Appeal to fulfill the best practices as an Equal Employment Opportunity Employer

Clark County stipulates that contractors fulfill the following requirement:

"Contractor shall maintain open hiring and employment practices, and will welcome applications for employment in all positions from qualified individuals who are members of minorities protected by federal equal opportunity / affirmative action requirements."

Policies and practices cannot be true in general if they are not practiced in particular. Section 10.2 of the Clark County Charter allows an acting county manager to serve as an interim basis only and specifically prohibits the permanent County Manager position from being filled until all 5 councilors vote to fill it. That position is, by definition, unfilled and therefore that position is open.

To be consistent with these requirements the process of hiring to fill the permanent County Manager position, Clark County must necessarily open and welcome applications from all qualified individuals.

One applicant, a qualified disabled woman, has already been denied the opportunity to apply. A member of the county council informed the local media that he threw her application in the trash.

Clark County has also not welcomed any other applicants. Numerous potential candidates, who would otherwise have the fair opportunity to apply, will likely not apply, due to the awkward situation created by the interim county manager who told county directors that no one else should apply because, unless things change, he alone has the exclusive claim on that opportunity.

It would be natural, healthy, and the expectation would be for all qualified candidates to apply if the Board of Councilors followed the practices expected by an Equal Employment Opportunity employer. But it would be considered embarrassing, self-serving, disrespectful, inconsiderate, and relationship-damaging for well-qualified potential candidates, who hold local positions that deal with the interim acting county manager, to apply against the wishes of that same person.

Examples of potential candidates who would likely not apply for that reason, but that I would hope would apply if the opportunity was fairly opened to them, include the following:

Community Services Director **Vanessa Gaston** was promoted last year to serve as the executive director of our Regional Service Network (RSN) for Southwest Washington Behavior Health. Mrs. Gaston, a well-qualified black woman, has demonstrated outstanding performance and leadership skills in managing both organizations at once. Mrs. Gaston has successfully navigated the RSN through a very challenging transition from full operation to the process of continuing

to seamlessly provide all necessary services in full compliance with state law while winding down the organization to hand off all operations as an early adopter on the 30th of this month.

Such proven talented leaders are in high demand. It would be logical for such a leader to be recruited and lost to another organization and find career opportunities elsewhere if the opportunity for advancement is not allowed as would naturally be expected within Clark County's own talent pool.

Another potential well-qualified candidate is **Mark Wilston** who also holds a leadership role with a long track record of faithful trusted competent management. Mr. Wilson's character that is highly respected, friendly easy going, and professional would help to build a healthy culture within our county-wide staff.

David Kelly, executive director or Southwest Washington Agency on Aging, would also be another well-qualified candidate. Mr. Kelly stepped in to rescue an agency that had lost its certification due to noncompliance with state regulations. His stellar leadership and management skills built a brand new fully compliant organization from scratch. He has continued to competently manage that organization to become the most effective such organization in the state while accomplishing more for the citizens they serve and while doing so with less cost than any other.

Much more positive qualities could be said about each of these potential candidates. Yet none of them have applied, nor are they likely to apply due to the Equal Opportunity Employer policies not being extended to them. Other potential candidates would surely apply if the opportunity was open to them.

To correct this unacceptable situation, the Board of Clark County Councilors is urged to open up the opportunity and to welcome applications from all qualified individuals for the permanent county manager position.

An evaluation the acting county manager is appropriate for the acting county manager. However, an evaluation of one candidate is no substitute for an open hiring and employment practice that welcomes applications for employment in all positions from qualified individuals who are members of minorities protected by federal equal opportunity / affirmative action requirements.

The current 360 evaluation of that one candidate is scheduled to coincide with the June 30 deadline for the county council to make an informed decision to fill that position. If no other candidates are allowed to apply by that deadline, then it would be impossible for that decision to consider other candidates. The end result would necessarily be restricted two choices: "good enough" or "the best of all known candidates".

The acting county manager would of course be encouraged to apply and be given the equal opportunity to fairly compete for the permanent position.

The majority of the county council and county attorneys may argue that technically, the first choice is adequate. Yet, it cannot be reasonably argued that the first choice is the best policy or the best way to fill this permanent position with the best candidate.

Aside from the advantages of raising the bar and practicing the highest standard expected of an Equal Employment Opportunity Employer, there are significant risks in settling for the first choice. Those risks include claims of discrimination, lawsuits, and the potential miss opportunity for this organization and the citizens of this community to be served by the best available leader.

For these reasons, the county council is urged to immediately open the opportunity for all qualified candidates to apply for the permanent county manager position and welcome applications from all sources. The appeal is made to lead by example, to do more than the claimed minimum, and to demonstrate that Clark County's claim of being an Equal Employment Opportunity Employer is not simply a general claim that is not substantiated by current specific practice, but by specifically fulfilling a proactive commitment to serve as a model for others in this situation.

Sincerely,

David Madore
Clark County Councilor
30 March, 2016