

2SHB 1783 - H AMD 964

By Representative Gregerson

ADOPTED AS AMENDED 01/20/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the population
4 of Washington state has become increasingly diverse over the last
5 several decades. The legislature also finds that as the demographics
6 of our state change, historically and currently marginalized
7 communities still do not have the same opportunities to meet parity
8 as their nonmarginalized counterparts across nearly every measure
9 including education, poverty, employment, health, and more.
10 Inequities based on race, ethnicity, gender, and other
11 characteristics continue to be deep, pervasive, and persistent, and
12 they come at a great economic and social cost. When individuals face
13 barriers to achieving their full potential, the impact is felt by the
14 individual, their communities, businesses, governments, and the
15 economy as a whole in the form of lost wages, avoidable public
16 expenditures, and more.

17 The legislature finds that a more inclusive Washington is
18 possible if agencies identify and implement effective strategies to
19 eliminate systemic inequities. The legislature recognizes that
20 different forms of discrimination and oppression are related to each
21 other, and these relationships need to be taken into account.

22 The legislature finds that over the years, significant strides
23 have been made within agencies to address the disparate outcomes
24 faced by historically and currently marginalized communities. While
25 these efforts have yielded positive work, the legislature finds that
26 the work happening in agencies is fragmented across state government.
27 Additionally, smaller agencies may not have the resources necessary
28 to identify and implement policies to address systemic inequities.
29 The legislature finds that state government must identify and
30 coordinate effective strategies that focus on eliminating systemic
31 barriers for historically and currently marginalized groups. To
32 support this objective, an office of equity will provide a unified
33 vision around equity for all state agencies. The office will assist

1 government agencies to apply an equity lens in all aspects of their
2 decision making, including but not limited to services, programming,
3 policy development, budgeting, and staffing. Doing so will foster a
4 culture of accountability within state government that promotes
5 opportunity for marginalized communities and will help normalize
6 language and concepts around equity, race, social justice, diversity,
7 and inclusion.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Agency" means every state executive office, agency,
12 department, or commission.

13 (2) "Director" means the director of the Washington state office
14 of equity.

15 (3) "Equity lens" means providing consideration to the
16 characteristics listed in RCW 49.60.030, as well as immigration
17 status and language access, to evaluate the equitable impacts of an
18 agency's policy or program.

19 (4) "Office" means the Washington state office of equity.

20 NEW SECTION. **Sec. 3.** (1) The Washington state office of equity
21 is established within the office of the governor for the purpose of
22 promoting access to equitable opportunities and resources that reduce
23 disparities, and improve outcomes statewide across state government.

24 (2) The office envisions everyone in Washington having full
25 access to the opportunities and resources they need to flourish and
26 achieve their full potential.

27 (3) The work of the office must be guided by principles of
28 equity:

29 (a) Equity requires developing, strengthening, and supporting
30 policies and procedures that distribute and prioritize resources to
31 those who have been historically and currently marginalized,
32 including tribes;

33 (b) Equity requires the elimination of systemic barriers that
34 have been deeply entrenched in systems of inequality and oppression;
35 and

36 (c) Equity achieves procedural and outcome fairness, promoting
37 dignity, honor, and respect for all people.

1 NEW SECTION. **Sec. 4.** (1) The office is administered by a
2 director, who is appointed by, and reports to, the governor. The
3 director must receive a salary as fixed by the governor in accordance
4 with RCW 43.03.040.

5 (2) The director shall:

6 (a) Employ and supervise staff as necessary to carry out the
7 purpose of this chapter and the duties of the office; and

8 (b) Oversee the administration, programs, and policies of the
9 office in accordance with the principles in section 3 of this act.

10 NEW SECTION. **Sec. 5.** (1) The office shall work to facilitate
11 policy and systems change to promote equitable policies, practices,
12 and outcomes through:

13 (a) **Agency decision making.** The office shall assist agencies in
14 applying an equity lens in all aspects of agency decision making,
15 including service delivery, program development, policy development,
16 and budgeting. The office shall provide assistance by:

17 (i) Facilitating information sharing between agencies around
18 diversity, equity, and inclusion issues;

19 (ii) Convening work groups as needed;

20 (iii) Developing and providing assessment tools for agencies to
21 use in the development and evaluation of agency programs, services,
22 policies, and budgets;

23 (iv) Training agency staff on how to effectively use the
24 assessment tools developed under (a)(ii) of this subsection,
25 including developing guidance for agencies on how to apply an equity
26 lens to the agency's work when carrying out the agency's duties under
27 this chapter;

28 (v) Developing, by rule, a form that will serve as each agency's
29 diversity, equity, and inclusion plan, required to be submitted by
30 all agencies under section 7 of this act, for each agency to report
31 on its work in the area of diversity, equity, and inclusion. The
32 office must develop the format and content of the plan and determine
33 the frequency of reporting. The office must post each agency plan on
34 the dashboard referenced in (d) of this subsection;

35 (vi) Maintaining an inventory of agency work in the area of
36 diversity, equity, and inclusion;

37 (vii) Compiling and creating resources for agencies to use as
38 guidance when carrying out the requirements under section 7 of this
39 act; and

1 (viii) Collaborating with the governor's office of Indian
2 affairs.

3 (b) **Community outreach and engagement.** The office shall:

4 (i) Staff the community advisory board created under section 6 of
5 this act; and

6 (ii) Collaborate with the following: Commission on African
7 American affairs, commission on Asian Pacific American affairs,
8 commission on Hispanic affairs, governor's office of Indian affairs,
9 human rights commission, LGBTQ commission, women's commission, and
10 any other agency the office deems necessary, in order to identify
11 policy and system barriers, including language access, to meaningful
12 engagement with communities in all aspects of agency decision making.

13 (c) **Training on maintaining a diverse, inclusive, and culturally**
14 **sensitive workforce.** The office shall collaborate with the office of
15 financial management and the department of enterprise services to
16 develop policies and provide technical assistance and training to
17 agencies on maintaining a diverse, inclusive, and culturally
18 sensitive workforce that delivers culturally sensitive services.

19 (d) **Data maintenance and establishing performance metrics.** The
20 office shall:

21 (i) Collaborate with results Washington and agencies to:

22 (A) Establish standards for the collection, analysis, and
23 reporting of disaggregated data regarding race and ethnicity,
24 including subracial and subethnic populations as it pertains to
25 tracking population level outcomes, except as provided under (d) (ii)
26 of this subsection;

27 (B) Create statewide and agency-specific process and outcome
28 measures to show performance:

29 (I) Using outcome-based methodology to determine the
30 effectiveness of agency programs and services on reducing
31 disparities; and

32 (II) Taking into consideration community feedback, as necessary,
33 on whether the performance measures established accurately measure
34 the effectiveness of agency programs and services in the communities
35 served; and

36 (C) Create an online performance dashboard to publish state and
37 agency performance measures and outcomes; and

38 (ii) Collaborate with the office of financial management to
39 identify additional subcategories in workforce data for
40 disaggregation in order to track disparities in public employment.

1 (e) **Accountability.** The office shall:

2 (i) Publish a report for each agency detailing whether the agency
3 has met the performance measures established pursuant to (d)(i) of
4 this subsection and the effectiveness of agency programs and services
5 on reducing disparities. The report must include: The agency's
6 strengths and accomplishments, areas for continued improvement, and
7 areas for corrective action. The office must post each report on the
8 dashboard referenced in subsection (d) of this section;

9 (ii) Establish, by rule, a process for the office to report on
10 agency performance in accordance with (e)(i) of this subsection and a
11 process for agencies to respond to the report. The agency's response
12 must include the agency's progress on performance, the agency's
13 action plan to address areas for improvement and corrective action,
14 and a timeline for the action plan; and

15 (iii) Adopt rules to develop accountability and enforcement
16 mechanisms, which may include conducting audits in collaboration with
17 the office of the state auditor, related to agency compliance with
18 office performance measures.

19 (2) By July 1, 2022, and every two years thereafter, the office
20 shall report to the legislature and governor. The report must include
21 a summary of the office's work, including strengths and
22 accomplishments, an overview of agency compliance with office
23 standards and performance measures, and an equity analysis of the
24 makeup of the community advisory board established in section 6 of
25 this act to ensure that it accurately reflects historically and
26 currently marginalized groups.

27 (3) The director and the office shall consider the
28 recommendations submitted pursuant to section 221, chapter 415, Laws
29 of 2019, by the task force established under section 221, chapter
30 415, Laws of 2019, when carrying out the duties prescribed under this
31 chapter.

32 NEW SECTION. **Sec. 6.** (1) A community advisory board is created
33 within the office to advise the office on its priorities and
34 timelines.

35 (2) The director must appoint members to the community advisory
36 board to support diverse representation by geography and identity.

37 (3) The community advisory board shall, among other duties
38 determined by the director, provide guidance to the office on
39 standards and performance measures.

1 (4) The community advisory board is staffed by the office.

2 (5) Board members shall be entitled to compensation of fifty
3 dollars per day for each day spent conducting official business and
4 to reimbursement for travel expenses as provided by RCW 43.03.050 and
5 43.03.060.

6 (6) The community advisory board may adopt bylaws for the
7 operation of its business for the purposes of this chapter.

8 NEW SECTION. **Sec. 7.** Each agency shall:

9 (1) Designate an agency diversity, equity, and inclusion liaison
10 within existing resources to serve as the liaison between the agency
11 and the office;

12 (2) Apply an equity lens, as developed by the office in
13 accordance with section 5 of this act, to assess existing and
14 proposed agency policies, services and service delivery, practices,
15 programs, and budget decisions using the assessment tools developed
16 by the office pursuant to section 5 of this act;

17 (3) Develop and submit a diversity, equity, and inclusion plan to
18 the office, in accordance with section 5 of this act;

19 (4) Develop and maintain written language access policies and
20 plans;

21 (5) Collaborate with the office to establish performance measures
22 in accordance with section 5 of this act;

23 (6) Provide data and information requested by the office in
24 accordance with standards established pursuant to section 5 of this
25 act; and

26 (7) Submit a response to the office's report on agency
27 performance, pursuant to section 5(1)(e) of this act.

28 NEW SECTION. **Sec. 8.** The office may:

29 (1) Provide technical assistance to agencies;

30 (2) Conduct research projects and policy analyses, as needed;

31 (3) Develop policy positions and legislative initiatives;

32 (4) Fulfill external data requests, as resources allow;

33 (5) Receive and solicit gifts, grants, and endowments from public
34 or private sources that are made for the use or benefit of the office
35 and to expend the same or any income therefrom according to their
36 terms and the purpose of this chapter. The director must report funds
37 received from private sources to the office of financial management
38 on a regular basis. Such funds received from private sources may not

1 be applied to reduce or substitute the office's budget as
2 appropriated by the legislature, but must be applied and expended
3 toward projects and functions authorized by this chapter that were
4 not funded by the legislature; and

5 (6) Adopt rules as necessary to implement the policy and purpose
6 of this chapter.

7 NEW SECTION. **Sec. 9.** Nothing in this act creates any right or
8 cause of action, nor may it be relied upon to compel the
9 establishment of any program or special entitlement.

10 NEW SECTION. **Sec. 10.** Sections 2 through 9 of this act
11 constitute a new chapter in Title 43 RCW.

12 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July
13 1, 2020."

14 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Defines principles that must guide the work of the Office of Equity (Office) and the administration of programs by the Office Director;

(2) Requires the Office to ensure agencies follow standards developed by the Office through reporting requirements, and to adopt rules related to testing agency performance and developing accountability and enforcement mechanisms;

(3) Creates the Community Advisory Board to advise the Office on its priorities and timelines;

(4) Requires the Office to file a report to the Legislature and Governor every two years;

(5) Requires agencies to designate a diversity, equity, and inclusion liaison to serve as liaison between the agency and Office;

(6) Requires agencies to apply an "equity lens," as defined in the amended bill and developed by the Office, to existing policies, practices, and services delivery;

(7) Requires agencies to develop plans for diversity, equity, and inclusion and for language access, establish performance measures in collaboration with the Office, and submit a response to the Office's report on agency performance;

(8) Requires the Office to develop by rule a form that will serve as a diversity, equity, and inclusion plan to be used by agencies;

(9) Requires the Office to collaborate with the Office of Financial Management to identify subcategories in workforce data for disaggregation to track disparities in public employment;

(10) Permits the Office to conduct research and policy analysis, develop policy positions, and fulfill data requests;

(11) Adds specificity about Office duties;

(12) Amends intent language;

- (13) Changes the establishment date of the Office from January 1, 2020, to July 1, 2020;
- (14) Removes the section creating a Task Force;
- (15) Removes the emergency clause and null and void clause.

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