

Chapter 43.06D RCW
OFFICE OF EQUITY

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RCW 43.06D.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

(3) "Disaggregated data" means data that has been broken down by appropriate subcategories.

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

(5) "Office" means the Washington state office of equity. [2020 c 332 § 2.]

RCW 43.06D.020 Office established—Purpose. (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

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

(3) The work of the office must:

(a) Be guided by the following principles of equity:

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

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

(iii) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people;

(b) Complement and not supplant the work of the statutory commissions. [2020 c 332 § 3.]

Effective date—2020 c 332 § 3: "Section 3 of this act takes effect July 1, 2020." [2020 c 332 § 11.]

RCW 43.06D.030 Appointment of director—Duties—Other employees.

(1) The office is administered by a director, who is appointed by the governor with advice and consent of the senate. The director shall report to the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

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

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in RCW 43.06D.020. [2020 c 332 § 4.]

RCW 43.06D.040 Duties—Reports. (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

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

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

(ii) Convening work groups as needed;

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

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

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

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

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

(b) **Community outreach and engagement.** The office shall staff the community advisory board created under *section 6 of this act and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to

develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governor and the legislature with

any additional recommendations necessary for the office to carry out the duties prescribed under this chapter. [2020 c 332 § 5.]

Reviser's note: *(1) Sections 6 and 7 of this act were vetoed.

** (2) The community advisory board was created in 2020 c 332 § 6, which was vetoed.

RCW 43.06D.050 Authority. The office may:

- (1) Provide technical assistance to agencies;
- (2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;
- (3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;
- (4) Develop policy positions and legislative proposals;
- (5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;
- (6) Fulfill external data requests, as resources allow; and
- (7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature. [2020 c 332 § 8.]

RCW 43.06D.060 Washington state patrol diversity, equity, and inclusion strategic recruitment and retention plan—Oversight.

(Expires June 30, 2032.) (1) Consistent with its purpose of promoting access to equitable opportunities and resources to reduce disparities, the Washington state office of equity shall provide oversight for the development and ongoing implementation of the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan.

(2) To accomplish this purpose, the office of equity shall work with the department of enterprise services, which will run and oversee a competitive procurement process to select and hire an independent, expert consultant to:

(a) Collect benchmark demographic data on the composition of the current Washington state patrol workforce, including applicants in the recruitment process, people in trooper academy classes, and new hires across positions in the agency including, and not limited to, applicants referred for interview; applicants referred for hire; applicant to hire ratios; applicants referred for psychological testing; applicant pass to fail ratios; and turnover rate. In addition, this task must include comparative demographic data for other law enforcement training classes within the state;

(b) Conduct a study of the labor force available for the commissioned and noncommissioned staff of the state patrol, with a focus on the availability of black, indigenous, Latino, Asian, and other groups currently underrepresented in the state patrol workforce;

(c) Using the results of the labor force availability study and Washington state patrol recruitment and retention demographic benchmark data, establish goals for the demographic composition of the state patrol workforce and a plan for reaching the goals;

(d) Develop agency-specific process and outcome measures of performance, taking into consideration community feedback on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(e) Recommend effective agency programs and services to reduce disparities across the agency;

(f) Evaluate and report on progress in the implementation of the diversity, equity, and inclusion strategic recruitment and retention plan developed for the Washington state patrol in 2021;

(g) In coordination with the Washington state patrol, annually update the diversity, equity, and inclusion strategic recruitment and retention plan to reflect activities completed, new strategies, and next steps;

(h) Report biannually to the governor and appropriate committees of the legislature on the composition of the current Washington state patrol workforce compared to established benchmarks and goals; and

(i) Otherwise assist the office of equity in monitoring and reporting the Washington state patrol's implementation of the diversity, equity, and inclusion strategic recruitment and retention plan.

(3) The office is directed to complete the following work in accordance with RCW 43.06D.040:

(a) Provide technical assistance to the Washington state patrol regarding best practices to effectively foster an equitable, just, diverse workforce;

(b) Publish the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan on its performance dashboard;

(c) Report the Washington state patrol's performance on the office's performance dashboard, providing for a process for the Washington state patrol to respond to the report;

(d) Establish accountability procedures for the Washington state patrol, which may include conducting performance reviews related to state patrol compliance with office performance measures consistent with RCW 43.06D.040;

(e) Report annually to the governor and appropriate committees of the legislature on the Washington state patrol's compliance with developing its diversity, equity, and inclusion strategic recruitment and retention plan in accordance with the office of equity standards and the state patrol's progress made toward performance measures in its diversity, equity, and inclusion strategic recruitment and retention plan.

(4) This section expires June 30, 2032. [2022 c 146 § 2.]

Findings—Intent—2022 c 146: "(1) The legislature finds that:

(a) In 2021, the total Washington state patrol workforce was 84 percent white and 67 percent male, the field force workforce was 86

percent white and 86 percent male, and the managerial staff was as high as 93 percent white;

(b) A strong diversity, equity, and inclusion strategic recruitment and retention plan is necessary to:

(i) Provide the state patrol with the benefits of a diverse workforce, improving service to the public, increasing employee productivity, and providing new perspectives and innovative approaches to achieving the agency's mission of enhancing the safety and security of all people and communities; and

(ii) Fill vacancies with those who are from historically and currently marginalized communities;

(c) Public employment opportunities at the Washington state patrol should provide all commissioned and noncommissioned staff full access to the opportunities, power, and resources each needs in the staff person's career; and

(d) The transition to a culture that fosters workforce diversity, equity, and inclusion requires steadfast commitment over the long term.

(2) Therefore, the legislature intends to:

(a) Challenge the state patrol to change and adapt its culture to attract and retain a diverse workforce representative of those who have been historically and currently marginalized and is representative of the labor force as a whole;

(b) Establish effective legislative and executive oversight mechanisms to increase workforce parity by eliminating disparities in the state patrol's workforce;

(c) Increase accountability and transparency relating to the state patrol's progress in achieving equity in its workforce; and

(d) Provide technical assistance and support for the state patrol's diversity, equity, and inclusion efforts over the long term." [2022 c 146 § 1.]

RCW 43.06D.900 Findings—Intent—2020 c 332. The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more. This includes social ramifications that emerging technology, such as artificial intelligence and facial recognition technology, may have on historically and currently marginalized communities. It is the intent of the legislature to review these emerging technologies either already in use by agencies or before their launch by agencies if not already in use and make recommendations regarding agency use to ensure that the technology is used in a manner that benefits society and does not have disparate negative impacts on historically and currently marginalized communities or violate their civil rights. It is further

intended that the office should collaborate with other state efforts in this regard.

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

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. Furthermore, the legislature finds that the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the LGBTQ commission, the women's commission, and the human rights commission each play an important and integral role by serving as a voice for their respective communities and linking state government to these communities. The office is distinct from the commissions because it will serve as the state's subject matter expert on diversity, equity, and inclusion to state agencies and will provide technical assistance and support to agencies while each agency implements its individual equity plan. The office is not duplicative of the commissions, rather it is the intent of the legislature that the office will work in collaboration with the commissions. It is not the legislature's intent to eliminate the commissions or to reduce funding to the commissions by creating the office. Instead, it is the intent of the legislature that the office and the commissions shall work in a complementary manner with each other, support each other's work, jurisdictions, and missions, and adequately fund the commissions and the office as they take on their new complementary roles.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to promote diversity, equity, and inclusion in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around diversity, equity, and inclusion. [2020 c 332 § 1.]

RCW 43.06D.901 Construction—2020 c 332. Nothing in chapter 332, Laws of 2020 creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement. [2020 c 332 § 9.]