

# Employee Affirmative Action and Demographic Data Form

## Frequently Asked Questions

In June of 2020 the Office of Financial Management Division of State Human Resources updated the Employee Affirmative Action and Demographic Data (EAADD) form. The form includes updated terms and definitions, improvements to the introductory language at the top, and data collection fields added during the last update in January 2020. This Frequently Asked Questions (FAQ) document provides answers and information about previous changes to the form, and new information related to the June 2020 update.

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## Why the update? Didn't we just update this form in January?

Prior to January 2020, the form had not been updated in several years. This past winter we made a number of changes, adding a Gender X option and the LGBTQ+ question to be more inclusive. [Executive Order 19-01](#) also directs state agencies to provide support and resources to military spouses, but until January we had no way of collecting status as a military spouse, so that question was added. We also had two forms that were being used somewhat inconsistently by agencies and had an interest in simplifying collection of this information by having only one form. It was time to modernize the form for all these reasons.

We are updating the form again for two main reasons:

1. Amendments to the public records act during the legislative session resulted in a change of circumstances. As of June 11, 2020 a large part of the personal data gathered by this form is exempted from public disclosure requests on an individually identifying level. We will still be using it for aggregate reporting on the make-up of our workforce. The language at the top of the form now reflects this new public records environment. [See HB1888 Session Law](#) for more information.
2. Ongoing engagement with HR leaders and members of the LGBTQ+ community through RAIN Best Practices have prompted State HR to improve and clarify the language describing the binary gender data field. We are attempting, bluntly, to call it like it is. We must continue to collect this data because of various health insurance systems and reporting requirements. We've also included explanatory language in the definitions section to be even clearer in this area.

## Is my information protected from a public disclosure request?

**Yes!** This is new – as mentioned above, the Public Records Act (Chapter 42.56 RCW) was amended during the 2020 Legislative Session to exempt certain types of demographic information from disclosure. Data in the following categories is now exempt (protected) from disclosure on an individual or personally identifying basis:

- Birthdate\*
- Salary deduction information
- Race and/or Ethnicity\*
- Gender and Gender Identity\*
- Sexual Orientation\*
- Immigration status
- National Origin
- Disability status\*

The categories with a \* are the ones the EAADD form collects. Individual or personally identifying basis means that your name and demographic details will not be released together, and data will not be released in a way that allows someone to use it to figure out who you are, or what your

demographic information is. Military, veteran and National Guard or reserve information is not exempted from the Public Record Act.

### Why are we collecting this information?

Government agencies provide state and federal periodic reports about the state workforce for equal opportunity and affirmative action efforts. **The demographic information from this form also helps us make better decisions about how we increase representation of underrepresented groups and make our workforce more inclusive, so that we can serve Washingtonians better. We need a clear picture of our current workforce to understand how we can create policies and make business decisions to support and welcome everyone.**

The Sexual Orientation and Gender Identity (SOGI) fields gather data in alignment with other state agencies, and to ensure our Human Resource Management System recognizes the identities of all our employees and creates visibility for non-binary individuals.

### Why is one of the fields now called “Gender designation for health insurance purposes”?

The binary field that is now labeled “Gender designation for health insurance purposes” was previously labeled “sex assigned at birth”. We are changing the label and description of this field based on feedback and ongoing dialogue with the Health Care Authority and employee stakeholder groups like RAIN, as well as a desire to be clearer with employees about how that data is used.

There are various reasons why our health care system and insurance system continue to require binary sex/gender information. The field within HRMS must contain information – it cannot remain blank – and the information is reported to the Public Employee Benefits Board at HCA to ensure that state employees have access to their health care services.

The data from this field on the form is then used to meet current requirements for Medicare federal reporting and eligibility determinations, meet health plan vendor requirements, ensure coordination of benefits and efficient claims processing. We encourage employees to choose the option in this field that you would like your medical provider(s) to use to determine insurance coverage and facilitate claims processing for your health care services.

### Am I required to disclose my gender identity or gender designation for health insurance purposes?\*

No part of this form is required. The form is completely voluntary. If the form is not completed, in some of our statewide systems such as Washington Workforce Analytics (WWA) a blank field will default to one of the listed options. However, in the gender identity field and in the LGBTQ+ field we have included a new system option for “undisclosed,” which will be the default if those categories are not completed by the employee.

\*\*The only exception to gender identity being optional may be if your job is one of the few in the state that has Bona Fide Occupational Requirements (BFOQs) that include gender. Some jobs

within the state have gender related requirements; these jobs exist primarily in our correctional facilities and social service institutions. Our approach to BFOQs for individuals who identify as non-binary is currently being explored.

### [Am I required to disclose my race or ethnicity?](#)

No. However, if the form is not completed, in some of our statewide systems a blank field will default to one of the listed options. For instance, if an individual does not complete the form, a non-response to the Racial and Ethnic Background questions may result in that employee's information defaulting to "White." This is an issue we are exploring ways to address in a future system update.

### [What does Gender X mean?](#)

Gender X is intended to be an inclusive category to recognize the real diversity of gender identity. Gender X means a gender that is not exclusively male or female.

### [How is the LGBTQ+ field going to be used? Why does the state need to know that?](#)

The Washington Law Against Discrimination prohibits discrimination against people because of their sexual orientation or gender identity. There is substantial research suggesting that LGBTQ+ individuals experience discrimination and marginalization in the workplace, particularly trans people. However, since we have not historically asked employees to report their sexual orientation or fully and accurately claim their gender identity, we are not able to measure the representation of this diverse community in our state workforce. Being blind in this area has made it difficult to target resources and policies to address gaps in the representation or experience of LGBTQ+ state workers.

### [Are there currently any state policies regarding SOGI, and if so where can I find them?](#)

[Governor Inslee's Directive 16-11](#) speaks to our commitment as a state to making our agencies and communities safe for LGBTQ+ people. Within that directive, State HR is directed to partner with the LGBTQ+ business resource group (BRG) – the Rainbow Alliance and Inclusion Network (RAIN) – to identify strategies for creating safe, diverse, and inclusive workplaces for our LGBTQ+ employees and customers. The creation of a third gender option and a new field for collecting sexual orientation information came about as a result of recommendations from RAIN, State HR policy staff, and other stakeholders.

### [Is there SOGI training available now, or any planned for the future?](#)

The RAIN Best Practices subcommittee is considering whether to develop content for a training on LGBTQ+ issues in the workplace. There is also work underway by the Statewide DEI Training Committee to identify necessary diversity, equity and inclusion topics to build training around. Although a specific resource for state agencies is not available today, there may be training on this topic in the future. For specific questions, please contact State HR or the RAIN BRG leadership.

### Why do you need this data?

State HR reports out on the representation of diverse and underrepresented groups in the state workforce. Currently we lack any information about the representation of some groups, such as members of the LGBTQ+ community and military spouses. Without that information, it is harder to identify gaps in representation, and whether we need to create policies, strategies or resources to increase access and representation for these groups. In order to be an Employer of Choice where all people feel included, welcomed and seen, we need to provide people the opportunity to identify themselves in our system. We also need to be able to measure the effectiveness of our efforts to improve. This data is crucial to our ability to measure our own success and where we still have a lot of work to do.

### How can I update my information?

I'm so glad you asked! Simply fill out the latest version of the form and submit it to the human resources staff at your agency! The form has been sent out to all HR Directors and is also posted in the OFM State HR forms area [here](#).

Some large agencies are also collecting updated demographic information for their employees via a survey that asks the same questions that are on the form. They will be compiling all employee responses and that data will be uploaded all at once as part of a winshuttle script process that OFM will run. This process (the data collection and running the upload scripts) will happen in June and July 2020.

### Will I have to fill out a new form if my information won't change?

We are strongly encouraging all current employees of the state of Washington to update their information if they are invited to by their agency as part of a resurvey effort. Some of the questions are new and some of the definitions have changed. Even if a particular new category doesn't apply to you, having your current response improves our workforce data. In some cases, employees who have worked for the state for years may not have completed the old form, so we're also hoping to gather information from those individuals who didn't complete the form in the past.

### Who can see this information and how will it be used?

This information is visible on an individual employee level to only two authorized groups. First, human resources employees within your agency who have access to the Human Resource Management System, and second, to individuals with system access at the Office of Financial Management in the State Human Resources division.

The information is used for federal Equal Opportunity Commission reporting. It is also used to develop reports that show the overall diversity of our state workforce and of an agency's workforce. It supports the development of policies to improve fairness, representation and access for employees from all backgrounds to the State of Washington.

### Is the information I provide kept confidential?

The information provided on this form is kept confidential to the extent allowable by law. The data is used to develop aggregate reports and shall not be used for any workplace decision-making for individual employees. As described above, much of the information collected by this form is now protected from public disclosure by law.

### What does “SOGI” mean?

“SOGI” is short for sexual orientation and gender identity. We have not collected information about an employee’s sexual orientation in the past. Previously, we did collect gender information, but the options in the gender box were limited to male and female. This field is now called “Gender Designation for Health Insurance Purposes” explained above, and is used only for health insurance related reporting. In January we added a new field titled Gender Identity, which includes a third option for employees who identify as Gender X/non-binary. This is now the main field that our statewide diversity reporting relies on, and what is included in periodic agency reports on demographics and affirmative action categories. Additionally, the form asks if someone identifies as LGBTQ+ (yes/no), for reasons explained above.

### You don’t have the options I believe you should for certain questions. Will you ever change this form? Who do I contact?

If you have suggestions for the form or questions about its current content, you can send those questions to [SHRPlanning@ofm.wa.gov](mailto:SHRPlanning@ofm.wa.gov). However, due to some federal reporting requirements, there are parts of this form that we are not able to substantially change at this time.

### Is this voluntary?

Yes, this form is completely voluntary. However, we strongly encourage you to complete it so we can implement data-driven strategies to improve our workplace culture and serve Washingtonians better.

### Do I count as a military spouse if I am divorced?

According to [Executive Order 19-01](#), a military spouse is anyone who is currently or was previously married to a service member during their time of active service, reserve or National Guard duty. If this describes you, you are considered a military spouse for our purposes.