
SUBSTITUTE SENATE BILL 5105

State of Washington

67th Legislature

2021 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Hasegawa, Nguyen, Darneille, Das, Hunt, Kuderer, Lias, Lovelett, Nobles, Rolfes, Stanford, and Wilson, C.)

READ FIRST TIME 02/01/21.

1 AN ACT Relating to implementing the recommendations of the office
2 of equity task force; amending RCW 43.06D.030, 43.06D.040, and
3 43.06D.050; adding new sections to chapter 43.06D RCW; creating a new
4 section; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.06D.030 and 2020 c 332 s 4 are each amended to
7 read as follows:

8 (1) The office is administered by a director, who is appointed by
9 the governor based on recommendations provided by the community
10 advisory board, and with advice and consent of the senate. The
11 director shall report to the governor. The director must receive a
12 salary as fixed by the governor in accordance with RCW 43.03.040.

13 (2) Before the governor appoints a director, the community
14 advisory board must screen all applicants against the established
15 qualifications for the position and recommend to the governor a list
16 of three or more candidates. The governor must either select the new
17 director from the list of three or more candidates, ask the community
18 advisory board to add additional names to the list, or reject the
19 entire list and ask the community advisory board to submit three or
20 more additional candidates for consideration. The community advisory
21 board must repeat this process until a director is selected.

1 (3) The director shall:

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

4 (b) Oversee the administration, programs, and policies of the
5 office in accordance with the principles in RCW 43.06D.020.

6 **Sec. 2.** RCW 43.06D.040 and 2020 c 332 s 5 are each amended to
7 read as follows:

8 (1) The office shall work to facilitate policy and systems change
9 to promote equitable policies, practices, and outcomes through:

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

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

16 (ii) Convening work groups as needed;

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

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

25 (v) Developing a form that will serve as each agency's diversity,
26 equity, and inclusion plan, required to be submitted by all agencies
27 under section ((7)) 5 of this act, for each agency to report on its
28 work in the area of diversity, equity, and inclusion. The office must
29 develop the format and content of the plan and determine the
30 frequency of reporting. The office must post each agency plan on the
31 dashboard referenced in (d) of this subsection;

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

34 (vii) Compiling and creating resources for agencies to use as
35 guidance when carrying out the requirements under section ((7)) 5 of
36 this act.

37 (b) **Community outreach and engagement.** The office shall staff the
38 community advisory board created under section ((6)) 4 of this act
39 and may contract with commissions or other entities with expertise in

1 order to identify policy and system barriers, including language
2 access, to meaningful engagement with communities in all aspects of
3 agency decision making.

4 (c) **Training on maintaining a diverse, inclusive, and culturally**
5 **sensitive workforce.** The office shall collaborate with the office of
6 financial management and the department of enterprise services to
7 develop policies and provide technical assistance and training to
8 agencies on maintaining a diverse, inclusive, and culturally
9 sensitive workforce that delivers culturally sensitive services.

10 (d) **Data maintenance and establishing performance metrics.** The
11 office shall:

12 (i) Collaborate with the office of financial management and
13 agencies to:

14 (A) Establish standards for the collection, analysis, and
15 reporting of disaggregated data as it pertains to tracking population
16 level outcomes of communities, except as provided under (d)(i)(D) of
17 this subsection;

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

20 (I) Using outcome-based methodology to determine the
21 effectiveness of agency programs and services on reducing
22 disparities; and

23 (II) Taking into consideration community feedback from the
24 community advisory board on whether the performance measures
25 established accurately measure the effectiveness of agency programs
26 and services in the communities served;

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

29 (D) Identify additional subcategories in workforce data for
30 disaggregation in order to track disparities in public employment;
31 and

32 (ii) Coordinate with the office of privacy and data protection to
33 address cybersecurity and data protection for all data collected by
34 the office.

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

36 (i) Publish a report for each agency detailing whether the agency
37 has met the performance measures established pursuant to (d)(i) of
38 this subsection and the effectiveness of agency programs and services
39 on reducing disparities. The report must include the agency's
40 strengths and accomplishments, areas for continued improvement, and

1 areas for corrective action. The office must post each report on the
2 dashboard referenced in (d) of this subsection;

3 (ii) Establish a process for the office to report on agency
4 performance in accordance with (e)(i) of this subsection and a
5 process for agencies to respond to the report. The agency's response
6 must include the agency's progress on performance, the agency's
7 action plan to address areas for improvement and corrective action,
8 and a timeline for the action plan; and

9 (iii) Establish procedures to hold agencies accountable, which
10 may include conducting performance reviews related to agency
11 compliance with office performance measures.

12 (2) By October 31, 2022, and every year thereafter, the office
13 shall report to the governor and the legislature. The report must
14 include a summary of the office's work, including strengths and
15 accomplishments, an overview of agency compliance with office
16 standards and performance measures, and an equity analysis of the
17 makeup of the community advisory board established in section ((6)) 4
18 of this act to ensure that it accurately reflects historically and
19 currently marginalized groups.

20 (3) ~~((The director and the office shall review the final
21 recommendations submitted pursuant to section 221, chapter 415, Laws
22 of 2019, by the task force established under section 221, chapter
23 415, Laws of 2019, and report back to the governor and the
24 legislature with any additional recommendations necessary for the
25 office to carry out the duties prescribed under this chapter.))~~ The
26 office must include in its October 31, 2022, report to the governor
27 and the legislature recommendations to reduce barriers for community
28 participation on boards and commissions which may include, but are
29 not limited to, potential changes to the application process and
30 compensation for board and commission members.

31 **Sec. 3.** RCW 43.06D.050 and 2020 c 332 s 8 are each amended to
32 read as follows:

33 The office may:

34 (1) Provide technical assistance to agencies;

35 (2) Conduct research projects, as needed, provided that no
36 research project is proposed or authorizes funding without
37 consideration of the business case for the project including a review
38 of the total cost of the project, similar projects conducted in the
39 state, and alternatives analyzed;

1 (3) Conduct policy analyses and provide a forum where ideas and
2 issues related to diversity, equity, and inclusion plans, policies,
3 and standards can be reviewed;

4 (4) Develop policy positions and legislative proposals;

5 (5) Consider, on an ongoing basis, ways to promote investments in
6 enterprise-level diversity, equity, and inclusion projects that will
7 result in service improvements and cost efficiency;

8 (6) Fulfill external data requests, as resources allow; (~~and~~)

9 (7) Receive and solicit gifts, grants, and endowments from public
10 or private sources that are made for the use or benefit of the office
11 and to expend the same or any income therefrom according to their
12 terms and this chapter. The director must report funds received from
13 private sources to the office of financial management on a regular
14 basis. Funds received from private sources may not be applied to
15 reduce or substitute the office's budget as appropriated by the
16 legislature, but must be applied and expended toward projects and
17 functions authorized by this chapter that were not funded by the
18 legislature; and

19 (8) Adopt rules as necessary to:

20 (a) Develop and submit agency diversity, equity, and inclusion
21 plans;

22 (b) Develop and maintain language access plans;

23 (c) Collect data for the purposes of this chapter;

24 (d) Establish performance measures;

25 (e) Establish process for responding to the office of equity
26 report on agency performance; and

27 (f) Establish a process to report noncompliance or lack of
28 improvement.

29 NEW SECTION. Sec. 4. A new section is added to chapter 43.06D
30 RCW to read as follows:

31 (1) A community advisory board is created within the office to
32 advise the office on its priorities and timelines.

33 (2) The director must appoint members to the community advisory
34 board. No more than 20 voting members may be appointed. The voting
35 members must support diverse representation by geography and identity
36 and include, but not be limited to, a representative of the
37 commission on African American affairs, the commission on Asian
38 Pacific American affairs, the commission on Hispanic affairs, the
39 federally recognized tribes, the human rights commission, the LGBTQ

1 commission, the women's commission, and a member of the disability
2 community nominated by the chair of the governor's committee on
3 disability issues and employment.

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

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

8 (5) Board members shall be entitled to compensation of \$50 per
9 day for each day spent conducting official business and to
10 reimbursement for travel expenses as provided by RCW 43.03.050 and
11 43.03.060.

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

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.06D
15 RCW to read as follows:

16 Each agency shall:

17 (1) Designate an agency diversity, equity, and inclusion liaison
18 who reports directly to the head of the agency, within existing
19 resources to serve as the liaison between the agency and the office;

20 (2) Apply an equity lens, as developed by the office in
21 accordance with RCW 43.06D.040, to assess existing and proposed
22 agency policies, services and service delivery, practices, programs,
23 and budget decisions using the assessment tools developed by the
24 office under RCW 43.06D.040;

25 (3) Develop and submit a diversity, equity, and inclusion plan to
26 the office, in accordance with RCW 43.06D.040;

27 (4) Develop and maintain written language access policies and
28 plans;

29 (5) Collaborate with the office to establish performance measures
30 in accordance with RCW 43.06D.040;

31 (6) Provide data and information requested by the office in
32 accordance with standards established pursuant to RCW 43.06D.040; and

33 (7) Submit a response to the office's report on agency
34 performance, under RCW 43.06D.040.

35 NEW SECTION. **Sec. 6.** (1) By October 31, 2025, the Washington
36 state institute for public policy shall evaluate the implementation
37 of the office of equity and report to the governor and appropriate

1 committees of the legislature. The report must include, but is not
2 limited to:

3 (a) The level of staffing and funding provided to the office of
4 equity for its operation;

5 (b) Guidance to the office of equity from the community advisory
6 board;

7 (c) The office of equity's strategic plan;

8 (d) The extent to which the office duplicates the activities of,
9 or has a mission that overlaps with, other agencies or of the private
10 sector;

11 (e) The broad strategic goals and standards for the enterprise
12 related to diversity, equity, and inclusion;

13 (f) Agency-specific performance measures and outcomes; and

14 (g) The state of diversity, equity, and inclusion efforts across
15 the enterprise.

16 (2) This section expires July 1, 2026.

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