connected disability during that period.
- "Disabled Veteran" means: A person entitled to disability compensation under law administered by the Veteran's Administration for disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
- Recently Separated Veteran: Any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.

Veterans covered under 41 CFR Part 60-300 of the Jobs for Veterans Act (JVA):

- Disabled Veteran: 1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or, 2) a person who was discharged or released from active duty because of a service-connected disability.
- Recently Separated Veteran: Any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.
- Armed Forces Service Medal Veteran: Any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.
- Other Protected Veteran: A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

The District Affirmative Action Plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin or other protected classes.

The Superintendent shall develop an Affirmative Action Plan which specifies the procedures to be followed by the staff of the District and shall ensure 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, disabled, ethnic minorities, gender, and 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.

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

- 1) 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.
- 2) 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:
  - A) Making facilities used by staff readily accessible and usable by persons with disabilities; and
  - B) 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.

- 3) The District shall not make use of any employment test or criteria that screens out persons with disabilities unless:
  - A) The test or criteria is clearly and specifically job-related; and

- B) Alternative tests or criteria that do not screen out persons with disabilities are available.
- 4) 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.
- 5) 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 or, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes in 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.

First Reading:	05/26/93	REFERENCE:
Second Reading:	06/09/93	RCW 28A.400.310
		RCW 28A.640.020
		RCW 28A.642
Revised:	07/30/98 (formerly 5010 and 5011)	RCW 49.60
		RCW 49.60.030
Revised:	06/22/00	RCW 49.60.180
		RCW 49.60.400
Revised:	03/22/01	RCW 73.16
		WAC 162-22-050
Revised:	09/26/02	WAC 392-190
		WAC 392-190-0592
Revised:	09/27/07	20 USC 12101-12213
		42 USC 2000e1-e10
Revised:	03/10/11	20 USC § 1681-1688
		8 USC 1324
Revised:	08/25/11	38 USC §§ 4301-4333
		29 USC 794
Revised:	02/21/12	34 CFR §104
		CROSS-REFERENCE:
		2030, 5270, 5407

## Appendix B—Nondiscrimination and Affirmative Action Procedures

SELAH SCHOOL DISTRICT NO. 119

PROCEDURE: 5010P

### NONDISCRIMINATION AND AFFIRMATIVE ACTION PROCEDURES

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

- 1) Work toward a full utilization of qualified aged, disabled, ethnic minorities, women and veterans in the various job categories.
- 2) Ensure that all applications 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 underutilized 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.
- 3) Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The District shall continue to seek aged, disabled, ethnic minorities, women and veterans in the recruitment and employment process.
- 4) 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.
- 5) Take appropriate action(s) to attract and retain aged, disabled, ethnic minorities, women, and veterans 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.
- 6) Encourage the upgrading of present staff by supporting employee development training to assure that individuals of underutilized groups have the opportunity to be 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.

**Dissemination:** The District shall disseminate information concerning employment and developments under the Affirmative Action Plan to assist in achieving the goals set forth in this plan. Methods of dissemination may include:

- 1) Printing and distributing such information to staff, school libraries and offices;
- 2) Publicizing such information in District newsletters or web site;
- 3) Conducting meetings with administrative staff to explain the intent and advantages of policy and plan;

- 4) Conducting meetings with staff;
- 5) Informing appropriate and interested recruiting and hiring sources; and
- 6) Informing all representative staff groups in the District.

**Internal Audit and Monitoring System:** The Superintendent's office, in compliance with WAC 162-12, "Pre-employment Inquiry Guide," shall record by age, race, gender and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis shall be made of the internal and external work force availability of aged, handicapped, ethnic minorities, women, and veterans.

The District shall evaluate the effectiveness of the non-discrimination and affirmative action program and report its status to the Board semi-annually. 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:

- 1) Analysis of the categories of employment in relation to affirmative action goals;
- 2) Analysis of work force data and applicant flow;
- 3) Maintaining records relative to affirmative action information;
- 4) Preparation of an annual report of progress toward the goals and recommended changes required to maintain the vitality of the program;
- 5) 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
- 6) Keeping the Superintendent advised of the progress in implementing the goals and procedures of this affirmative action program;

**Grievance Procedure:** To ensure fairness and consistency, the following review procedures are to be used with regard to employment problems covered by state and federal equal employment opportunity (anti-discrimination) laws and/or this affirmative action program. No staff member's status with the District shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure:

"Grievance" shall mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. §§ 12101-12213 Americans With Disabilities Act (ADA) or Title VII of the Civil Rights Act of 1964.

A complaint shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent shall 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; hence, the following steps shall be taken:

**Informal Review Procedures:** When a staff member has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor, Superintendent or Superintendent's designee within sixty (60) days of the circumstances which gave rise to the problem.

The staff member may also ask the Title IX officer to participate in the informal review procedure. It is intended that the informal discussion shall 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 Title IX officer before pursuing informal or formal procedures. If the discussion with the immediate supervisor or Title IX officer does not resolve the issue the staff member may proceed to the formal review procedures.

**Level One-Formal Review:** The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Title IX officer shall investigate the allegations set forth within thirty (30) calendar days of the filing of the charge. The officer shall provide the Superintendent with a full written report of the complaint and the results of the investigation. The Superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint. The Superintendent shall state that the District either:

- 1) Denies the allegations contained in the written complaint received by the District; or
- 2) Shall implement reasonable measures to eliminate any such act, conditions or circumstance.

Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent's mailing of a written response to the complaining party.

**Level Two-Appeal to Board of Directors:** If a complainant remains aggrieved as a result of the action or inaction of the Superintendent he/she may file a written notice of appeal with the secretary of the Board by the tenth (10th) calendar day following:

- 1) The date upon which the complainant received the Superintendent's response, or
- 2) The expiration of the thirty (30) calendar day response period stated in Level One, whichever occurs first.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board shall render a written decision by the tenth (10th) calendar day following the termination of the hearing and shall provide a copy to all parties involved.

**Level Three-Appeal to the Superintendent of Public Instruction:** In the event a complainant charging discrimination remains aggrieved with the decision of the Board of Directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the Board's decision to the Superintendent of Public Instruction.

- 1) A notice of appeal must be received by the Superintendent of Public Instruction on or before the tenth (10th) calendar day following the date upon which the complainant received written notice of the Board of Directors' decision.
- 2) A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
  - A) A concise statement of the original complaint and the portions of the Board of Directors' decision which is appealed.
  - B) The suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of 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, shall be retained in the office of the District compliance officer for a period of five (5) years.

Presented to Board: 05/26/93

Reviewed: 06/09/93

Revised: 07/30/98 (formerly 5010 and 5011)

Revised: 06/22/00

Revised: 03/22/01

Revised: 02/21/12

## **Appendix C—EEOC’s General Guidance on Combining and Bridging Race and Ethnic Categories from the Special EEO File**

(An article on the EEOC website, [http://www.eeoc.gov/eeoc/statistics/census/race\\_ethnic\\_data.html](http://www.eeoc.gov/eeoc/statistics/census/race_ethnic_data.html))

### Introduction to Race and Ethnic (Hispanic Origin) Data for the Census 2000 Special EEO File

When Census 2000 was conducted on April 1, 2000, race and Hispanic origin (ethnicity) were collected according to the *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (October 30, 1997) and *OMB Bulletin No. 00-02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement* (March 9, 2000). Census 2000 considered race and ethnic data as being separate and distinct. One question in that Census asked respondents if they were Spanish/Hispanic/Latino or not. Another question asked respondents to report the race or races they considered themselves to be. The Census 2000 Special EEO File retains the greatest detail of race and ethnic data possible under the requirements for maintaining respondent confidentiality.

The format for the collection and presentation of race and Hispanic origin (ethnicity) data in the Census 2000 Special EEO File may not match the format for previous and future data collection and reporting activities with respect to civil rights enforcement and monitoring. Thus, the EEOC is providing the following guidance to maintain essential information on both race and ethnicity (Hispanic origin) from Census 2000 for the Special EEO File for civil rights purposes.

### **EEOC's General Guidance on Combining and Bridging Race and Ethnic Categories from the Special EEO File**

As the Census Bureau collected race and ethnic (Hispanic origin) data in Census 2000 in a way that may not match the format used by several federal agencies involved in monitoring and enforcing civil rights in employment, a methodology to combine the race and ethnic (Hispanic origin) data from the 2000 Special EEO File into the minimum categories in the combined format for race/ethnic categories has been developed by EEOC. A bridging methodology from the EEO File to the prior racial/ethnic categories has also been developed.

The minimum combined formats for the racial/ethnic categories are: White; Black or African American; Hispanic or Latino; American Indian or Alaska Native; Asian; and Native Hawaiian or Other Pacific Islander. Since the revisions to the standards for race and ethnicity was published, an additional category of "Balance" has been widely used rather than previous "Other" category. The prior racial/ethnic categories were: White not of Hispanic origin; Black not of Hispanic origin; Hispanic; Asian or Pacific Islander; American Indian or Alaskan Native; and Other.

### **EEOC's Guidance on Creating Combined Format Racial/Ethnic Categories from the Special EEO File**

For the racial/ethnic categories in the combined format other than in Hawaii, the following rules should be used to maximize comparability among employment files.

The White category is defined by the White not Hispanic or Latino category, i.e., from the above-presented Race and Ethnicity for Other than Hawaii specifications, this is (1A) White, Not Hispanic or Latino.

The Black or African American category is created by combining the Black or African American not Hispanic or Latino category with the Black or African American *and* White not Hispanic or Latino category, i.e., combine (2) Black or African American not Hispanic or Latino with (6) Black or African American *and* White not Hispanic or Latino, from the above-cited specifications.

The Hispanic or Latino category is created by combining all Hispanics, as was done in previous versions of the EEO File, i.e., from the above-mentioned specifications, add (1B)White, Hispanic or Latino to (11) Other Hispanic or Latino.

The American Indian or Alaska Native category is created by combining the American Indian or Alaska Native not Hispanic or Latino category with the American Indian or Alaska Native *and* White not Hispanic or Latino category, i.e., from above-cited specifications, add (5) American Indian or Alaska Native not Hispanic or Latino to (8) American Indian or Alaska Native *and* White not Hispanic or Latino.

The Asian category is created by combining the Asian not Hispanic or Latino category with the Asian *and* White not Hispanic or Latino category, i.e., from the Race and Ethnicity for Other than Hawaii specifications, add (3) Asian not Hispanic or Latino to (7) Asian *and* White not Hispanic or Latino.

The Native Hawaiian or Other Pacific Islander category is defined by the Native Hawaiian or Other Pacific Islander not Hispanic or Latino category, i.e., from the Race and Ethnicity for Other than Hawaii specifications, this is (4) Native Hawaiian or Other Pacific Islander not Hispanic or Latino.

The Balance category is created from the remaining categories, i.e., from the specifications for Race and Ethnicity for Other than Hawaii, combine (9) American Indian or Alaska Native *and* Black or African American not Hispanic or Latino with (10) Balance of individuals reporting more than one race not Hispanic or Latino plus individuals reporting some other race not Hispanic or Latino.

The racial/ethnic categories in the combined format for Hawaii follow the same principles as above but incorporate the three additional categories for Asians and Native Hawaiian or Other Pacific Islanders from the specifications for Race and Ethnicity for Hawaii. The White; Black or African American; Hispanic; American Indian or Alaska Native; and Balance categories are the same in concept as for other than Hawaii. However, as the categories for Hawaii are numbered differently than for other than Hawaii, due to the additional categories, the definitions are repeated here with the Hawaiian category numbers.

For Hawaii, the White category is defined by the White not Hispanic or Latino category, i.e., from the above-presented Race and Ethnicity for Hawaii specifications, this is (1A) White, Not Hispanic or Latino.

For Hawaii, the Black or African American category is created by combining the Black or African American not Hispanic or Latino category with the Black or African American *and* White not Hispanic or Latino category, i.e., combine (2) Black or African American not Hispanic or Latino with (6) Black or African American *and* White not Hispanic or Latino, from the above-cited specifications.

For Hawaii, the Hispanic or Latino category is created by combining all Hispanics, i.e., from the Race and Ethnicity for Hawaii specifications, add (1B) White, Hispanic or Latino to (14) Other Hispanic or Latino.

For Hawaii, the American Indian or Alaska Native category is created by combining the American Indian or Alaska Native not Hispanic or Latino category with the American Indian or Alaska Native *and* White not Hispanic or Latino category, i.e., from above-cited specifications, add (5) American Indian or Alaska Native not Hispanic or Latino to (8) American Indian or Alaska Native *and* White not Hispanic or Latino.

For Hawaii, the Asian category is created by combining the categories from the Race and Ethnicity for Hawaii specifications for (3) Asian not Hispanic or Latino and (7) Asian *and* White not Hispanic or Latino.

For Hawaii, the Native Hawaiian and Other Pacific Islander category is created by combining (4) Native Hawaiian or Other Pacific Islander not Hispanic or Latino and (10) Native Hawaiian or Other Pacific Islander *and* White not Hispanic or Latino, from the specifications for Race and Ethnicity for Hawaii.

For Hawaii, the Balance category is created by combining (9) American Indian or Alaska Native *and* Black or African American not Hispanic or Latino; (11) Asian *and* Native Hawaiian or Other Pacific Islander not Hispanic or Latino; (12) Asian *and* Native Hawaiian or Other Pacific Islander *and* White not Hispanic or Latino; and (13) Balance of individuals reporting more than one race not Hispanic or Latino plus individuals reporting some other race not Hispanic or Latino, from the specifications for Race and Ethnicity for Hawaii.

## **EEOC's Guidance on Bridging to the Previous Racial/Ethnic Categories from the Special EEO File**

For the bridging to the previous racial/ethnic categories other than in Hawaii, the following rules should be used to maximize comparability among employment files.

The White not of Hispanic origin category is defined by the White not Hispanic or Latino category, i.e., from the above-presented Race and Ethnicity for Other than Hawaii specifications, this is (1A) White, Not Hispanic or Latino.

The Black not of Hispanic origin category is created by combining the Black or African American not Hispanic or Latino category with the Black or African American *and* White not Hispanic or Latino category, i.e., combine (2) Black or African American not Hispanic or Latino with (6) Black or African American *and* White not Hispanic or Latino, from the above-cited specifications.

The Hispanic category is created by combining all Hispanics, as was done in previous versions of the EEO File, i.e., from the above-mentioned specifications, add (1B) White, Hispanic or Latino to (11) Other Hispanic or Latino.

The Asian or Pacific Islander category is created by combining the Asian not Hispanic or Latino with the Asian *and* White not Hispanic or Latino categories and with the Native Hawaiian or Other Pacific Islander not Hispanic or Latino category, i.e., from the Race and Ethnicity for Other than Hawaii specifications, add (3) Asian not Hispanic or Latino; (7) Asian *and* White not Hispanic or Latino; and (4) Native Hawaiian or Other Pacific Islander not Hispanic or Latino.

The American Indian or Alaska Native category is created by combining the American Indian or Alaska Native not Hispanic or Latino category with the American Indian or Alaska Native *and* White not Hispanic or Latino category, i.e., from above-cited specifications, add (5) American Indian or Alaska Native not Hispanic or Latino to (8) American Indian or Alaska Native *and* White not Hispanic or Latino.

The Other or Balance category is created from the remaining categories, i.e., from the specifications for Race and Ethnicity for Other than Hawaii, combine (9) American Indian or Alaska Native *and* Black or African American not Hispanic or Latino with (10) Balance of individuals reporting more than one race not Hispanic or Latino plus individuals reporting some other race not Hispanic or Latino.

With respect to the previous racial/ethnic categories in Hawaii (when they were used), follow the same principles as above but incorporate the three additional categories for Asians and Native Hawaiian or Other Pacific Islanders from the specifications for Race and Ethnicity for Hawaii. As the categories for Hawaii are numbered differently than for other than Hawaii, due to the additional categories for Hawaii, the definitions are repeated here with the Hawaiian category numbers.

For Hawaii, the White not of Hispanic origin category is defined by the White not Hispanic or Latino category, i.e., from the Race and Ethnicity for Hawaii specifications, this is (1A) White, Not Hispanic or Latino.

For Hawaii, the Black not of Hispanic origin category is created by combining the Black or African American not Hispanic or Latino category with the Black or African American *and* White not Hispanic or Latino category, i.e., combine (2) Black or African American not Hispanic or Latino with (6) Black or African American *and* White not Hispanic or Latino, from the Race and Ethnicity for Hawaii specifications.

For Hawaii, the Hispanic category is created by combining all Hispanics, i.e., from the Race and Ethnicity for Hawaii specifications, add (1B) White, Hispanic or Latino to (14) Other Hispanic or Latino.

For Hawaii, the Asian or Pacific Islander category is created, from the Race and Ethnicity for Hawaii specifications, by combining the categories for (3) Asian not Hispanic or Latino; (7) Asian *and* White not Hispanic or Latino; (4) Native Hawaiian or Other Pacific Islander not Hispanic or Latino; (10) Native Hawaiian or Other Pacific Islander *and* White not Hispanic or Latino; (11) Asian *and* Native Hawaiian or Other Pacific Islander not Hispanic or Latino; and (12) Asian *and* Native Hawaiian or Other Pacific Islander *and* White not Hispanic or Latino.

For Hawaii, the American Indian or Alaskan Native category is created by combining the American Indian or Alaska Native not Hispanic or Latino category with the American Indian or Alaska Native *and* White not Hispanic or Latino category, i.e., from the Race and Ethnicity for Hawaii specifications, add (5) American Indian or Alaska Native not Hispanic or Latino to (8) American Indian or Alaska Native *and* White not Hispanic or Latino.

For Hawaii, the Other or Balance category is created by combining (9) American Indian or Alaska Native *and* Black or African American not Hispanic or Latino and (13) Balance of individuals reporting more than one race not Hispanic or Latino plus individuals reporting some other race not Hispanic or Latino, from the specifications for Race and Ethnicity for Hawaii.

**Appendix D—Application of Special EEO File from Year 2010 Census**

Special EEO File from Year 2010 Census Data  
Employment Area and Job Categories Used to Compare with Selah Staff Profile

<b>Selah S.D. Affirmative Action Category</b>	<b>Geographic Area</b>	<b>EEO Job Categories*</b>
Administrators	Washington State	Education Administrators (023) SOC 11-9030
Elem/Middle School Teachers	Washington State	Elementary and Middle School Teachers (231) SOC 25-2020
Secondary Teachers	Washington State	Secondary School Teachers (232) SOC 25-2030
Certificated Support Staff*	Washington State	Counselors (200) SOC 21-1010 Librarians (243) SOC 25-4021 Occupational Therapists (315) SOC 29-1122 Physical Therapists (316) SOC 29-1123 Psychologists (182) SOC 19-3030 Speech-Language Pathologists (323) SOC 29-1127
Bus Drivers	Yakima MSA	Bus Drivers (912) SOC 53-3020
Clerical	Yakima MSA	Secretaries and Administrative Assistants (570) SOC 43-6010
Custodial/Maintenance*	Yakima MSA	Janitors and Building Cleaners (422) SOC 37-201X Grounds Maintenance Workers (425) SOC 37-3010
Food Service*	Yakima MSA	Cooks (402) SOC 35-2010 Food Preparation Workers (403) SOC 35-2021 Food Servers, Nonrestaurant (412) SOC 35-3041
Instructional Assistants	Yakima MSA	Teacher Assistants (254) SOC 25-9041
Classified Support Staff*	Yakima MSA	Business operations specialists, all other (0740) SOC 13-1199 Computer Support Specialists (1050) SOC 15-1150 Occupational therapy assistants and aides 3610 (SOC 31-2010) Payroll and timekeeping clerks 5140 (SOC 43-3051)

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

## Appendix E—Pre-employment Inquiry Guide

(From Washington State Human Rights Commission Regulations)

# Pre-employment Inquiry Guide

### Chapter 162-12 WAC PREEMPLOYMENT INQUIRY GUIDE

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#### WAC

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#### **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).

#### **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.

#### **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.

#### **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.)

**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.

<b>SUBJECT</b>	<b>FAIR PRE-EMPLOYMENT INQUIRIES</b>	<b>UNFAIR PRE-EMPLOYMENT INQUIRIES</b>
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.)

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b. Arrests (see also Convictions)	<p>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 through 43.43.842; and RCW 72.23.035</p>	<p>Any inquiry that does not meet the requirements for fair preemployment inquiries.</p>
c. Citizenship	<p>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.</p>	<p>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.</p>

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| d. Convictions (See also Arrests) | <p>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 through 43.43.842; and RCW 72.23.035.</p> | <p>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.</p> |
| e. Family                         | <p>Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.</p>   | <p>Specific inquiries concerning spouse, spouse's employment or salary, children, child care arrangements, or dependents.</p>   |

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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.

SUBJECT	FAIR PRE-EMPLOYMENT INQUIRIES	UNFAIR PRE-EMPLOYMENT INQUIRIES
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.

SUBJECT	FAIR PRE-EMPLOYMENT INQUIRIES	UNFAIR PRE-EMPLOYMENT INQUIRIES
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 162-12-150, 162-12-160, and 162-12-170.	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC 162-12-150, 162-12-160, and 162-12-170.
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 162-12-150.
(While the law does not prohibit company policies governing the employment of relatives, any policy that has the effect of disadvantaging minorities, women, 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 162-12-150, 162-12-160, and 162-12-170.		
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.

### **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.

### **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.

### **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.

### **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.

## Appendix F—4/5 or 80% Rule Explanation

### 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 significant underutilization exists.

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

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

Example #1:

Assume a job group with the following characteristics:

12,324 = Total labor force

6,801 = Women in labor force

45 = Total employees

11 = Women employees

Step 1:

$6,801/12,324 = 55.19\%$  (women in labor force)

Step 2:

$11/45 = 24.44\%$  (women 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 women employees is 24.44%. Significant underutilization exists because 24.44% is less than 44.15%.

Example #2

Assume, however, the following job group:

$$16,379 = \text{Total labor force}$$

$$4,806 = \text{Women in labor force}$$

$$121 = \text{Total employees}$$

$$29 = \text{Women employees}$$

Step 1:

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

Step 2:

$$29/121 = 23.97\% \text{ (women employees)}$$

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 women employees is 23.97%. Significant underutilization does not exist because 23.97% is greater than 23.47%.