

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION
(Instruction for Completion of Back of Page)

No Attachment

FROM: Central Washington State College
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

See CWSC Board
motion numbers
listed below

The enclosed Permanent rules
 Emergency rules , being order No. _____

relating to (Name of rules or description of subject matter)

Equal Employment Opportunity Policy (CWSC Board Motion No. 4074)

Policy on Nepotism (CWSC Board Motion No. 4073)

Pregnancy and Maternity Leave Policy (CWSC Board Motion No. 4075)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4732 ① filed with the code reviser
on July 5, 1974 ② were regularly adopted as permanent rules of this
(date) CWSC Campus
institution at Grupe Conference Ctr. on 8/2/74 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules
shall be _____ . ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on the
proposed action would be contrary to the public interest, were
regularly adopted as emergency rules of this institution at
_____ on _____ and are herewith filed in the office
(place) (date)
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.
c 57).

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been
fulfilled.

Dated this 5th day of August 1974.

*Stamp
in error
of state
form - National
was attached
to other form*

STATE OF WASHINGTON
FILED
AUG 23 1974
CODE REVISER'S OFFICE
DOCKET #5825 FILE #

Central Washington State College
(INSTITUTION)
Steve Milden
By
Assistant Attorney General
Title

Effective 9/7/71


[Form CR-5]

REPORT OF RULE ADOPTION

Pursuant to a Notice of an Intention to Adopt Rules, Chapter 28B.19 R.C.W. and Resolution No. 71-16 of the Board of Trustees of Central Washington State College and a letter of designation from the President of Central Washington State College, on July 29, 1974, Mr. John Harrison, Executive Assistant to the President, conducted a public hearing regarding the proposed adoption of policies on Nepotism, Equal Employment Opportunity, and Pregnancy and Maternity Leave. At one point in the hearing Mr. Harrison recessed and continued the public hearing to 8:00 p.m., August 2, 1974, in Grupe Conference Center. A Notice of Continuation of the public hearing was filed with the Code Reviser's Office. On August 2, 1974, in Grupe Conference Center, during the course of the special meeting of the Central Washington State College Board of Trustees which convened at 8:00 p.m., Mr. Harrison reopened the public hearing and turned over the control and conduct of the public hearing, in the absence of the chairman, to Mr. Herbert Frank, Vice-Chairman of the Central Washington State College Board of Trustees. Following the public discussion which took place, Mr. Frank closed the public hearing and the Central Washington State College Board of Trustees, by Motion Nos. 4073 (Nepotism), 4074 (Equal Employment Opportunity), and 4075 (Pregnancy and Maternity Leave), respectively, adopted in Washington Administrative Code form the following college policies:


1. Policy on Neoptism (WAC 106-112-100 to 105)
2. Equal Employment Opportunity Policy
(WAC 106-112-200 to 230)
3. Pregnancy and Maternity Leave Policy
(WAC 106-112-300 to 360)

A true, complete, and accurate copy of the proposed minutes of the Board of Trustees' special meeting of August 2, 1974, which recorded the action of the Board adopting the rules, is attached.



James E. Brooks
Secretary
Board of Trustees
Central Washington State College
Ellensburg, Washington 98926

SUBSCRIBED AND SWORN TO before me this 22nd day of August, 1974.



Mildred J. Paul
Notary Public in and for the State
of Washington residing in Ellensburg

cost to college of reproducing diplomas/certificates exceeds the revenue presently derived. The motion carried.

Confirmation of Dedication of Land Within Fourteenth Avenue
Right-of-Way--Adoption of Resolution No. 74-6

Mr. Milam reviewed the process of transferring real property within intergovernmental agencies.

MOTION NO. 4071: Dr. Brain moved, seconded by Mr. Caron, to adopt Resolution No. 74-6, which is a resolution by the Board of Trustees of Central Washington State College, approving the transfer of certain real property to the City of Ellensburg, pursuant to RCW 39.33.010. The motion carried.

Student Affairs

Joint Student Fees Budget for 1974-75

Dr. Harrington reviewed the history of the Joint Student Fees Budget for 1974-75. He indicated the Joint Student Fees Committee presented a budget which the board has received. Dr. Harrington indicated he had suggested some amendments to the budget and presented it to Dr. Brooks. Dr. Brooks in turn had suggested some amendments. Dr. Brooks briefly reviewed the changes he had suggested. Sheila Casbeer, Chairman of the Joint Student Fees Committee reviewed the work of the committee in preparing the budget. Several questions were asked about women's athletics.

MOTION NO. 4072: Mr. Caron moved, seconded by Dr. Brain, to accept the Joint Student Fees Budget as presented. The motion carried.

Administrative Affairs

Human Rights/Affirmative Action Policies

Mr. Harrison reviewed the history of the Affirmative Action Policies and the material presented to the board. He indicated the board had received this evening copies of the proposed policies on Nepotism, Equal Employment Opportunity and Pregnancy and Maternity Leave, along with a paper listing modifications to the Affirmative Action Policies, and a letter from the Chairperson of the Affirmative Action Advisory Council. Mr. Harrison indicated the hearing (which he described as spirited) was recessed to this meeting of the board.

Mr. Frank assumed the role of the Hearing Officer and reopened the hearing to receive anything anyone in the audience might wish to say about the proposed affirmative action policies. Mr. Frank asked for a second time if there was anything anyone wished to say. There being no response, Mr. Frank then closed the hearing and reverted back to the Board of Trustees meeting, to see whether the board members wish to accept or reject the individual policies.

It was noted that passage of the policies at this time would not preclude making changes in the future if it is determined that changes need to be made to the policies.

Policy on Nepotism

MOTION NO. 4073: Mr. Caron moved, seconded by Dr. Brain, that the Nepotism policy be adopted as revised. The motion carried.

WAC 106-112-100 POLICY ON NEPOTISM. In the appointment of its faculty, administrative officers and Civil Service staff, Central Washington State College seeks to employ the best qualified men and women available. Therefore, members of the same family may be appointed to faculty and staff positions, and all appointments will be made without regard to race, creed, color, sex, age, national origin, marital status, or the presence of any sensory, physical or mental handicap, unless based upon a bona fide positional qualification.

The College also extends equal employment opportunity to persons possessing criminal convictions, however, employment of a person possessing a criminal conviction will be contingent upon a thorough review of specific convictions and their relationship to the welfare of the College. The College precludes employment of persons possessing criminal convictions in the Campus Police Department. Employees will receive all benefits associated with positions in which they are employed.

WAC 106-112-101 -----EXCEPTIONS. Exceptions to this policy may be established by the President of the College for specific positions where employment of consanguineal or affinal persons in these specific positions would compromise the College's obligation to maintain separation of responsibilities as required by sound financial management principles.

WAC 106-112-105 DECISIONS ON RELATIVES. No member of the College's faculty, administrative or Civil Service staff shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the appointment, tenure, promotion, or other status or interest of such person's parent, child, spouse, sibling or in-law.

Equal Employment Opportunity Policy

Mr. Harrison and Mr. Webster urged the board to reconsider the paragraph in the Equal Employment Opportunity policy which would provide for prior review by the Affirmative Action Director to certify that every possible effort has been made to recruit, employ or promote women and minorities before each vacancy can be filled.

The Vice Chairman commented that he felt the administrators should be allowed to make decisions and not be curbed before they make decisions regarding employment. The President suggested that at least for awhile it would be helpful to have the Affirmative Action Director work with the administrators in reviewing the employment process and he stated he did not feel it would be limiting the administrators. The Vice Chairman then asked for comments from the various administrators who were present. Deans Housley, Martin, Williams and Miller indicated they felt the prior review, by the Affirmative Action Director was helpful and workable and would not be a handicap.

MOTION NO. 4074: Mrs. Minor moved, seconded by Mr. Caron, to approve the Equal Employment Opportunity Policy as revised and with reinstatement of the first six lines on page 4. The motion carried.

WAC 106-112-200 EQUAL EMPLOYMENT OPPORTUNITY POLICY.

Central Washington State College will provide equal employment opportunity on the basis of merit and without discrimination because of race, creed, color, religion, sex, marital status, age, national origin, the presence of any sensory, physical, or mental handicap unless based upon a bona fide positional requirement. The College also extends equal employment opportunity to persons possessing criminal convictions, however, employment of a person possessing a criminal conviction will be contingent upon a thorough review of specific convictions and their relationship to the welfare of the College. The College precludes employment of persons possessing criminal convictions in the Campus Police Department.

The College will provide equal opportunity for all qualified persons, and will promote equal employment opportunity through positive affirmative efforts in each department and organizational unit. This policy of Equal Employment Opportunity applies to everyone involved in employment policies and practices at Central Washington State College.

The College will take affirmative action to insure that all applicants receive fair consideration for employment, and that employees are treated fairly during employment, without regard to their race, creed, color, religion, sex, marital status, age, national origin, criminal conviction, the presence of any sensory, physical, or mental handicap pursuant to Federal Executive Orders 11246 and 11375 and Governor Evan's Executive Order 72-07. The College will insure that all personnel actions including promotion decisions will be administered without regard to race, creed, color, religion, sex, marital status, age, national origin, the presence of any sensory, physical, or mental handicap unless based upon a bona fide positional requirement.

WAC 106-112-210 ESTABLISH GOALS AND TIMETABLES. Each Department and organizational unit of the College must determine whether or not women and minorities are underutilized in its employee work force; and, if deficiencies are found, separate goals and timetables must be developed for both women and minorities to overcome that underutilization. Underutilization is defined in the regulations as "having fewer women or minorities in a particular job than would reasonably be expected by their availability." (Higher Education Guidelines - Executive Order 11246, p. 3.)

Nothing in this policy shall be construed to effect employment quotas of any type.

If underutilization is determined then realistic goals and timetables will be set for both women and minorities, and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill current and future vacancies in order to achieve its goals. Before each vacancy can be officially filled, the Affirmative Action Director must certify that every possible effort has been made to recruit, employ or promote women and minorities. This is to insure that the College is constantly and in good faith moving towards the goals of increased employment for women and minority persons.

This mandate does not require departments and organizational units to hire unqualified women and minorities. Neither the Federal nor State Executive Orders require the College to "...eliminate or dilute standards which are necessary to the successful performance of the institution's educational and research functions." (Higher Education Guidelines - Executive Order 11246, p. 4.) However, the Federal Executive Orders do require "that any standards or criteria which have had the effect of excluding women and minorities be eliminated unless the contractor (the College) can demonstrate that such criteria are conditions of successful performance in the particular position involved." (Higher Education Guidelines - Executive Order 11246, p. 4.)

This does not mean that only members of a particular minority group or sex will be considered for employment. However, it does mean that the College must recruit and hire qualified women and minority persons as actively as it has recruited and hired non-minority males. To the extent necessary to overcome underutilization, the College must search in areas and channels previously unexplored.

WAC 106-112-220 COMPLAINTS OF DISCRIMINATION. The Affirmative Action Plan will provide for the prompt, fair and impartial consideration of all complaints of discrimination against the College because of race, creed, color, religion, sex, marital status, age, national origin, criminal conviction,

the presence of any sensory, physical, or mental handicap. Employees filing a discrimination grievance will not be subject to harrassment, intimidation or disciplinary action based upon filing such grievance. Procedures for considering complaints of discrimination are established in the College's Affirmative Action Policy.

WAC 106-112-230 COMMITMENT TO AFFIRMATIVE ACTION.

Affirmative action demands a conscious and deliberate commitment by the College to change attitudes and to consider for employment all available qualified women and minorities within the relevant job categories of the established recruiting area. The College's commitment to achieve equal employment opportunity will be based upon recruiting and hiring the most qualified applicants for all vacant positions. It is complicated and time consuming but required under the aforementioned State and Federal Executive Orders. Failure to comply is a violation of the law.

Pregnancy and Maternity Leave Policy

MOTION 4075: Mrs. Minor moved, seconded by Mr. Caron, to reapprove the Pregnancy and Maternity Leave Policy (there were no changes to the policy as it was passed at the May 31, 1974 board meeting). The motion carried.

Mr. Webster raised the question, which he indicated had been raised during the previous hearing, of possible violation of constitution rights for people whose religious beliefs do not allow them to use the services of a medical physician and the policy requirement that in the case of voluntary abortion care is to be administered by a licensed physician. Mr. Milam recommended that each case be handled on an individual basis, with exceptions being made following an attorney general's opinion that there are bona fide religious grounds.

WAC 106-112-300 PREGNANCY AND MATERNITY LEAVE POLICY --

INTRODUCTION. Many women of childbearing age depend on their job for economic support. Practices such as terminating the employment of pregnant women without cause, refusing to grant leave or accrued sick pay for disabilities relating to pregnancy, or refusing to hire women for responsible jobs because they are, or may become, pregnant, impair the opportunity of women to obtain employment and to advance on the same basis as men. Such practices discriminate against women because of their sex and are prohibited at Central Washington State College.

WAC 106-112-301 PURPOSES. Federal and State laws against discrimination in employment because of sex are intended to equalize employment opportunity for men and women. This policy defines how the law applies to practices which disadvantage women because of pregnancy or childbirth.

WAC 106-112-310 HIRING PREGNANT WOMEN. Appointing authorities will not refuse to hire a qualified woman because of pregnancy unless the refusal would be reasonable in view of the necessity to conduct business in an orderly manner. If an appointing authority elects not to hire a qualified woman because of pregnancy, the burden shall be on that appointing authority to demonstrate that the decision was based upon justifiable facts concerning her individual ability to perform the job or upon justifiable facts concerning business requirements.

Arguments that may not be used to disqualify pregnant women from employment include, but are not limited to:

- (1) pregnant women may not return to their former job after childbirth;
- (2) time away from work required for childbearing may increase the College's cost;
- (3) the leave period for childbirth may be unreasonably long;
- (4) pregnant women may be frequently absent from work due to illness; and
- (5) clients, co-workers, or customers may object to having pregnant women on the job.

WAC 106-112-320 CONDITION OF EMPLOYMENT FOR PREGNANT WOMEN. Appointing authorities may not penalize a woman in terms or conditions of employment, or in any way limit the job opportunities of a woman because she is pregnant or may require time away from work.

WAC 106-112-330 LEAVE FOR PREGNANCY. Appointing authorities must provide a pregnant woman leaves of absence for sickness or incapacity associated with pregnancy and for childbirth.

Leave of absence for pregnant women may include both paid and unpaid leave. Leave of absence for maternity will commence upon the request of the employee and extend until the employee is able to return to work. In all instances in which an employee requests maternity leave, the appointing authority may require the employee to provide a statement from a second physician of the College's choice attesting to the need for, and duration of the leave. The College will bear the cost of an examination by a college-designated physician.

An employee is eligible to use earned sick leave credits during maternity leave. In those instances in which an employee's sick leave credits are exhausted prior to her return to work, the employee's status will automatically revert from sick leave to leave of absence without pay.

Employees returning from an authorized maternity leave of absence must be employed in the same position or in another position in the same class, in the same geographic area and organizational unit providing that such re-employment is not in conflict with rules relating to reduction in force.

WAC 106-112-340 LEAVE BENEFITS FOR PREGNANT WOMEN. Illness or absence from work caused or contributed to by pregnancy, miscarriage, spontaneous, therapeutic or voluntary abortion, childbirth, and recovery therefrom are temporary disabilities and are treated as such under the College's sick leave policies provided that in the case of voluntary abortion care is administered prior to, during and after the abortion by a licensed physician.

WAC 106-112-350 INSURANCE BENEFITS FOR PREGNANT WOMEN. Insurance contributions provided by the College shall be equal for male and female employees.

WAC 106-112-360 MARITAL STATUS AS RELATED TO PREGNANCY. Discrimination against pregnant women because of marital status is prohibited. The College's sick leave and disability policies including health insurance contributions, apply equally to married and unmarried pregnant women.

Human Rights Policy (WAC 106-112-400)

Mr. Harrison asked that the administration be allowed to finalize the updating of the Human Rights Policy and resubmit it to the board for approval. The Board of Trustees agreed to delay action on this item until it is resubmitted.

Approval of Appointment of Acting Director of Staff Personnel

MOTION NO. 4076: Mr. Caron moved, seconded by Mrs. Minor, to approve the appointment of Wallace Webster as Acting Director of Staff Personnel and Affirmative Action Program Director until a replacement is found for the Director of Staff Personnel position. The motion carried.

Approval of Appointment of Assistant Director of Institutional Studies

MOTION NO. 4077: Dr. Brain moved, seconded by Mrs. Minor, to approve the appointment of Dr. Calvin Willberg, as Assistant Director of Institutional Studies effective July 1, 1974. The motion carried.

Twelve Month Appointments--Administrators

MOTION NO. 4078: Mrs. Minor moved approval of the twelve month appointments effective September 1, 1974, for administrators. This included merit and special salary increases for certain administrators. The list is on file in the president's office. The motion carried.

Chapter 106-112

PERSONNEL RULES

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