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#### COMMISSION

AGENDA MEMORANDUM Item No. 11c

BRIEFING ITEM Date of Meeting October 11, 2022

DATE: September 23, 2022

TO: Stephen P. Metruck, Executive Director

FROM: Cynthia Alvarez, Sr. Manager Employee Relations, Human Resources

Sanders Mayo, Sr. Employee Relations Consultant, Human Resources

SUBJECT: 2022 Port of Seattle Affirmative Action Program

#### EXECUTIVE SUMMARY

The purpose of this briefing is to present the Port Commission the key results of the Port of Seattle's 2022 Affirmative Action (AA) Program.

#### 2022 Key Highlights:

- To meet the Office of Federal Contract Compliance Programs (OFCCP) AA reporting requirements, the Port creates annual AA plans for Women & Minorities (Executive Order 11246), Individuals with Disabilities (Section 503 of the Rehabilitation Act) and Protected Veterans (VEVRAA - The Vietnam Era Veterans' Readjustment Assistance Act).
- Women at the Port of Seattle represent 34% of the workforce which is a 1% increase from 2021.
- Minorities at the Port of Seattle represent 35% of the workforce, which is a 1% increase from 2021.
- In the 2021 AA Plan for Women & Minorities, 16% of employees did not self-identify race in HCM. This number decreased to 13.3% in our 2022 AA Plan for Women & Minorities.
- The Port's AA Plan for Individuals with Disabilities includes an aspirational goal of 7% set by OFCCP for the representation of individuals with disabilities within each of the Port's 17 EEO Job Group. The Port increased the overall representation of individuals with disabilities to 7.94%, a 1.37% increase from last year. Twelve out of our 17 EEO Job Groups align with the 7% aspirational goal, an increase from eleven in 2021.
- OFCCP set a 5.6% benchmark for the representation of VEVRAA-protected Veterans within each EEO Job Group. Port-wide, the overall representation of VEVRAA-protected Veterans is 9.52%, which is consistent with last year's overall representation. Fifteen of the Port's 17 EEO Job Groups meet or exceed the 5.6% benchmark which is consistent with representation in 2021.
- The Port resolved the underutilization of women in the Professionals 2 EEO Job Group in the 2021 AA Plan for Women and Minorities.
- The 2022 AA Plan for Women and Minorities identified underutilization of women in the Technicians and Non-Commissioned Protective Services – Command EEO Job Groups.

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COMMISSION AGENDA – Briefing Item No. 11c Page 2 of 4

Meeting Date: October 11, 2022

Talent Acquisition and Emerging Talent will conduct targeted outreach and recruitment of women for vacant positions within the Technicians and Non-Commissioned Protective Service EEO Job Groups.

- The Port's 2022 EEO Compensation Analysis showed salary differences of more than 7.5% amongst some employees holding the same job. These differences impact employees regardless of race and gender. Human Resources is currently working on finalizing the pay equity methodology. Following the application of the pay equity analysis, we will remediate discrepancies identified in the pay equity analysis.
- Rolled out Discrimination-Free Workplace training for managers.
- All Port job announcements now include a statement on diversity, equity, and inclusion and Port Values. Additionally, all interviews include an equity, diversity, and inclusion question.

#### ADDITIONAL BACKGROUND

As a federal contractor, the Port of Seattle is required meet OFCCP's AA reporting requirements, which includes the following:

- Develop annual AA Plans for Women & Minorities, VEVRAA-Protected Veterans, and Individuals with Disabilities.
- Conduct an annual EEO Compensation Analysis.
- Monitor the effectiveness of the Port's AA Program on a continuing basis through the

development and implementation of an internal audit and reporting system that measures the program effectiveness.

- Provide annual AA compliance training to employees involved in the recruitment, selection, promotion, performance management and related processes to include review of the three AA Plans, and their roles and responsibilities in its implementation to ensure women and minorities, individuals with disabilities, and protected veterans are treated in a non-discriminatory manner in all employment practices and business decisions.

#### HOW RESULTS ARE MEASURED

In accordance with OFCCP guidelines, on October 31st of each year the Port extracts employee data from our HRIS/Payroll system to compare the percentages of women and minorities in each of our 17 EEO Job Groups to the percentages of qualified women and minorities within the Port's general recruitment area (King, Pierce, Snohomish, Thurston, and Kitsap counties). This type of review, comparing incumbency to availability (internal and external), is called a Utilization Analysis, and is required for only the AA Plan for Women & Minorities.

An underutilization exists when the Utilization Analysis shows the percentage of women or minorities within an EEO Job Group is less than would be reasonably expected given the availability of qualified women and minorities within the employer's workforce and externally within the employer's recruitment area. Placement goals are set when an employer has an underutilization within an EEO Job Group. A placement goal serves as target, not a quota or setaside, that employers make good faith efforts to meet.

Template revised September 22, 2016.

COMMISSION AGENDA – Briefing Item No. 11c Page 3 of 4  
Meeting Date: October 11, 2022

#### MOVING FORWARD

The Port of Seattle's Affirmative Action Program is aligned with our Port-wide Goals to Demonstrate Strong Commitment to Equity, Diversity, and Inclusion at the Port and Across the Region and to Operate as a Highly Effective Public Agency.

The Port of Seattle will continue to improve its AA Program by doing the following:

1. Continuing ask employee to self-identify race, gender, disability status, and veteran status to reflect our workforce demographics more accurately within our 3 AA Plans.
2. Continue to partner with our colleagues in Talent Acquisition and Emerging Talent to identify recruitments for positions within the Technicians and Non-Commissioned Protective Service EEO Job Groups. Once identified, we will conduct targeted outreach and recruitment of women to ensure diverse applicant pools.
3. Expand outreach and recruitment of individuals with disabilities.
4. Continuing the targeted recruitment of minorities, and Protected Veterans to ensure diverse applicant pools by attending job fairs and community events, offering internships, and evaluating job descriptions to remove requirements which create artificial barriers.
5. Continue with Human Resources' Compensation Project to address and resolve systemic pay equity issues.
6. Conduct annual audits of the 3 AA Plans to measure the program effectiveness.
7. Provide annual AA compliance training to employees to ensure women and minorities, individuals with disabilities, and protected veterans are treated in a non-discriminatory manner in all employment practices and business decisions.
8. Onboard new Affirmative Action Program Manager to administer the Port's Affirmative Action Program under the direction of the Senior Manager, Employee Relations.
9. Refresh Port-wide EEO compliance trainings, in consultation with ERGs and D&D Council, to ensure they are current with all applicable laws and regulations.
10. Continue to update HR and Code of Conduct policies to include a review of policies through an equity lens.
11. Complete Workplace Responsibility and Employee Relations process improvement work currently underway with support from CPI Specialist.

Human Resources will continue to partner with Office of Equity, Diversity, and Inclusion (OEDI) to address institutional oppression within the Port and to infuse equity in all our programs and business practices. The important work underway with the Compensation Project and Human Resources-related work stemming from the Equity Assessment and Women of Color Assessment serves and supports the fundamental purpose of affirmative action, which is to attract, hire, develop and retain a workforce that reflects the diversity of our community at all levels of the Port.

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COMMISSION AGENDA – Briefing Item No. 11c Page 4 of 4

Meeting Date: October 11, 2022

ATTACHMENTS TO THIS BRIEFING

(1) Presentation slides

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

January 4, 2022 – 2021 AAP Commission Briefing

September 8, 2020 – 2020 AAP Commission Briefing

September 24, 2019 – 2019 AAP Commission Briefing

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