



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

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STATE HUMAN RESOURCES

HR DIRECTIVE 20-03

Effective: June 9, 2020

Authorized:

WHO: All state agencies except for higher education institutions

WHAT: The directive requires state organizations to develop or update certain workforce policies

Background

As indicated in directive [20-02](#), a cross-agency DEI policy committee met to create model diversity, equity, inclusion and respectful work environment policies to assist agencies in their DEI related improvement efforts. This work began as a result of Governor Inslee's April 2018 memorandum directing state agencies to make workforce improvements. The policy committee has completed the model policies and the document can be found [online](#). There are four model policies covering the following areas:

- Diversity, equity and inclusion
- Respectful work environment
- Anti-discrimination, harassment and sexual harassment
- Reasonable accommodation

In addition, the committee provided implementation recommendations for these model policies. This directive incorporates those recommendations and creates a timeline for adoption. The goal of the adoption requirement is to promote a diverse, respectful, and inclusive workforce anchored in equity. It is also to ensure a level of consistency in employee experience across our enterprise regardless of the employing agency.

This directive also establishes a process for review of the adopted and updated agency policies by the DEI policy committee at the request of agencies. The goal of this review is to provide agencies, at their discretion, with additional subject matter expertise resources for their policy work.

New agency requirements

Every agency must establish policies in the following areas by November 1, 2020.

- Diversity, equity and inclusion
- Respectful work environment
- Anti-discrimination, harassment, and sexual harassment
- Reasonable accommodation

In addition, agencies must have established procedures accompanying their policies. The procedures must identify where employees or others, if appropriate, can file complaints or concerns regarding the policy. It must also outline a process for response and appropriate action when issues are raised.

If an agency already established a policy and/or procedure in the above topics, they must review and update their existing policy. Agencies must also complete this by November 1, 2020.

Agencies are encouraged to use an internal agency DEI workgroup or council to help review and provide feedback to agency leadership on policy/procedure updates and changes. This work can also include other approaches to ensure diverse perspectives, voice, and lived experiences are incorporated into the adopted or updated policy.

In addition to any legal requirements, agencies must make sure its adopted or updated policies include the following components:

- A statement that commits the agency to review and update the policy for effectiveness at least once every three years, unless there is a rule or statutory change necessitating a sooner review, change, or update.
- A statement that lets all employees know the policy is not optional and there are consequences for not following the policy.
- A statement that explains where employees can direct their complaints and inquiries about the policy.
- A statement of how agency leadership will hold themselves accountable for the policy's success in alignment with applicable law.

In addition to any legal requirements and for specific policy areas, agencies must have the following components in addition to any legal requirements:

Diversity, equity and inclusion¹

- A statement that connects the importance of DEI with the agency fulfilling its mission.
- A statement that explains how workforce diversity helps agencies address disparities in how people from marginalized and underrepresented communities experience agency services.
- A statement of how institutions, laws, and policies can create structures and oppressive systems.
- A statement of how DEI work necessitates confronting discrimination and bias.
- A statement of the existence of bias, both conscious and unconscious, and how it perpetuates discrimination and oppression.
- A list of actions employees must take to support the agency's DEI mission. These include:
 - recognizing unconscious bias,
 - creating a respectful work environment,
 - learning and growing one's DEI knowledge through respectful and courageous conversation, *and*
 - working to identify and combat microaggressions.
- A list of actions supervisors and leaders must take to support the agency's DEI mission. These include promoting diversity in all hiring activities, considering inclusiveness and diversity outreach in recruiting activities, and championing inclusive strategies to retain workforce diversity.

Respectful work environment

- A statement of how a respectful work environment is an integral part of workforce inclusion.
- A statement that all employees – regardless of positions – deserve to be treated with respect, civility, and dignity in the workplace.
- A statement that all employees have the responsibility to recognize both the intent and impact of their behaviors in creating a respectful work environment.
- Examples of respectful behaviors.
- Examples of disrespectful behaviors.
- A list of actions employees must take to comply with the policy.
- A list of actions supervisors, managers, and leaders must take to support this policy. These include modeling respectful behavior, encouraging employee feedback or complaints, and taking appropriate action.
- A list of metrics and data points to evaluate the policy's effectiveness.

¹ This is in addition to the diversity plans required in SHR directive [20-02](#).

Anti-discrimination, harassment, and sexual harassment

- A statement that indicates it's against the law to discriminate or harass (sexually or otherwise) people in the workplace and that the agency will not tolerate such conduct.
- A statement that declares the agency is committed to equal employment opportunities.
- Examples of the different types of prohibited harassment and discrimination.
- Definitions of harassment, discrimination, and sexual harassment.
- Examples of the different types of sexual harassment. These include quid pro quo, hostile work environment sexual harassment, and retaliation.
- A statement that encourages employees to report policy violations and names who they can report to within the agency.
- A statement that emphasizes how bystanders can help maintain a harassment-free work environment.
- A statement that declares the agency will promptly investigate alleged policy violations and take appropriate action.
- A statement of how often employees and supervisors need to complete sexual harassment training.
- A list of actions employees need to take to comply with the policy.
- A list of actions supervisors, managers, and leaders must take to support this policy.
- A list of metrics and data points that evaluate the policy's effectiveness.

Reasonable accommodation

- A statement that commits the agency to access employment for people with disabilities.
- A statement that indicates employees, applicants, and selected candidates have the right to request and receive a reasonable accommodation request.
- A statement that indicates the agency must accept and work through these requests and accommodations without stigma, harassment or retaliation.
- A statement that defines what a reasonable accommodation is and lists examples. The use of leave in certain circumstances must be one of these examples.
- A statement of how an employee, applicant, or selected candidate can make an accommodation request.
- A statement of procedures on how the agency will process an accommodation request. This must include a reasonable timeframe for acknowledging when the agency received the request from the employee.
- A statement that outlines undue hardship and when an agency denies an accommodation request.
- A statement that provides an appeal to the highest level in the agency. The agency head may designate a delegate to hear the appeal.

- A statement that defines direct threat and disability separation, and how the agency processes these issues. Agencies should include applicable employee rights.
- A statement that defines disability and impairment.
- A list of actions employees need to take to comply with the policy.
- A list of actions supervisors, managers, and leaders must take to support this policy.
- A list of metrics and data points that evaluate the policy's effectiveness.

Progress Accountability

After November 1, 2020, State Human Resources will contact agencies to determine the agency's progress. Agencies will need to identify any policies and/or procedures they have not yet adopted or updated, provide an explanation why and an estimated timeframe for update or adoption.

Additional Resources

In order to provide an additional resource to agencies, the DEI Policy Committee is offering to review and provide feedback on an agency's updated policies. If your agency is interested in this review, please contact Scott Nicholson, deputy assistant director for State Human Resources, at scott.nicholson@ofm.wa.gov.

Training Recommendations and Requirements

DEI training is a critical part of ongoing knowledge and skill development for employees. This policy directive will be followed by another directive outlining DEI training requirements for agencies. The training requirements and subsequent training delivery will assist your agency and the workforce in creating and sustaining work environments grounded in behavior that reinforces diversity, equity, inclusion, and respect. Both the training delivery and requirements will be based on the work of the DEI Training Committee.

If you have questions, you can contact Cheryl Sullivan-Colglazier, Workplace Culture and Learning Administrator at cheryl.sullivan-colglazier@ofm.wa.gov.

Questions?

If you have other questions, you can contact SHR at SHRPlanning@ofm.wa.gov.