

AFFIRMATIVE ACTION PLAN

2013 – 18



**Prepared by:
Human Resources Department
3900 Broadway
Everett, Washington 98201**

Board Approved: June 11, 2013

AFFIRMATIVE ACTION PLAN

I. INTRODUCTION

The board of directors of the Everett School District recognizes that an affirmative action plan is a sound employment practice that assists in achieving a diverse work force. Everett Public Schools commits itself to a policy of equal opportunity for all applicants and employees without discrimination on the basis of gender, race, creed, color, national origin, sexual orientation, including gender expression or identity, marital status, religion, age, genetic information, honorably discharged veteran status or military status, or physical, mental or sensory disability except as may be necessary to meet a bona fide occupational qualification or the use of a trained dog guide or service animal by a person with a disability.

All personnel policies and practices related to employee selection, promotion, retention, staff development, and compensation will conform to this affirmative action plan and the board of directors' policy on equal employment opportunity.

Attainment of and adherence to the affirmative action plan is a primary responsibility of the superintendent, administrators, managers, and supervisors. Every employee will be expected to work toward its success.

II. COMMUNICATION OF AFFIRMATIVE ACTION PLAN

A. Internal Communication

1. Copies of the district's policies regarding nondiscrimination and affirmative action and the affirmative action plan are included on the district's website. The complaint procedures available to register complaints under these policies are also included on the website.
2. At least annually, the district will remind employees of these policies and the affirmative action plan via email or employee newsletter. These policies will also be discussed in new employee orientation meetings.
3. Copies of the affirmative action plan will be distributed to all members of the board of directors, to all administrators, managers and supervisors at all district facilities, to employee representatives, and to any employee upon request.

B. External Communication

1. Publications from the district's communications office and/or human resources department will include notice and mention of the plan at least annually.
2. A statement of the district's commitment to equal employment opportunity is to be included in all district publications, employment announcements, vendor contracts, and other related district documents. All appropriate and interested recruiting sources are to be informed of the district's policies regarding nondiscrimination.
3. An equal employment opportunity statement will be included on all district job postings and newspaper advertisements.

III. STAFF RESPONSIBILITY FOR IMPLEMENTATION AND EVALUATION

A. Affirmative Action Officer

The affirmative action officer has responsibility for reporting to the superintendent and board of directors. The affirmative action officer is:

Carol Stolz, Human Resources Director
Everett School District No. 2
P.O. Box 2098
Everett, WA 98203-0098
(425) 385-4106
(425) 385-4102 FAX

B. Human Resources Department

The overall responsibility for monitoring and auditing this plan shall be by the human resources department of the district. This department may be contacted through:

Debbie Kovacs, Executive Director
Everett School District No. 2
P.O. Box 2098
Everett, WA 98203-0098
(425) 385-4101
(425) 385-4102 FAX

C. All Employees

All employees of the district are responsible for supporting this plan and for conducting their duties in accordance with it. Anyone having questions or concerns about any matter related to equal employment is encouraged to contact the human resources department or the affirmative action officer.

IV. UTILIZATION ANALYSIS

A. Development of Analysis

The terms "utilization analysis" and "underutilization" appearing in this affirmative action plan are used in the same sense in which these terms are used in regulations promulgated by the federal government relative to such plans. These terms have no independent legal or factual significance whatsoever. Many statistical comparisons herein involve the use of geographic areas and various sources of statistics. The use of such geographic areas and statistics is intended only for the purpose of implementing this plan and has no significance outside the context of this affirmative action plan; although, of course, these statistics and areas have been selected and used in good faith and in an effort to be as useful as possible in the development of the plan.

In order to determine whether goals are needed for an affirmative action program, it is first necessary to determine the percentage of females and minorities available in the work force. This is done through an "availability analysis." The availability analysis methodology used herein is the one set forth in federal regulations for affirmative action. This method looks at a variety of factors that contribute to availability and uses a weighting system to give more credit to the factors that contribute to availability, based upon the district's hiring and recruiting patterns.

- Persons with requisite skills in the immediate area
- Persons with requisite skills in the recruitment area
- Promotable and transferable persons in the district's work force

The second step is to measure the district's current utilization (the percentage of females and minorities currently employed in each job group) against the statistically expected utilization rate (80% of availability rate). If current utilization is lower than the expected utilization, the district is "underutilized" in a job group.

Because of the desire to have the availability analysis be as accurate as possible, the district's hiring and recruitment patterns and data were reviewed so that the weight given each factor in the availability analysis would reflect actual patterns. The available resources for the collection and maintenance of data were considered. The job groups which were identified for tracking are: certificated administrators, elementary teachers, secondary teachers, instructional support, professional/ technical/supervisory, teacher aides, clerical, food service, custodial and grounds, maintenance, transportation and security.

After determining the job groups and number of employees in each group, availability factors applicable to each job group were identified, each factor was weighted, and a final availability statistic was calculated. Each job group is statistically analyzed for both female and minority utilization.

The data used to calculate each factor came from a number of sources, including the American Community Survey (ACS) 2006-2010 five-year data. The Census Bureau produces this tabulation for sponsoring Federal agencies: Equal Employment Opportunity Commission (EEOC), Department of Justice (DOJ), the Office of Federal Contract Compliance Programs (OFCCP), Department of Labor (DOL) and Office of Personnel Management (OPM). The EEOC Tabulation serves as the primary external benchmark in providing comparative labor census data for Snohomish County, Washington State, and the United States, and internal district data regarding promotion patterns and substitute employee pools. From the summary of underutilization analysis provided in prior years, progress can be monitored.

B. Analysis of Underutilization

The district has analyzed its 2012 - 2013 utilization of females and minorities relative to the statistically expected utilization. *See* Appendices A and B. A combined Female and Minority Utilization Analysis is also attached. *See* Appendix C.

This analysis indicates that females are statistically underutilized in the maintenance and security job groups. Minorities are statistically underutilized in the secondary teachers and maintenance job groups.

The district has also compared its utilization of females and minorities in each job group between 2008 and 2013. During that time, the district increased overall utilization of minorities from 8.5% to 10.4%. While female utilization decreased very slightly from 80.2% to 79.9%, the district eliminated underutilization of females in the custodial and grounds job groups. The district also eliminated underutilization of minorities in the certificated administrators, elementary teachers, instructional support, and

professional/technical/supervisor job groups. While the maintenance job group shows underutilization of minorities at <1%, the statistically expected utilization increased from 7.9% to 10.2%.

Between 2008 and 2013, the district increased its utilization of minorities in the certificated administrators job group from 9.9% to 10.8%, in the elementary teachers group from 7.2% to 9.1%, in instructional support group from 5.6% to 10.7%, in professional/ technical/supervisor from 7.8% to 10.9%, in clerical from 6.6% to 10.9%, in food service from 13.6% to 23.0%, in custodial and grounds from 12.2% to 19.3%, and in security 10.0% to 36.4%.

The district is statistically underutilized in the following job groups:

Secondary Teachers: Minority availability in this job group is 6.6%; Current utilization is 5.5%. The district has decreased its minority representation of secondary teachers from 7.0% to 5.5%, a loss of 1.5% over the last five years. The district will continue to recruit at minority and bilingual organization educator conferences. The district will continue to be intentional in its outreach to universities with students of diverse backgrounds and in maintaining student teacher partnerships with the universities. The district will explore increased partnerships with organizations working with teachers of diverse backgrounds (e.g., Martinez Foundation). The district will engage current Everett Public Schools secondary administrators with diverse backgrounds to assist in designing a strategy for outreach to under-represented minorities. The human resources department will continue to have a representative on the Equity and Access Committee to gather input on recruiting materials and partnership development.

Maintenance: Female availability in this job group increased from 7.5% to 10.9%; however, the current utilization remains the same at 0%. While the district reported the elimination of the underutilization of minorities in the maintenance group in the prior affirmative action plan report, this report indicates that the statistically expected utilization increased from 7.9% to 10.2% while the total number of employees in this category decreased from 25 to 20 including one minority, showing <1% underutilization. There are limited position openings in maintenance. When openings occur in the maintenance job group, the district will advertise the vacancies in local media, send job announcements to local trade schools and apprenticeship programs, and post positions with public and community agencies and at job centers at local military installations. The district will also work with the Snohomish County labor groups and the Snohomish Chapter of the NAACP to identify possible female and minority candidates for this job group.

Security: Female availability in this job category has decreased from 19.2% to 15.1%; current utilization is 0.0%. There are limited position openings in security. The district will continue its efforts to eliminate underutilization of females in this job group by increasing its efforts to recruit female applicants and working to ensure equal opportunity for female applicants in the hiring process. The district will also work with the Snohomish County labor groups and the Snohomish Chapter of the NAACP to identify possible female and minority candidates for this job group.

For all job categories, the district will continue to review all application screening processes and revise them as necessary to ensure that only job-related criteria are considered in selecting interviewees. All district employees involved in interviewing job applicants will be trained in proper interviewing techniques, advised of district hiring policies, and informed of the district's commitment to its affirmative action plan. Before making any job offer, the human resources department will continue to review the applicant pool, candidate selection and interview processes, and hiring team comments to ensure compliance with district hiring policies. The district will review retention rates of current protected-class employees, and monitor resignations of employees in underutilized categories through exit surveys.

In its annual updates to the board of directors, the district will discuss and analyze the reasons for any continuing underutilization of females and minorities in each of its job groups.

V. SUPPORTIVE SYSTEMS

To facilitate attainment of affirmative action goals, the human resources department has responsibility for implementing and/or monitoring the following supportive activities:

A. Job Descriptions

1. Job descriptions will be reviewed and revised as necessary to reflect current duties, essential job functions, and critical job elements.
2. Professional job analysis techniques will be utilized in the creation of new job descriptions and revision of existing job descriptions.

B. Recruitment

1. Recruitment sources and procedures will ensure that qualified protected-class applicants are identified and recruited.

2. To increase the diversity of the district's applicant pool, the district has translated application information on its employment website into Arabic, Korean, Spanish, Russian, and Vietnamese—the five non-English languages most commonly used within the district.
3. Targeted mailing lists, newspaper advertisements, career fair participation, school-focused recruiting, and active participation with other public and community agencies on diversity and affirmative action issues will be used to increase the diversity of the applicant pool. The district will distribute multilingual substitute information cards to public and community agencies.
4. The computerized applicant tracking system has been refined to assist in evaluating the effectiveness of the district's recruiting efforts and identifying the best sources of protected-class applicants.
5. The human resources department will continue to gather feedback from applicants regarding the hiring process and how it can be more welcoming for applicants with diverse backgrounds.

C. Employee Selection

1. Selection instruments and methods will be based on essential job functions and critical job elements.
2. As vacancies occur, recruiting and hiring authorities will be reminded of the district's commitments under the affirmative action plan.
3. The human resources department will monitor all aspects of the employee selection process for inclusion of underutilized protected-class applicants.

D. Orientation

All new employees receive an orientation. This program includes a general orientation to the district and provision of an employee handbook containing pertinent district policies, including equal employment opportunity and affirmative action.

E. Evaluation

1. All employees are evaluated annually using processes and criteria appropriate to each position.

2. Career counseling is available through the employee's supervisor, the human resources department, or the district's employee assistance program. The district will also consider the use of mentors to assist in career counseling.

F. Program Support

The human resources department will train and assist administrators, managers, and supervisors in developing appropriate departmental and building strategies to implement the district's affirmative action plan.

G. Complaint Procedure

An informal and formal complaint procedure has been adopted by the district and is provided below.

VI. INTERNAL AUDIT AND REPORTING

The district has established the following internal audit and reporting system to monitor the affirmative action plan:

A. Job History Files

Job history files are maintained and retained for the legally specified time period and are available for reference. These files contain copies of the job announcement, applicant lists, applications, selection instruments, rating summaries, and relevant correspondence and notes.

B. Applicant Flow Data

All applicants are asked to fill out an optional self-designation form, and are asked to indicate how they found out about the position for which they are applying. A computerized applicant tracking system will be upgraded to more readily access the data.

C. Reporting

Statistics on recruiting and utilization will be prepared and disseminated to administrators, managers and supervisors as appropriate.

VII. REDUCTION IN FORCE

Reductions in staff will be made in accordance with applicable law and with collective bargaining agreements currently in force. If a reduction in force is necessary, consistent with its legal and contractual obligations, the district will attempt to make reductions bearing in mind its affirmative action commitment.

VIII. COMPLAINT PROCEDURE

The board of directors of the Everett Public Schools recognizes that an affirmative action employment plan is a sound employment practice, as well as a positive approach toward achieving lasting and equitable human resources policies and procedures.

In accordance with state and federal requirements, the district shall develop an affirmative action plan. Such a plan shall include a work force analysis, a projection of possible work force vacancies, an analysis of activities designed to take appropriate affirmative action and a grievance procedure.

The superintendent, or designee, shall be responsible for the development, implementation and annual reporting of the affirmative action plan. The overall responsibility for monitoring and auditing this plan shall be assigned to the human resources department.

Nondiscrimination

The district shall provide equal employment opportunity for all applicants and employees in recruitment, hiring, retention, assignment, transfer, promotion and training. The district shall also make reasonable accommodation to the known sensory, mental or physical limitations of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program. District employees shall be free from harassment based on legally protected attributes or characteristics.

In cases where employees or applicants believe that they have been discriminated against on the basis of their legally protected status, that their disabilities have not been reasonably accommodated, or that they have been harassed on the basis of their legally protected status, the employee or applicant may file a complaint using the complaint process set forth in this procedure. To ensure fairness and consistency, these procedures are to be used to address complaints covered by state and federal equal employment laws, including the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Titles VII and IX of the Civil Rights Act, the Washington Law Against Discrimination, and/or the district's Affirmative Action Plan. No person shall be adversely affected in any way because of the utilization of these procedures. The executive director of human resources or designee shall investigate all allegations of noncompliance or discrimination.

Complaint Process

LEVEL I: Informal Complaints and Requests for Accommodation

An employee or volunteer may complain informally to the executive director of human resources about any alleged noncompliance with equal employment opportunity or equal access laws. The executive director will attempt informally to resolve the allegations and shall notify the complainant within thirty (30) days of a proposed resolution.

With regard to ADA matters, a distinction is to be made between a request for accommodation and a complaint. A request for accommodation should be submitted to the executive director of human resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to implementing the formal procedures outlined in Level II. A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

LEVEL II: Formal Complaints

If the employee or volunteer chooses not to follow the informal resolution process or is not satisfied with the proposed resolution, the employee may file a formal complaint.

A. Formal complaints shall:

1. Be in writing.
2. Be signed by the complainant.
3. Set forth specific acts, conditions or circumstances alleged to be in violation of the district's obligations in regard to nondiscrimination, accessibility, and/or reasonable accommodation.
4. Be filed with the executive director of human resources as soon as possible, but no later than thirty (30) days following the alleged discrimination or harassment.

B. Upon receipt of a complaint, the executive director of human resources or designee shall investigate the allegations set forth and shall coordinate reasonable procedures to effect a prompt resolution of the complaint. The district and the complainant may agree to resolve the complaint in lieu of an investigation.

C. If a resolution is reached, the executive director of human resources will write a formal memorandum of agreement to be signed by all affected parties.

D. Upon completion of the investigation, the executive director of human resources will provide the superintendent or designee with a full written report of the results of the investigation, unless the matter is resolved to the satisfaction of the complainant prior to the submission of a full written report.

E. In cases where no mutually agreed upon resolution is reached, the superintendent or designee will respond in writing to the complainant within thirty (30) days following receipt of the written complaint, unless otherwise agreed to by the complainant.

F. The response by the superintendent or designee shall state either: (1) that the district denies the allegations contained in the complaint, or (2) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the district. The superintendent's or designee's response must include notice of the

complainant's right to appeal to the school board and identify when and with whom the appeal must be filed.

- G. Corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) days following the superintendent's or designee's mailing of a written response to the complainant, unless otherwise agreed to by the complainant.

LEVEL III: Appeal to the Board of Directors

- A. In the event a complainant remains aggrieved following a written response from the superintendent or designee, the complainant may appeal to the district's board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth (10th) day following; (1) the date upon which the complainant received the superintendent's or designee's written response, or (2) the expiration of the thirty (30) day response period in Section II. E. above, whichever occurs first.
- B. Upon receipt of the appeal, the board of directors shall schedule a hearing to commence on or before the twentieth (20th) day following the filing of a written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or designee, or for good cause.
1. The complainant and the superintendent or designee shall be allowed to present such witnesses and testimony as the board of directors deems relevant and material.
 2. Unless otherwise agreed to by the complainant and the superintendent or designee, or for good cause, the board of directors shall render a written decision on or before the tenth (10th) day following the termination of the hearing and shall provide a copy to all parties involved. The decision must include notice of the complainant's right to appeal to the superintendent of public instruction and identify where and with whom the appeal must be filed.

LEVEL IV: Appeal to the Superintendent of Public Instruction

In the event a complainant charging discrimination in violation of RCW 28A.640 or WAC 392-190 disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction (SPI).

- A. A written notice of appeal must be received by the SPI on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.
- B. A written notice of appeal must set forth:
1. A concise statement of the portion(s) of the board of directors' decision being appealed.
 2. The relief requested by the complainant.

The complaint procedure outlined above does not prohibit the processing of complaints by an employee pursuant to complaint procedures established in applicable collective bargaining agreements.

EVERETT PUBLIC SCHOOLS

Appendix C

2012-13 Utilization Analysis and Goals – Females and Minorities

Job Group	Total Emp.	Total Female	Percent Female	Total Minority	Percent Minority	Asian	Percent Asian	Black	Percent Black	Hisp.	Percent Hisp.	Native Amer.	Percent Native Amer.	Pacific Islander	Percent Pacific Islander	Other	Percent Other
Cert. Admin.	74	48	64.86%	8	10.81%	3	4.05%	2	2.70%	1	1.35%	2	2.70%	0	0.00%	0	0.00%
K - 8 Elem. Teachers	678	561	82.74%	62	9.14%	22	3.24%	11	1.62%	16	2.36%	11	1.62%	2	0.29%	0	0.00%
9 - 12 Sec. Teachers	271	168	61.99%	15	5.54%	5	1.85%	2	0.74%	7	2.58%	1	0.37%	0	0.00%	0	0.00%
Inst. Support	169	151	89.35%	18	10.65%	7	4.14%	2	1.18%	4	2.37%	3	1.78%	1	0.59%	1	0.59%
Prof./Tech./Supv.	72	55	76.39%	7	9.72%	0	0.00%	1	1.39%	3	4.17%	2	2.78%	1	1.39%	0	0.00%
Teachers Aides	376	355	94.41%	38	10.11%	11	2.93%	4	1.06%	16	4.26%	7	1.86%	0	0.00%	0	0.00%
Clerical	137	136	99.27%	15	10.95%	7	5.11%	1	0.73%	5	3.65%	0	0.00%	2	1.46%	0	0.00%
Food Service	87	86	98.85%	20	22.99%	12	13.79%	0	0.00%	7	8.05%	1	1.15%	0	0.00%	0	0.00%
Custodial & Grounds	88	21	23.86%	17	19.32%	9	10.23%	4	4.55%	2	2.27%	2	2.27%	0	0.00%	0	0.00%
Maintenance	20	0	0.00%	2	10.00%	1	5.00%	0	0.00%	0	0.00%	1	5.00%	0	0.00%	0	0.00%
Transportation	20	19	95.00%	2	10.00%	0	0.00%	1	5.00%	1	5.00%	0	0.00%	0	0.00%	0	0.00%
Security	11	0	0.00%	4	36.3%	1	9.09%	2	18.18%	0	0.00%	1	9.09%	0	0.00%	0	0.00%
Total	2003	1600	79.88%	208	10.38%	78	3.89%	30	1.50%	62	3.10%	31	1.55%	6	0.30%	1	0.05%