

# PUBLIC COMMENT

Submitted to: The Office of Equity Task Force

Submitted by: Joslyn Nelson, Health Care Authority

Date: December 13, 2019

Hello members of The Equity Office Task Force,

My name is Joslyn Nelson and I was asked by Leslie Harbaugh who is the legislative assistant to Representative Morgan to look at the legislative draft For the Office of Equality and provide feedback. The ask is due to my role as being the Chair to the Disability Inclusion Network Business Resource Group for the State, along my involvement diversity, equity, and inclusion work. My ask to the task force is to considered my comments and add mention to people with disabilities in this bill; along with the need for accessibility to be addressed in the bill so that people with disabilities can have universal access across all state agencies. Also, there needs to more added language with gender, LGBTQA to the draft bill. In addition to my ask is to use more inclusive language in the bill and limiting focus to one group of individuals throughout the legislative bill. In order to have true equity we need to address all the systematic barriers and biases to all marginalized groups of people who are often a protected class. This usually includes race, ethnicity, disability, gender, sexual orientation, religion, and even veteran status. I want to thank you for your time in reading and looking over the feedback that I provided. If you have any further questions please reach out.

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Washington State  
Health Care Authority

2SHB 1783 - H AMD  
By Representative Gregerson

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 NEW SECTION. Sec. 1. The legislature finds that the population  
5 of Washington state has become increasingly more diverse over the  
6 last several decades. In 2010, people of color comprised only ten  
7 percent of the overall population. Today, the percentage of people  
8 of color has more than doubled, and it is projected that, by 2050,  
9 people of color will comprise as much as half of Washington's  
10 population.

11 The legislature finds that as the demographics of our state  
12 change, people of color and other historically marginalized  
13 communities continue to not meet parity with their white  
14 counterparts across nearly every measure including education,  
15 poverty, employment, health, and more. Inequities based on race,  
16 ethnicity, and gender continue to be deep, pervasive, and  
17 persistent, and they come at a great economic and social cost. When  
18 individuals face barriers to achieving their full potential, the  
19 impact is felt by the individual, their communities, businesses,  
20 governments, and the economy as a whole in the form of lost wages,  
21 avoidable public expenditures, and more.

22 The legislature finds that a more inclusive Washington is only  
23 possible if agencies identify and implement effective strategies to  
24 eliminate systemic inequities. Achieving equity requires a  
25 commitment to bold action. It begins with the acknowledgment of  
26 historical systems of institutional racism and oppression that have  
27 led to the uneven distribution of benefits and burdens in our

**Commented [HL(1):** all of this can removed and it is not needed as a supportive piece of the document. You can add the first sentence to the line 11. The legislative finds that the population of Washington State has become increasingly more diverse over the last several decades. We can see this with the increasing percentage with people of color, people with disabilities, trans-gender, LGBTQA communities. (Then more to line 11)

**Commented [HL(2):** This statement does not needed. Use this instead: Historically there are many marginalize communicaties here in Washington state.

**Commented [HL(3):** Change to.... Inequities based on race, ethnicity, gender, disabilities and sexual orientation continue to be deep, pervasive, and persistent

**Commented [HL(4):** Here please add a a "more diverse, equitable, and inclusive Washington. Using inclusive alone doesn't mean it is equally as equitable, and diverse as it needs to be .

**Commented [HL(5):** Strike this out and use Institutional bias instead it represents all marginalized communities better use that terminology

1 communities. Racism is ingrained in our history and deeply embedded  
2 in our institutions, affecting all sectors. An equitable decision-  
3 making process by agencies prioritizes community-led solutions,  
4 driven by those most affected. Generational healing takes time and  
5 requires individuals to embrace discomfort and practice humility.  
6 Achieving equity ensures that the public has full access to the  
7 opportunities, power, and resources they need to flourish and meet  
8 their full potential.

**Commented [HL(6):** strike this and add: Systematic discrimination and oppression is deeply ingrained in our history

**Commented [HL(7):** This portion can be removed about generalization healing. Adding instead Healing from trauma takes time, Or the whole statement can be removed and the next sentence starting with line 6

**Commented [HL(8):** to be their authentic self

9 The legislature finds that over the years, significant strides  
10 have been made within agencies to address the disparate outcomes  
11 faced by communities of color. While these efforts have yielded  
12 positive work, the legislature finds that the work happening in  
13 agencies is fragmented across state government. Additionally,  
14 smaller agencies may not have the resources necessary to identify  
15 and implement policies to address inequities based on race and  
16 ethnicity.

**Commented [HL(9):** Strike this and change to all marginalize communities which includes but not limited too race, ethnicity, disability, gender, and sexual orientation

17 The legislature finds that state government must identify and  
18 coordinate effective strategies that focus on eliminating systemic  
19 barriers for certain racial and ethnic groups, including women of  
20 color. To support this objective, an office of equity will assist  
21 government agencies to consider race, ethnicity, gender, and  
22 equitable impacts in all aspects of their decision-making including  
23 services, programming, policy development, budgeting, staffing, and  
24 more. Doing so will foster a culture of accountability within state  
25 government that promotes opportunity for our most vulnerable  
26 communities.

**Commented [HL(10):** Strike this and add after women of color add , gender, people with disabilities, and LGBTQ

27  
28 NEW SECTION. **Sec. 2.** The definitions in this section apply  
29 throughout this chapter unless the context clearly requires otherwise.

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

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

34 (3) "Office" means the Washington state office of equity.

1 NEW SECTION. Sec. 3. (1) Effective July 1, 2020, the Washington  
2 state office of equity is created within the office of the governor for  
3 the purpose of promoting access to equitable opportunities and resources  
4 that reduce disparities, including racial and ethnic disparities, and  
5 improve outcomes statewide across all sectors of state government.

Commented [HL11]: please change to racial, ethnic, disability, gender, and sexual orientation disparities. Equity is for all not just a few

6 (2) The vision statement of the office is \_\_\_\_\_.  
7 (3) The mission statement of the office is \_\_\_\_\_.  
8

9 NEW SECTION. Sec. 4. (1) The office shall be administered by a  
10 director, who shall be appointed by, and report to, the governor. The  
11 director must receive a salary as fixed by the governor in accordance  
12 with RCW 43.03.040.

13 (2) The director shall:  
14 (a) Employ and supervise staff as necessary to carry out the purpose  
15 of this chapter and the duties of the office;  
16 (b) Oversee the administration, programs, and policies of the office  
17 in accordance with the vision statement and mission statement adopted  
18 in accordance with section 3 of this act;  
19 (c) ***Serve as the liaison for the office to the governor's commission***  
20 ***on diversity, equity, and inclusion created under RCW 43.06.500.***

Commented [OD12]: Given Referendum 88, does the task force want to include provisions of I-1000 in this striker?

22 NEW SECTION. Sec. 5. (1) The work of the office as described in  
23 this section shall be guided by the principle of equity, which is the  
24 pathway to wellbeing that allows each person to thrive. It is an  
25 evolving, community-centered journey toward healing that requires  
26 shifting power to disrupt and dismantle deeply entrenched systems of  
27 privilege and oppression. Equity allows the fullest expression of  
28 dignity, honor, and respect that we all deserve.

Commented [OD13]: This is the task force's definition of "equity", but rephrased as a principle that the Office must follow to guide its work, rather than a definition.

29 (2) The office shall work to facilitate policy and systems change  
30 to promote equitable policies, practices, and outcomes through:  
31 (a) **Policy development.** The office shall assist agencies to  
32 consider race, ethnicity, gender, and equitable impacts in all aspects  
33 of agency decision-making, including but not limited to the services  
34

1 delivered and the manner in which services are delivered, programming,  
2 policy development, and budgeting, by:

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

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

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

13 (iv) Developing, by rule, a form that will serve as each agency's  
14 diversity, equity, and inclusion plan, required to be submitted by all  
15 agencies under section 7 of this act, for each agency to report on its  
16 work in the area of diversity, equity, and inclusion. The office must  
17 develop the format and content of the plan and determine the frequency  
18 of reporting. The office shall post each agency plan online.

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

21 (vi) Collaborating with the governor's office of Indian affairs to  
22 \_\_\_\_\_;

23 (b) **Community outreach and engagement.** The office shall:

24 (i) Staff the community advisory board created under section 6 of  
25 this act;

26 (ii) (A) In collaboration with the agencies described in (ii) (B) of  
27 this subsection, identify policy and system barriers to meaningful  
28 engagement with communities in all aspects of agency decision-making  
29 and examine and recommend strategies to agencies on:

30 (I) Policies and practices concerning language access; and

31 (II) How to improve community outreach and engagement, and include  
32 consideration of community needs and feedback, in all aspects of agency  
33 decision-making;

34

**Commented [OD14]:** This language is in lieu of language around the interagency equity workgroup.

**Commented [HL(15)]:** and add that assuring that all state employees have universal access to all information provided is a high priority. Federal law 508 accessibility for the web and docs

1 (B) When identifying barriers and establishing strategies as  
2 described in (ii)(A) of this subsection, the office shall collaborate  
3 with the following agencies: commission on African-American affairs,  
4 commission on Asian Pacific American affairs, commission on Hispanic  
5 affairs, governor's office of Indian affairs, human rights commission,  
6 LGBTQ commission, and any other agency the office deems necessary;

7 (iii) Periodically consult community stakeholders regarding the  
8 principle of equity, as described in subsection (1) of this section,  
9 and recommend modifications to the appropriate committees of the  
10 legislature as necessary;

11 (c) **Training on maintaining a diverse, inclusive, and culturally**  
12 **sensitive workforce.** The office shall collaborate with the office of  
13 financial management and the department of enterprise services to  
14 develop policies and provide technical assistance and training to  
15 agencies on maintaining a diverse, inclusive, and culturally sensitive  
16 workforce;

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

19 (i) Collaborate with results Washington and agencies to:

20 (A) Establish standards for the collection, analysis, and  
21 reporting of disaggregated data regarding race and ethnicity,  
22 including subracial and subethnic populations as it pertains to  
23 tracking population level outcomes, except as provided under (d)(ii)  
24 of this subsection;

25 (B) Create agency-specific performance measures:

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

28 (II) Taking into consideration community feedback, as necessary,  
29 on whether the performance measures established accurately measure the  
30 effectiveness of agency programs and services in the communities  
31 served; and

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

34 (ii) Collaborate with the office of financial management to:

**Commented [HL16]:** Please include people with disabilities and agency that can be reached are GCDE. Governor's Committee on Disability and Employment, along with the Disability Inclusion Network, and Division of Vocational Rehabilitation

**Commented [OD17]:** I modified this language to conform with the change in the definition of equity language. Does this still meet the task force's intent?

**Commented [HL18]:** Please make sure we identify all stakeholders in this process

**Commented [HL19]:** Please change to this, "regarding, race, ethnicity, which includes subracial, subethnic population, along with people with disabilities, gender identification, and sexual orientation

**Commented [OD20]:** Placeholder. What is the scope of this work?

1 (A) Identify workforce data standards and gaps in \_\_\_\_\_; and  
2 (B) Establish messaging around uses for workforce data.  
3 (e) **Accountability.** The office shall:  
4 (i) Publish a report for each agency detailing whether the agency  
5 has met the performance measures established pursuant to (2)(d) of  
6 this subsection and the effectiveness of agency programs and services  
7 on reducing disparities. The report must include, at a minimum: the  
8 agency's strengths and accomplishments, areas for continued  
9 improvement, and areas for corrective action. The office shall post  
10 each report online;  
11 (ii) Establish, by rule, a process for the office to report on  
12 agency performance in accordance with (e)(i) of this subsection and a  
13 process for agencies to respond to the report. The agency's response  
14 must, at minimum, include the agency's action plan to address areas  
15 for improvement and corrective action and a timeline for the action  
16 plan; and  
17 (iii) *Placeholder for consequences for non-compliance/ non-*  
18 *improvement, and recognition of accomplishments..*  
19 (3) The director and the office shall consider the recommendations  
20 submitted pursuant to section 221, chapter 415, laws of 2019, by the  
21 task force established under section 221, chapter 415, laws of 2019,  
22 when carrying out the duties prescribed under this act.  
23  
24 NEW SECTION. Sec. 6. (1) A community advisory board is created  
25 within the office to advise the office on \_\_\_\_\_.  
26 (2) Advisory board members must be appointed by \_\_\_\_\_ as follows:  
27 (3) Advisory board members serve for a term of \_\_\_\_\_.  
28 (4) The advisory board shall \_\_\_\_\_.  
29 (5) The advisory board is staffed by the office.  
30 (6) Board members shall be entitled to compensation pursuant to  
31 RCW 43.03. for each day spent conducting official business and to  
32 reimbursement for travel expenses as provided by RCW 43.03..  
33 (7) The advisory board may adopt bylaws for the operation of its  
34 business for the purposes of this chapter.

**Commented [OD21]:** Standards for what specifically? Gaps in what? For example, standards and gaps in collection of data, analysis, reporting, anything else?

**Commented [HL(22):** What does this mean? How would messaging be conveyed keeping in mind of accessibility for people with disabilities

**Commented [OD23]:** What does messaging mean? Is this more about education around what data is needed and how it will be used?

**Commented [HL(24):** What is the plan? Are you asking to develop what? Is it tied to recruitment, retention, hiring numbers? training targets on DEI, engagement? Need more details

**Commented [OD25]:** How does the task force envision compliance? How would this be implemented?

**Commented [HL(26):** How will the agencies measure success? Surveys, hires?

**Commented [HL(27):** What shall the board do? And will it be representative of the population we serve and will it include people with disabilities and the LGBTQ?

**Commented [OD28]:** Who are the members, who appoints?

**Commented [OD29]:** How long do members serve?

**Commented [OD30]:** What are the duties of the board?

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NEW SECTION. **Sec. 7.** Each agency shall:

- (a) Designate an agency diversity, equity, and inclusion liaison to serve as the liaison between the agency and the office.
- (b) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;
- (c) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;
- (d) Collaborate with the office to establish performance measures in accordance with section 5 of this act;
- (e) Provide data and information requested by the office in accordance with standards established pursuant to section 5 of this act; and
- (f) Submit a response to the office's report on agency performance, pursuant to subsection (e) of section 5 of this act.

NEW SECTION. **Sec. 8.** The office may:

- (1) Compile and create resources for agencies to use as guidance when carrying out the requirements under section 7 of this act;
- (2) Provide technical assistance to agencies;
- (3) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The office's director must report funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature; and

**Commented [HL(31):** What does this mean. Well you be providing accessibility assistance around disability to help get agencies to compliance? Or even general assistance would be nice

**Commented [HL(32):** Will there or could there be away of receiving grant and other sources of funding



1 (4) Adopt rules as necessary to implement the policy and purpose of  
2 this chapter.

3

4 NEW SECTION. Sec. 9. Nothing in this act creates any right or cause  
5 of action, nor may it be relied upon to compel the establishment of any  
6 program or special entitlement.

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8 NEW SECTION. Sec. 10. Sections 2 through 9 of this act constitute  
9 a new chapter under Title 43 RCW.

EFFECT:

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