

Model Policies and Considerations for a Diverse, Equitable, Inclusive and Respectful Work Environment

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Introduction

Authorization, direction and formation

In April 2018, Gov. Jay Inslee issued a memorandum directing cabinet agencies to create a diverse, equitable, inclusive and respectful, or DEIR work environment. (See Appendix.)

This memorandum charged agency leaders with recognizing their own positional and identity privilege. It also urged recognition of the impact, regardless of intent, of their actions and their agency's actions in perpetuating the oppression of historically marginalized groups, including people of color¹ as well as work environments that permit or condone sexual harassment. These actions include not only the way an agency delivers services and resources to the people of Washington, but also how an agency commits to and supports its workforce so its members can do their best work. This work starts with agency leaders. We know all leaders, including managers and supervisors, play a critical part in role modeling appropriate behavior and creating an inclusive and respectful work culture.

Workforce policies shape how an agency interacts with its workforce and the communities it serves. While policies are only a fragment of a much larger framework,² what an agency commits to in writing can have a meaningful impact on the work environment experienced by its employees.

Recognizing this, the governor's memorandum directed the Office of Financial Management, State Human Resources division, or SHR and the Department of Enterprise Services, Workforce Support and Development division, or WSD, to do the following:³

- Assist agencies in identifying gaps in and potential for improvement of required policies by leveraging statewide data provided by agencies.
- Work with agencies to provide clarity on required and recommended harassment; discrimination; and diversity, equity and inclusion policies, including exploring the need for other required policies.

This document is foundational to meeting the direction above by providing model DEIR-related workforce policies that agencies can implement based on enterprise data and their own data.

The memorandum directed that each agency identify a liaison to partner with SHR and WSD. The resulting group includes leaders, human resources experts and other agency professionals with significant experience and education. These individuals represent an array of identities and are at

¹ We recognize that people sit at the intersection of class, gender, sexual orientation, ability, etc. and that there are multiple ways we identify or experience barriers or oppression. We are leading with race when we mention oppression and marginalization because race continues to play a defining role in lived experiences and outcomes (health, education, jobs, incarceration, housing, etc.). Race is often the hardest to address and most avoided, so we are leading this DEIR-related work with a focus on race. By centering on race and using tools that can be applied across all areas of marginalization or oppression, we increase the ability of all of us to work for equity. This emphasis is not meant to be exclusive.

² This framework includes how an agency operationalizes and imbeds DEIR across its organization in such areas as recruitment, strategic plan, performance management, position descriptions, requests for and allocation of resources, legislative communication and promotion.

³ The list provided here is only a selection for purposes of this document. The action plan associated with the memorandum included direction in additional areas such as data and training. See Appendix.

different points on their journey to understanding and embracing the importance of diversity, equity and inclusion.

In addition to policies, the memorandum directed improvements to be made in other areas. Given the breadth of the work, SHR and WSD strategized to form three diversity, equity and inclusion, or DEI committees: policy, training and data/investigations. The identified agency representatives were asked to participate in one or more of committees depending on their availability. The committees began meeting in the fall of 2018.

This development and delivery structure are rooted in SHR's and WSD's recognition of the need to build these resources with agency voice and representation. It is our hope that this power-with⁴ approach provides alignment, coherence, buy-in and legitimacy to this work. We want to spark change across our enterprise.

Our Ongoing Journey

The genesis and future of this document

The DEI policy committee began by developing a charter. Although continually revisited, the charter commits the group to creating model policies and considerations for agencies to use in their DEIR work environment improvements. The committee agreed on fundamental principles and values to ground its work, including the fact that oppression and privilege exist and that racism is present in institutional policies. (See Appendix.)

Once the charter was established, the group moved to assisting agencies in identifying gaps in workforce policies by reviewing and leveraging statewide data. A review of the 2018 Human Resources Management Report, or HRMR⁵ revealed significant gaps in DEIR-related workforce policies across our enterprise. While 100% of our reporting agencies indicated they had sexual harassment policies, just 60% affirmed they had a respectful workplace behavior/civility policy and only 58% reported having policies related to diversity, equity and inclusion.⁶ An explanation for this variability may be the lack of a mandate or requirement for agencies to have certain policies or a lack of understanding. As an example, agencies are required to have a sexual harassment policy which may have increased awareness and understanding; however, no such requirement exists for diversity, equity and inclusion.

Empowered with this agency data and the identified policy gaps, the committee provided clarity to DEIR-related workforce policies through the development of model policies in six areas:

- Diversity, equity and inclusion
- Respectful/civil/dignifying work environment
- Sexual harassment
- Reasonable accommodation

⁴ See Definitions section.

⁵ The HR Management Report survey asks Washington state agencies about workforce successes, challenges and strategies. It also assesses progress toward several workforce-related initiatives and executive orders, including diversity, equity and inclusion.

⁶ In descending order of prevalence in agency policies, Sexual Harassment Prevention Policy – 100%; Nondiscrimination Policy – 97%; Affirmative Action Policy – 95%; Reasonable Accommodation Policy – 95%; Equal Employment Opportunity – 92%; Workplace Behavior/Civility – 60%; Diversity, Equity and Inclusion – 58%. See Appendix.

- Affirmative action⁷
- Equal Employment Opportunity/nondiscrimination

To achieve this, the committee broke into smaller groups and researched evidence-based best practices, implementation considerations and examples in these different policy areas. Once accumulated, these artifacts were used to develop model policies for distribution to the agencies. This document is the culmination of these efforts. It aims to bridge the gaps reflected in our HRMR but more importantly to improve the experiences of all our employees, especially those in marginalized and oppressed groups. The ultimate success of these efforts hinges on all leaders embracing this work and holding themselves and their agency accountable regardless of what is mandated.

In our future work, the committee will focus on developing greater awareness and use of these policies by agencies. The policy committee will also explore the need to require all agencies to adopt DEIR-related workforce polices with mandatory components.

Building For Us, With Us

Meaningful Stakeholder Engagement

In producing this report, we recognize the important connection to other internal and external entities whose commitment to DEIR-related initiatives provides an opportunity for significant collaboration, learning and progress.

To this end, we have strived to review this document with as expansive a group of stakeholders as possible, knowing that our work in this area is never truly complete. Constant, iterative reflection, feedback and improvement are core components to the success of this work with a culture of sharing, learning and change at all levels of state government.

We appreciate the thoughtful perspectives and input of our stakeholders and acknowledge their vital contribution.

- DEI Policy Committee
- DEI Training Committee
- DEI Data and Investigations Committee
- DEI Council
- Business resource groups
 - Rainbow Alliance and Inclusion Network
 - Veterans' Employee Resource Group
 - Latino Leadership Network
 - Disability Inclusion Network
 - Washington Immigrant Network
 - Blacks United in Leadership and Diversity
- Women's Commission

⁷ With the passage of I-1000 by the legislature in the 2019 session, this committee developed these policies, including an affirmative action policy, under the legal framework of I-1000. However, with the failure of Referendum 88, the committee modified this document to be compliant with I-200, including the removal of a model affirmative action policy.

- Interagency Committee of State Employed Women
- Commission on African American Affairs
- Commission on Asian and Pacific American Affairs
- Commission on Hispanic American Affairs
- Governor’s Office on Indian Affairs
- Governor’s Committee on Disability Issues and Employment
- LGBTQ+ Commission
- Labor partners
- Results Washington
- Human Rights Commission
- Agency human resources leadership
- Agency deputy leadership
- Agency cabinet leadership
- Attorney General’s Office
- Governor’s Office
-

The last bullet is not a typo; it is intentionally left blank for awareness, similar to an empty chair in a meeting.⁸ We would be remiss in this work if we did not recognize those who have not been included in the production of this document. While our intent is to be as inclusive as possible, the impact may be different.

There are those who did not have the opportunity or voice to be a part of this work. We remain committed to constant improvement and the incorporation of their thoughts, ideas and perspectives as they become known.

As a final note, the scope of DEIR-related workforce policies is broad and the perspectives for it are even broader. In this stakeholder process, we incorporated feedback to the degree possible; however, it should be noted that the entities listed above do not necessarily endorse or approve this document.

Answering Why It Matters

Becoming an employer of choice through diversity, equity, inclusion and respect

DEIR-related workforce initiatives can positively influence employee engagement by promoting employees’ intrinsic motivation. Aspects of employee intrinsic motivation can be separated in four parts:

- Relationships: The desire to feel respected and connected.
- Autonomy: The desire to have freedom and discretion in one’s job.
- Mastery: The desire to learn new skills and develop expertise.

⁸ This practice is derived in part from the psychological technique called Gestalt therapy, whereby awareness is created through an intentional focus on different or other perspectives, resulting in an acceptance of the interconnectedness of our environment, relationships and experiences.

- Purpose: The desire for meaningful work.

Relationships are a basic human need — a need that can be as motivating to satisfy as seeking shelter, eating food, drinking water and breathing air. We are all motivated to seek out relationships that foster security, trust, inclusion and respect. Our well-being is linked to our social connections. When these connections are harmed, powerful effects may result. Modern neuroscience points to the fact that when humans experience threats or damage to their social bonds, the brain responds in much the same way it responds to physical pain.⁹

Through diversity work, employees engage others with similar and different identities. Through inclusivity and respect work, all employees are encouraged to participate or given a pathway to participation. Through equity work, employees are expected to recognize the barriers they, their colleagues and their organization create for certain groups that lead to unintended, disparate outcomes. Employees should expect that their leaders, managers and supervisors do the same. The goal of all this work is to create a culture where authentic and valuable relationships can be formed and strengthened, employees feel a sense of belonging, recognize that people matter and see each other in our purest form: human. Additionally, these forged relationships create psychological feelings of safety that promote employee wellness through the peaks and valleys of work and life.

Psychological safety¹⁰ is a requirement for the exercise of autonomy and the pursuit of mastery. When employees feel safe they feel empowered to learn, grow and innovate. DEIR work encourages a learning culture by opening our minds to different, new perspectives. When employees are exposed to new perspectives and ways of thinking in a psychologically safe work environment, inspiration, creativity and innovation flourish. While leaders are the foundation of psychological safety, every employee has the responsibility to create, maintain and sustain such a culture.

Yet perhaps DEIR's biggest impact on employee engagement is purpose. Employees are engaged when they are connected to a cause larger than themselves. When employees know the "why" and see its importance they are motivated to spring into action no matter how difficult the challenge. DEIR provides meaning to our work by tying us to humanity. It shines the light on the reality of our interconnectedness and how we cannot be who we ought to be until you are who you ought to be and you cannot be who you ought to be until we are who we ought to be.¹¹ There is simply no workforce connection, why or purpose bigger than this.

It is because of a commitment to communities that we as public servants are here; and to be successful, our service must be dedicated to ensuring all those who reside in Washington are thriving. To do this requires us to understand what thriving means for the communities we serve

⁹ Pink, Daniel H., *Drive: The Surprising Truth About What Motivates Us*, Riverhead Books, New York, 2009. Print. See also Lieberman, Matthew D., *Social: Why Our Brains Are Wired to Connect*, Crown Publishing Group, New York, 2013.

¹⁰ As it relates to the workplace, psychological safety is a belief an employee holds that he, she or they will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes. It is a core foundation for employee innovation and teamwork. See, Edmondson, Amy, *The Fearless Organization: Creating Psychological Safety in the Workplace for Learning, Innovation, and Growth*, Wiley, New Jersey, 2018.

¹¹ A paraphrase of Dr. Martin Luther King Jr., who wrote, "In a real sense all life is inter-related. All men are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. I can never be what I ought to be until you are what you ought to be, and you can never be what you ought to be until I am what I ought to be ... This is the inter-related structure of reality." King, Martin L., *Letter from the Birmingham Jail*. Harper San Francisco, 1994. Print.

and to be mindful of our impact. When we do this with thought, purpose and commitment, we become the employer of choice for current and future generations because those called to public service will identify with this fundamental value.

Organizations that implement DEIR-related workplace initiatives may gain legitimacy and credibility in the eyes of those that they serve. An employee workforce whose demographics reflect the population of those their organization is trying to serve is best positioned to deliver those services. When agency leaders provide employees with opportunities and pathways to participate, they are more likely to explore ways the organization can improve its services and mission. Finally, employees in organizations dedicated to equity will themselves find ways to address the institutional and systemic oppression experienced by marginalized groups.

Leadership Perspective

Approaching this work with humility and vulnerability

The governor, in the executive memorandum, outlined his commitment to improving our workplaces through DEIR-related work, including the recognition of positional and identity-based privilege.

We then asked agency deputy leadership, through a group exercise, to identify what those staff wanted their employees to know about diversity, equity, inclusion and respect and why DEIR was important to them and to their agency in making it an employer of choice.

This is what they shared:

It is a privilege and great responsibility to serve as a leader in Washington State government. We have an important obligation of serving every resident and employee. To ensure that we serve everyone, we must create and support a diverse and inclusive culture across the state to leverage the best thinking of our employees and ensure equitable access to our services.

This is exciting and challenging work. We are responsible for creating space for difficult conversations. We must model humility and curiosity. We must demonstrate our willingness to learn. We must give our voices to allow others to be heard in new ways. Each one of us bring our own personal experiences, privilege and background. And although we are a diverse group, we lack proportional representation amongst historically marginalized groups. Many of us lack the lived experience of our staff and the residents we serve. We aren't experts in this work and we don't have all the answers. Like others, we need to learn, grow and lead. We need to be humble and vulnerable in our own journey and continue to mature in our knowledge and actions.

We know that equity, diversity, inclusion and social justice supports our employees, their families and the work we do for the people of Washington. As leaders we are committed to:

- *Understanding this is a core expectation of our individual and collective work as leaders and be willing to approach it with openness and bravery.*
- *Continuing to grow and learn and being vulnerable in sharing our successes and failures.*
- *Committing to examining our own biases and implementing ways to change our behavior.*
- *Holding ourselves accountable for our actions and positional power. Modeling behavior, being humble and listening to those around us with diverse experiences.*
- *Understanding how our voices and actions can contribute to moving this work forward (or backwards) and using these opportunities.*

- *Ensuring that there is a presence of different experiences, values, communities, voices and cultures. And that these differences are listened to in our daily work.*
- *Providing opportunities of all employees to be heard and contribute meaningfully to the success of and improved outcomes for the agency.*
- *Supporting employees to reach their full potential.*
- *Working to create a psychologically safe work environment allowing and expecting all employees to engage in this work bravely.*
- *Setting clear expectations and accountability for a respectful work environment for all people, employees, customers and partners.*

We are proud to be a part of this work. We are thankful to the leaders across the state that have led this work and brought us to this place. We are committed and determined to see this work through. We are humbled by the opportunity to lead into the future and meet the Governor's executive order and make Washington an equitable and inclusive employer and service provider.

Foundational Definitions

A shared language with which to do our work

Creating coherence in DEIR work necessitates the use of shared language. To accomplish this, a smaller team from the three DEI committees met in the spring of 2019 to develop foundational definitions.¹² These definitions can be found in the appendix under DEI Definitions and are used throughout this document unless specifically mentioned otherwise. Like this document, the development of definitions is an evolving process and will be updated as needed.

Foundational Competencies

Connecting our policies to how we want our employees to learn and grow

Part of the role of policies is to set an expectation and aspiration for employee conduct and engagement at work. Creating DEI employee competencies can help bridge the gap between a policy and an employee by providing the employee and their supervisor with a road map for how to be successful in meeting policy goals. The same team that created the DEI definitions also worked to produce DEI competencies that can be imbedded in employee performance plans, evaluations and check-in meetings. These can be found in the appendix under DEI Competencies.

Development and Implementation Considerations

What to think about before an organization moves forward

The model policies contained in this document represent the committee's work on best practices or approaches based on research. Through our research, we discovered both general and DEIR-related policy best practices for agencies to consider and adopt.

¹² In developing these definitions, the team relied on their own education and experiences as well as several source materials, both internal and external to state government. One such internal source was the Equity Language Guide produced by the Governor's Interagency Council on Health Disparities. See Appendix.

Organizations should *assess*¹³ *their culture and climate* prior to implementation, or to put it another way, have an understanding of leadership and employee *readiness* for the policy and its implications. For some, an initial policy may need to be more foundational and followed by communication, training,¹⁴ lunch and learns, or workshops. And as an agency's readiness increases, its policy can be modified and deepened to align with that maturation, foundational learning and growth.

When implementing policies, organizations should ensure that the prospective policy is *aligned to their strategic mission, vision, plan or goals*. The policy should reference these to connect it to the overall work of the agency.

Policies should also include or reference *measurable objectives* to evaluate progress with a purposeful, cyclical *review* process. The policies should also name the individuals or entities *accountable* for success.

An organization should also identify the *buy-in for the employee* by connecting their experience of and compliance with the policy to a purpose larger than themselves — the broader impacts of the policy (its purpose) across the agency. As discussed previously, creating a purpose or “why” is an essential component of employee engagement.

Organizations must demonstrate their commitment to the success of the policy through its *budgeting and allocation* of resources, including people, money and time, as with any other agency priority. Policy implementation falls flat when the agency and its leaders fail to dedicate sufficient resources and focus to ensure success.

Policies should be *plain-talked* as much as possible with *examples* of what conduct or actions are being discussed. Also, organizations should identify and provide *definitions* for the key words so employees can know the intended meaning of the terms used. Agencies should ensure the *policy is accessible* for individuals with disabilities, including verifying that documents and resources work with screen readers.

In that same vein, policies should be written with *positive* or *aspirational language*, where possible, with a tempered recognition that employee behavior and conduct that does not align with the policy *may result in discipline* up to and including termination.¹⁵ A caution: This warning does not need to be repeated multiple times in a policy. To do so burdens the tone of the policy and limits its use to compliance rather than employee engagement and motivation.

Some workforce policies should have *accompanying procedures* to identify how complaints are to be made and where they should go. Procedures should be easy to understand, located centrally and accessible to all employees. The more centralized the process is the more consistency the organization creates through the collection of accurate data coupled with responsive action.

¹³ Part of this assessment could be contacting other agencies or entities engaged in similar work to ask about lessons learned or best practices. Cross-agency connection can be a great way to strengthen any initiative as well as provide for a more meaningful engagement with the communities and customers served.

¹⁴ DES Workforce Support and Development is a great resource to partner with in determining the unique training needs of an agency.

¹⁵ Agencies should be mindful of the gap between making a policy provision mandatory and taking adverse employment action against an employee for failure to follow that provision. Seeking to understand, training, coaching and counseling should always be considered before relying on more serious measures.

With the exception of the reasonable accommodation policy, the model policies contained in this document *do not include model procedures* for two reasons. First, because of the uniqueness of agencies, including size, scope, divisions of responsibility and budget, agency procedures will vary greatly. Second, the DEI Committee on Investigations and Data will be publishing best practice recommendations on managing complaints including their collection and documentation, investigation processes, and appropriate follow-up. It is our hope that agencies will use these resources to develop procedures for addressing complaints that take into account both best practices as well as their unique size, scope, budget, and responsibilities.

For those with represented employees: Some of these policies may impact mandatory subjects of bargaining. Be mindful of your obligations under the applicable collective bargaining agreement to provide notice and *bargain the impacts of the implementation in good faith with your labor partners*.¹⁶ Early, frequent engagement with employee representatives, even before employees are aware of a draft policy, is a best practice in labor relations.

While the Office of the Attorney General is a stakeholder in the production of these model policies, your agency's assigned assistant attorney general should still be consulted prior to implementation to provide advice on any *legal implications* and, if necessary, alternative paths forward, including but not limited to requests to modify or replace rules or laws.

¹⁶ Each agency with represented employees is assigned an OFM labor negotiator who can help guide the agency through this process.

Model Diversity, Equity and Inclusion Policy¹⁷

Ensuring success for all by eliminating disparities and building partnerships

The Washington State Department of Blank (DOB) recognizes that in order to achieve our mission and vision in service of those who reside in Washington, we must embed the values of diversity, equity and inclusion in all aspects of our work. The State of Washington is diverse, and our department must reflect that diversity. When we are representative of the people we serve, we can better address the disparities in outcomes of our services for marginalized and underrepresented communities through purposeful, tailored and equitable use of resources and programs.

To achieve a truly diverse workforce, we must be willing to address undeniable realities such as the existence and pervasiveness of discrimination, oppression, racism, white privilege, white supremacy, white dominant culture and individual biases. We must recognize oppression exists and has been reinforced through institutions, laws and policies to create structures and a system that discriminate against marginalized communities, especially people of color.¹⁸ This system has influenced societal norms, practices, beliefs and thoughts to create a dominant culture that further reinforces and perpetuates discrimination and oppression.

This dominant culture influences our individual perceptions, thoughts and actions. The product of this culture and our biology¹⁹ is the prevalence of biases, both conscious and unconscious, in how we perceive others, sometimes based on contrived, fabricated social constructs. These biases perpetuate discrimination and oppression of those outside of the dominant culture, especially people of color, leading to discriminatory hiring practices and other employment decisions, microaggressions and an unhealthy and exclusionary, rather than inclusionary, workforce culture. Such a work environment affects everyone because we are all connected, but it most negatively affects those who are members of marginalized communities.

To achieve inclusion, we must disrupt the othering of communities and ensure respect and belonging for all. We must be willing to look at our facilities and work environment through the lens of inclusivity and accessibility (e.g., gender-inclusive restrooms, heights of countertops, accessibility of presentations, norms of communication, etc.). We must be willing to challenge our practices and behaviors that perpetuate a patriarchal work environment and lead to gender discrimination and harassment.

The department recognizes that although we cannot change the oppressive and discriminatory practices of the past, we have control over the workplace culture we create today and in the future. Much work remains for us as a department and as individuals to accept our responsibility and seize

¹⁷ While multiple sources were used in the development of this model policy, we give particular mention to Department of Health and Secretary John Wiesman whose April 2019 directive provided valuable insight in the potential of this work.

¹⁸ We recognize that people sit at the intersection of class, gender, sexual orientation, ability, etc., and that there are multiple ways we identify or experience barriers or oppression. We are leading with race when we mention oppression and marginalization because race continues to play a defining role in lived experiences and outcomes (health, education, jobs, incarceration, housing, etc.). Race is often the hardest to address and most avoided, so we are leading this DEIR-related work with a focus on race. By centering on race and using tools that can be applied across all areas of marginalization or oppression, we increase the ability of us all to work for equity. This emphasis is not meant to be exclusive.

¹⁹ See powell, john a. and Menendian, Stephen *The Problem of Othering: Towards Inclusiveness and Belonging*. Electronic. www.otheringandbelonging.org

our opportunity to dismantle the internal policies, procedures, systems and practices that perpetuate inequity.

Based on these undeniable truths set forth above, it is therefore the department's expectation that all employees, regardless of position, do the following:

- Recognize your role in perpetuating inequity through your own individual biases, whether conscious or unconscious. Be willing to walk the journey toward self-awareness and reflection.
- Co-create with your colleagues a welcoming, supportive, safe, affirming, and respectful work environment.
- Accept that mistakes will be made, acknowledged, learned from and improved upon as much of this journey requires learning through iterations of growth and failure.
- Engage and support respectful dialogue and courageous conversations even when uncomfortable about racism, privilege, white fragility²⁰, dominant culture, oppression and historical trauma.
- Participate in continuous learning, development and training offered in the areas of diversity, inclusion, cultural humility, oppression and equity.
- Identify and address microaggressions as they occur in our workplace, whether intentional or unintentional, and use these as opportunities to educate, learn, grow, listen and respond with respect.
- Offer support and encouragement by honoring each individual's truth through the affirmation and validation of their values, beliefs, principles and lived experiences.
- Read and comply with this policy.
- If you are not sure whether you're following this policy, ask your supervisor for advice or support so you can uphold the values described here.

In recognizing the positional privilege supervisors and leaders hold and its associated responsibility, the department further directs all supervisors and leaders, with coordination and support from human resources,²¹ to do the following²²:

- Promote diversity in all hiring activities including recruiting, interviewing and selection.
- Recruit and appoint culturally, racially and ethnically diverse managers and leaders.
- Ensure required qualifications listed for a job are truly necessary for a position. Where possible, other comparable experience should be considered in lieu of education requirements.

²⁰ White fragility is a state in which even a minimum level of racial stress becomes intolerable for white people, triggering a range of defensive moves. These moves include the outward display of emotions such as anger, fear and guilt, and behaviors such as argumentation, silence and leaving the stress-inducing situation. See DiAngelo, Robin, *White Fragility: Why It's So Hard for White People to Talk About Race*, Beacon Press, Boston, 2018.

²¹ While human resources is identified in this model policy, there may be, based on agency size, scope and composition, a different contact for leaders to turn to for support.

²² The examples included below are for illustration only. Agencies will have to determine what is appropriate given their mission and demographics. Agencies should also identify external mission-related goals to correct disparities experienced by marginalized groups. For instance, in health or transportation, the metric might be for access, quality or outcome for people of color.

- Actively engage in initiating, promoting and championing inclusive strategies to retain workforce diversity in race, ethnicity, color, sex, national origin, religion, sexual orientation, gender identity, gender expression, age, veteran status and disability status.
- Ensure equal access to growth and leadership development, educational and training opportunities, succession planning, mentoring opportunities and other resources. This includes ensuring competitive internal and external recruitments rather than direct appointments where possible.

Much is and should be expected of the members of the department's executive leadership. Therefore, with support and coordination from human resources, executive leaders, including deputies and department heads, will do the following:

- Ensure diversity, equity and inclusion is a continuously present focus and a core value in our department decisions, especially as they relate to the allocation of resources.
- Use the voices and perspectives of marginalized and oppressed communities to influence and inform our priorities now and in the future.
- Make the department an anti-oppression institution with inclusive, full participation in decision-making and a purposeful commitment to restored relationships with marginalized and oppressed communities.
- Support progressive facilities and environment planning to transform the workplace into a welcoming, inclusive and accessible environment for all staff and customers.
- Actively listen to the experiences of staff, especially those from marginalized groups, and take action to change discriminatory or exclusionary practices.
- Continue to assess and correct workforce inequities throughout the agency including leadership appointments, promotional opportunities, training requests, access to flexible and alternate work modalities, and compensation.

Leadership will review this policy annually for changes and effectiveness.

This policy applies to all department employees, contractors and volunteers. For represented employees, the collective bargaining agreement will supersede any specific provisions of DOB policy with which it conflicts.

The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination.²³ In addition, these directives and the goals will be used in annual evaluations for leaders as a specific competency required for satisfactory job performance. Leaders will be expected to explain how they worked to comply, achieve and exceed the goals identified in this policy.

²³ Agencies should be mindful of the gap between making a policy provision mandatory and taking adverse employment action against an employee for failure to follow that provision. Seeking to understand, training, coaching and counseling should always be considered before considering more serious measures.

Complaints associated with this policy should be processed in accordance with the procedures set forth by human resources.²⁴

²⁴ As stated in the Considerations section of this document, it is important that there is a clearly defined procedure portion of this and other policies. Agencies should centralize processing all workforce related complaints where possible. These procedures should be easy for a complainant to understand and use.

Model Respectful Work Environment Policy

Expecting respect, dignity and civility at work

At the Department of Blank (DOB), we believe one of the tenets of inclusion (see our DEI policy) is creating a work environment anchored to respect, dignity and civility. This policy outlines DOB's firm commitment to ensuring a positive, healthy and professional work environment in which all people, irrespective of their position, are treated with respect, civility and dignity.

A truly respectful workplace requires the cooperation and support from each and every employee of DOB. We all have a responsibility to set a positive example and behave in a manner that will not offend, embarrass or humiliate others. Sometimes our actions and behaviors, without intent, can offend others: There may be a gap between intent and impact. In these situations, it is important that we own our behavior and work to build trust and respect in our relationships.

Respectful behavior includes, but is not limited to, the following:

- Engaging others with an open, collaborative and cooperative approach.
- Valuing the diversity and the human rights of others regardless of their race, national or ethnic origin; color; religion; age; sex; sexual orientation, gender identity or expression; marital status; family status; veteran status; body shape/size; or any physical or mental disability.
- Recognizing the dignity of a person through courteous conduct.
- Committing to learn and develop an understanding of differing social and cultural norms.
- Taking responsibility for one's actions, displaying humility with mistakes and offering others grace and forgiveness for theirs.
- Emphasizing positivity and commonality rather than opposition or right and wrong.
- Finding ways to be constructive in providing feedback to others.

Disrespectful behavior includes, but is not limited to, the following:

- Offensive or inappropriate remarks, jokes, gestures, material (electronic or otherwise) or behavior
- Yelling
- Belittling
- Reprimanding in the presence of others
- Aggressive or patronizing behavior
- Embarrassing or humiliating behavior
- Intimidation and/or coercion
- Damaging gossip or rumors
- Bullying
- Inappropriate physical contact
- Covert behavior (inappropriately withholding information, undermining, underhandedness)
- Micro-aggressions
- Discrimination
- Harassment
- Sexual harassment

- Behavior that is inconsistent with creating a work environment anchored in respect, dignity, equity, civility and inclusion.

We want all employees, regardless of position, to read and comply with this policy. We expect all employees in our organization to treat all their coworkers with dignity, civility and respect. If you are not sure whether you are following this policy, ask your supervisor for advice or support so you can uphold the values described here. We also expect everyone who works here to speak up when they see disrespectful behavior, or to report it so it can be addressed. We will take care of each other and create a safe space. We will commit to learning and growing through engagement and availing ourselves of workforce trainings on this and related topics.

In addition to the above, all supervisors, managers and leaders at DOB are responsible to:

- Advise employees on how to uphold the values described in this policy and support their efforts to learn. If as a manager, supervisor or leader, you need assistance, contact human resources.
- Lead by example. Create and maintain a workplace that demonstrates respect and professionalism.
- Listen to employees when issues are raised. Do not condone or ignore violations of this policy or give employees the impression that you are.
- Address behaviors and incidents that violate this policy quickly and at the lowest appropriate level.

Leadership will review this policy annually. As part of the review, the following data and criteria²⁵ will be used to determine the success of this policy:

- In the annual State Employee Engagement Survey, by 2023, 90% of our responding employees will respond positively to the question, “A spirit of cooperation and teamwork exists in my work group.”
- By 2021, in the engagement survey, 80% of our responding employees will respond positively to the question, “My supervisor treats me with dignity and respect.”
- By 2021, all employees will have attended an in-person workshop on respect, civility and dignity in the workplace.
- Starting in 2019, the department will create an annual award and special recognition event for employees nominated to have shown respect, civility and dignity in the workplace.

This policy applies to all DOB employees, contractors and volunteers. For represented employees, the collective bargaining agreement will supersede any provisions of DOB policy with which it conflicts.

The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination.²⁶ In addition, these directives and the goals will be used in annual

²⁵ The examples included below are for illustration only. Agencies will have to determine what is appropriate given their mission, culture and resources.

²⁶ Agencies should be mindful of the gap between making a policy provision mandatory and taking adverse employment action against an employee for failure to follow that provision. Seeking to understand, training, coaching and counseling should always be considered before relying on more serious measures.

evaluations for leaders as a specific competency required for satisfactory job performance. Leaders will be expected to explain how they worked to comply, achieve and exceed the goals identified in this policy. Complaints associated with this policy should be processed in accordance with the procedures set forth by human resources.²⁷

²⁷ As stated in the considerations section of this document, it is important that there is a clearly defined procedure portion of this and other policies. Agencies should centralize processing all workforce related complaints where possible. These procedure should be easily understood and used by a complainant.

Model Anti-Discrimination, Harassment and Sexual Harassment Policy

Encouraging allies and expecting our leaders to do more

In order to achieve inclusivity and respect in our work environment, the Department of Blank (DOB) is committed to ensuring that employees are treated respectfully and are free from discrimination and harassment, including sexual harassment.

Discrimination, harassment and sexual harassment of any kind are prohibited by law. They will not be tolerated. It is the responsibility of all employees, contractors and volunteers to foster and maintain a welcoming, inclusive, professional and safe workplace.

Ensuring equal employment opportunity is a vital responsibility for all of us at DOB. Therefore it is a violation of policy to (1) discriminate in the provision of employment opportunities, benefits or privileges; (2) create discriminatory work conditions; or (3) use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, based on membership in a protected class,²⁸ or retaliation for assisting in the investigation of a complaint.

In addition to the conduct outlined in our respectful work environment policy (see above), harassment based on a protected class is prohibited. Harassment is when, based on membership in a protected class, an employee must endure offensive conduct as a condition of continued employment or when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Types of harassment that fall within this category include, but are not limited to the following:

- Sexual harassment
- Gender-based harassment
- Racial and/or ethnic harassment
- Age-based harassment
- Disability-based harassment
- Sexual orientation harassment
- National origin harassment
- Religion-based harassment

For example, with regard to sexual harassment, it is prohibited to harass a person (an applicant or employee) because of that person's sex, gender identity or gender expression. DOB will not tolerate sexual harassment of any kind. This includes unwelcome sexual advances, unwelcome requests for sexual favors or unwelcome other verbal or physical conduct of a sexual nature. Such behavior constitutes sexual harassment when it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances. The victim as well as the harasser may be any gender. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, a contractor or other agent of the employer or a nonemployee such as a client or a customer. The victim does not have to be the person harassed, but could be anyone affected by the offensive

²⁸ See definition at the end of the policy.

conduct even if unintended by the perpetrator. Behaviors leading to sexual harassment can include, but are not limited to, gestures, innuendos, jokes or playful banter.

Reporting

We strongly encourage employees, applicants, volunteers or others who have business with DOB who witness discrimination, harassment, sexual harassment or retaliation to report violations to any DOB supervisor, manager, leader or human resources personnel. While we recognize that victims and bystanders who experience or witness this behavior may feel uncomfortable with reporting violations, reporting of this conduct minimizes future violations of this policy. We will promptly investigate allegations of discrimination, harassment, sexual harassment or retaliation. Where such allegations are substantiated, we will take appropriate corrective or disciplinary action. This process includes support to victims and bystanders.

Retaliation or attempted retaliation against employees, applicants, volunteers or other persons having business with DOB who file a complaint under this policy or who participate in an investigation will not be tolerated.

DOB encourages employees with complaints alleging discrimination, harassment and/or retaliation to submit them as soon as possible²⁹ after the alleged violation. A person making a complaint under this policy may also file a complaint with the Washington State Human Rights Commission or the Federal Equal Employment Opportunity Commission. Represented employees may also file a grievance under their collective bargaining agreement.³⁰

DOB has established a process for reporting discrimination, harassment and sexual harassment complaints, and will ensure that all individuals are protected and provided relief from any form of discrimination or sexual harassment in the workplace.³¹ Pursuant to law,³² there are occasions that an agency must inform employees that it is under a legal obligation to respond to allegations of behaviors covered by this policy. DOB is committed to responding because it wants to promote an inclusive, respectful and safe culture.

Discussion and Disclosure

In accordance with state law, an employer in the state of Washington may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events or between employees, or between an employer and employee off the employment premises. Any document signed by an employee as a condition of employment that

²⁹ We recognize there are many reasons that victims and witnesses of such conduct may delay reporting. The sooner an alleged violation is raised, the more quickly the appropriate actions can be taken, including an investigation, preservation of evidence and support to victims and witnesses.

³⁰ Represented employees should contact their union representative to file a grievance.

³¹ As stated in the Considerations section of this document, it is important that there is a clearly defined procedure portion of this and other policies. Agencies should centralize processing all workforce related complaints where possible. These procedures should be for a complainant to understand and use.

³² See WAC 357-25-027.

has this effect is void and unenforceable per RCW 49.44.210. Responses to public records requests will be in accordance with applicable disclosure laws including section 2, chapter 373, Laws of 2019.

In this section, the term “employee” does not include human resources staff, supervisors or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and obligated to participate in an open and ongoing investigation into alleged sexual harassment and asked to maintain confidentiality during that investigation.

Directives

All employees regardless of position are responsible to:

- Read and comply with this policy.
- Request an interpretation of the policy from their supervisor if they are unsure whether any of their behaviors or circumstances may be a breach of the policy.
- Treat all other employees in a manner consistent with this policy and without discrimination, harassment or sexual harassment.
- Consider being an ally for those facing discrimination, harassment and sexual harassment by speaking up when this behavior is observed and/or reporting any violations of this policy.
- Take sexual harassment awareness and prevention training within six months of hire and at least annually thereafter if a nonsupervisory employee.³³

In addition to the above, all supervisors, managers and leaders at DOB are responsible to:

- Make employees aware of this policy.
- Provide, with appropriate assistance from human resources, interpretations to employees about potential breaches of the policy.
- Lead by example. Create and maintain a workplace free from discrimination, harassment and sexual harassment.
- Watch for signs and symptoms of violations of this policy, including changes in employee behavior and conduct and be proactive in addressing them when noticed.
- Not condone or ignore violations of this policy, or give employees the impression that they are.
- Document, report and respond in an appropriate and timely fashion to incidents of discrimination or harassment toward employees, applicants, volunteers or persons having business with the DOB.
- Maintain the confidentiality of all such reports to the extent provided/allowed by law.
- Take sexual harassment awareness and prevention training within six months of hire and annually thereafter.³⁴

³³ This is a more aggressive timetable than the law which requires training every five years for nonsupervisory employees and every three years for supervisory employees. The committee recommends a shorter cadence for training to effectuate the needed culture change.

³⁴ This is a more aggressive timetable than the law which requires training every five years for nonsupervisory employees and every three years for supervisory employees. The committee recommends a shorter cadence for training to effectuate the needed culture change.

Leadership will review this policy annually for changes and effectiveness. As part of that review, the following data and criteria³⁵ will be used to determine the success of this policy:

- Annually, DOB will be able to affirm that 100% of our employees have met their sexual harassment training requirements.
- By 2021, the total number of days it takes to intake, respond, investigate (if necessary) and take appropriate action on an employee complaint may not exceed, on average, 60 days unless there are extenuating circumstances.
- Every month for an entire year, a different executive leader will present at an employee town hall different aspects of the importance of this policy to leadership and in meeting our diversity, and equity and inclusion goals.
- Human resources staff will host a quarterly lunch and learn forum for employees to provide input and suggestions on this policy and the actions of leaders to create an environment free from discrimination, harassment and sexual harassment. This feedback will be considered as part of the annual review to determine the success of this policy and DOB's efforts.

This policy applies to all DOB employees, contractors and volunteers. For represented employees, the collective bargaining agreement will supersede any provisions of DOB policy with which it conflicts.

The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination.³⁶ In addition, these directives and the goals will be used in annual evaluations for leaders as a specific competency required for satisfactory job performance. Leaders will be expected to explain how they worked to comply, achieve and exceed the goals identified in this policy.

For the purposes of this model policy only, the following definitions are provided:

Discrimination – Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class, or retaliation for complaints related to discrimination against a protected class.

Harassment – Verbal, nonverbal or physical conduct that threatens, intimidates, coerces, offends or taunts another person (including sexual, racial or ethnic slurs) that interferes with the employee's ability to perform their job.

Protected class – A person's religion, age, sex, status as a breastfeeding mother, marital status, race, color, creed, national origin, political affiliation, military status, status as an honorably discharged veteran, disabled veteran or Vietnam era veteran, sexual orientation, gender expression, gender identity, any real or perceived sensory, mental or physical disability, genetic information, the participation or lack of participation in union activities, or use of a trained dog guide or service animal by a person with a disability.

³⁵ The examples included below are for illustration only. Agencies will have to determine what is appropriate given their mission, culture and resources.

³⁶ Agencies should be mindful of the gap between making a policy provision mandatory and taking adverse employment action against an employee for failure to follow that provision. Seeking to understand, training, coaching and counseling should always be considered before relying on more serious measures.

Sexual harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile or offensive work environment.

Retaliation – Adverse action(s) against individuals because they have reported instances of discrimination, harassment or allegations of such conduct, or participated in or have been witnesses in any procedure to address a complaint of discrimination or harassment.

Model Reasonable Accommodation Policy

Ensuring access to employment opportunities

In order to achieve the diversity and inclusion goals referenced in our DEI policy, the Department of Blank (DOB) is committed to equitable and meaningful access to employment and any terms or condition thereof, for people with disabilities. Part of this work requires a meaningful review of our facilities to ensure the environment we work in is welcoming to all regardless of ability (see our DEI policy).

We recognize that access and opportunity for all employees and applicants require the design of workforce practices tailored to ensure there is a pathway to participation for individuals with disabilities. Employees, applicants³⁷ and selected candidates have the right to request and receive reasonable accommodation, without stigma, harassment or retaliation.

A reasonable accommodation is a modification or adjustment to a job, work environment, rules, policy, practice or procedure that enables a qualified³⁸ individual with a disability to gain access to an employment opportunity. Some examples of this are modifying application procedures, testing, interview processes and work schedules; acquiring or modifying equipment; providing readers or interpreters; and reassignment to a vacant position. It can also include leave.

If an employee, applicant or selected candidate believes they require a reasonable accommodation due to a disability during the application process or to perform the essential functions of a position, the individual may request an accommodation by contacting their immediate supervisor or DOB human resources.³⁹ Such contact can be made orally or in writing.

DOB will acknowledge receipt of the request for reasonable accommodation within five business days from receipt and will begin processing the reasonable accommodation as soon as practicable

³⁷ Applicants, through job announcements or postings, should be made aware of the reasonable accommodation policy and process.

³⁸ The term “qualified” here is used to denote a person who “meets the skills, experience, education and other job-related requirements of the position held or desired and who, with or without reasonable accommodation, can perform the essential job functions at the established performance standards. Employers should be mindful that essential job functions need to be documented in an employee’s position description.

³⁹ To ensure consistency in application and experience, agencies are encouraged to centralize their reasonable accommodation request process as much as possible.

but no later than 15 days from the date of the request.⁴⁰ This is an interactive process. DOB will work with the requester to figure out what it can do to help. To aid in this process, DOB may request medical documentation. This information, in conjunction with the qualifications of the individual (see “qualified” above), will be used by DOB to grant or deny a reasonable accommodation. If DOB denies an employee’s accommodation, it will work with the employee to determine if there is an effective alternative accommodation that can be made.⁴¹

DOB may choose to deny a request where the accommodation would cause the agency undue hardship because it is costly, extensive, substantial and/or disruptive and/or would fundamentally alter the nature or operation of the agency.

DOB will not deny an accommodation simply because it has some cost. In addition, certain accommodations related to pregnancy have been determined to not be undue hardships per RCW 43.10.005.

If DOB denies a request for accommodation, such denial and the reasons for it will be documented in writing and sent to the individual requesting the accommodation. Employees may request a review of the denial from the director of DOB and/or their delegate.

Direct Threat

In rare circumstances, an accommodation request may be denied if there is reasonable cause to believe that an individual poses a direct threat to the health or safety of self or others. This determination will be based on objective evidence, including current medical information and an assessment of the individual’s present ability to safely perform the essential functions of the job. In some cases, an employee may be sent to a doctor of DOB’s choosing (at the agency’s expense) if there is objective evidence to support a reasonable belief that, due to a disability, an employee poses a direct threat to self or others.

Disability Separation

A disability separation is an action⁴² taken to separate an employee from service when the employer determines that the employee is unable to perform the essential functions of the employee’s position, or alternative position, with or without reasonable accommodation, due to a disability. Disability separation is not a disciplinary action per WAC 357-46-160 or applicable collective bargaining agreement articles. Notice of this type of action must be in writing to the employee and must include information about the option to apply for reemployment under WAC 357-19-465.

An employee may choose not to pursue an accommodation request and instead request to be separated from employment if they are unable to perform the essential functions of their position

⁴⁰ There may be extenuating circumstances which prevent the processing or acknowledgment of a reasonable accommodation request (leave, peak workloads, etc.). Moreover, agency size and resources may dictate the appropriate time frame.

⁴¹ When denials occur, it is permissible for an employer to pursue effective accommodations rather than the preferred choice of the requesting employee. In addition, the interactive process may also be iterative, with an element of trial and error in determining an effective accommodation.

⁴² Prior to an involuntary disability separation, an employer should consider if there is a way to accommodate the person in the job that they currently hold, including granting leave. If there is not, then the employer should look organization-wide to determine if there is a vacant and funded position for which the employee is qualified.

due to a disability. This request should be submitted to human resources in writing and provide medical information documenting the employee cannot perform the essential functions of the employee's position or class (if not already provided). DOB is not required to consider a reasonable accommodation in lieu of the employee's request for a voluntary disability separation.

Leadership will review this policy annually.

This policy applies to all employees of DOB. This policy also applies to applicants and selected candidates seeking accommodation in the hiring process. For represented employees, the collective bargaining agreement will supersede any provisions of DOB policy with which it conflicts.

Engaging in the interactive process and offering reasonable accommodation for individuals with disabilities is not optional for supervisors, managers and leaders. Failure to follow agency accommodation provisions may lead to discipline, up to and including termination.⁴³ Supervisors and managers who are uncertain about how to navigate any part of this process should contact human resources for support and assistance. Supervisors, managers or leaders will be required to take reasonable accommodation training within six months of employment and every two years thereafter. Complaints associated with this policy should be processed in accordance with the procedures set forth by human resources.⁴⁴

For the purposes of this model policy only, the following definitions are provided:

Disability – Means the presence of a sensory, mental or physical impairment that is medically cognizable or diagnosable, exists as a record or history or is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated whether or not it limits the ability to work generally or work at a particular job, and whether or not it limits any other activity within the scope of chapter 49.60 RCW.

Impairment – Includes, but is not limited to, any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; endocrine; or any mental, developmental, traumatic or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

For the purposes of qualifying for reasonable accommodation in employment under Washington law, an impairment must be known or shown through an interactive process to exist in fact. The impairment must have a substantially limiting effect upon the individual's ability to perform their job; the individual's ability to apply or be considered for a job; or the individual's access to equal benefits, privileges or terms or conditions of employment; or the employee must have put the employer on notice of the existence of an impairment and medical documentation must establish a

⁴³ Agencies should be mindful of the gap between making a policy provision mandatory and taking adverse employment action against an employee for failure to follow that provision. Seeking to understand, training, coaching and counseling should always be considered before relying on more serious measures.

⁴⁴ As stated in the Considerations section of this document, it is important that there is a clearly defined procedure portion of this and other policies. Agencies should centralize processing all workforce related complaints where possible. These procedure should be easy for a complainant to understand and use.

reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

Direct threat – A significant risk of substantial harm to the health and safety of self or others, where the risk is connected to a disability and there is no reasonable accommodation that will reduce the risk. The risk must be specific, substantial, demonstrable, likely or imminent; and cannot be reduced to an acceptable level through reasonable accommodation. In determining a direct threat, DOB will consider the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, the imminence of the potential harm and any potential accommodation in alignment with this policy.

Appendix

Source material and additional reference literature

[Gov. Inslee's April 2018 Memorandum and Action Plan on DEIR](#)

[DEI Policy Committee Charter](#)

[2018 Washington State Human Resources Management Report](#)

[Equity Language Guide from the Governor's Interagency Council on Health Disparities](#)

[DEI Definitions](#)

[DEI Competencies](#)