

STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

EXECUTIVE ORDER
NUMBER TWENTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: AFFIRMATIVE ACTION IN STATE EMPLOYMENT

WHEREAS, Delaware State law prohibits discrimination in employment based on race, color, age, sex, religion, national origin or handicap; and

WHEREAS, the State of Delaware has developed and implemented an Affirmative Action Plan pursuant to the mandates of Executive Order Number Seventy-Four signed by former Governor Pierre S. du Pont, IV, on September 25, 1979, and which called for the elimination of past discrimination practices and provided for equal employment opportunities within the Executive Branch of State government; and

WHEREAS, each department and agency within the Executive Branch has developed methods and strategies for recruiting, hiring and promoting women, minorities and the handicapped; and

WHEREAS, current data reflect that the handicapped have not benefitted to the extent of other affected groups; and

WHEREAS, the coordinated efforts of the State Personnel Office, Executive Branch Agencies and the State Human Relations Commission have resulted in a great deal of progress in the implementation of the State Affirmative Action Plan and Program; and

WHEREAS, even though the State Human Relations Commission's monitoring report of 1983 concurs that females and minority group participation in the State of Delaware workforce has improved, the Commission recommends the continued "examination of the selection process to insure that barriers do not exist which adversely impact minorities, women and the handicapped";

NOW, THEREFORE, I, MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

I. POLICY

1. The policy of the State of Delaware and commitment to Affirmative Action is hereby reaffirmed and all heads of Executive Branch agencies are directed to diligently pursue the recruitment and promotion of qualified women, minority and handicapped individuals in the State workforce.

2. State job vacancies are to be listed with the Delaware Occupation Information Coordinating Committee (DOICC) which provides a centralized computer job bank for community service agencies and organizations. DOICC is being used to coordinate a statewide job bank specifically for the handicapped, and is working with facilities that serve many moderate to severely handicapped individuals in preparation for job placement in public and private sectors. Moreover, DOICC's comprehensive career information system will provide help to the general public for transition into the world of work and will help those moving about within the workforce.

3. The concept of Affirmative Action as a tool to achieve equal employment opportunities for protected classes shall benefit from the continuation of certain practices including:

- a. Wide dissemination of information to community groups for use in recruitment; and
- b. A selection process free of artificial barriers; and
- c. A clearly articulated complaints process disseminated to all State employees; and

4. Managers, supervisors, personnelists and Affirmative Action staff should participate in training awareness programs aimed at instilling the fact that Affirmative Action is a form of management responsibility rather than simply a matter of compliance.

5. The complaint process for cases of employment discrimination shall be an open system designed so that people can easily understand how to file complaints with the Human Relations Commission or the State Affirmative Action Coordinator.

6. Further, it is hereby declared to be the policy of this Administration to aggressively and promptly work toward eliminating any continuing pattern of past discriminatory practices in State employment by supporting the continuation of a full fledged, effective Affirmative Action program.

II. PROMULGATION OF AFFIRMATIVE ACTION PLANS

1. Each department and agency within the Executive Branch of government shall maintain an Affirmative Action Plan or Plans which shall cover each employee of the department or agency.

2. Such plan or plans shall include, but shall not be limited to, the following provisions:

a. A specific statement of goals and objectives designed to assure equal employment opportunities in hiring and promotion and to eliminate any discrimination in State employment based on race, religion, color, national origin, sex, age or handicap.

b. A specific statement of goals and objectives designed to remedy any problem of underrepresentation of minorities and women which may exist in the department or agency. Solely for the purpose of establishing such goals and objectives and measuring progress toward such goals, the plan or plans shall specify target numbers of minorities and women to be hired and shall include a timetable, or specific dates, for meeting the goals. Such numbers shall reasonably reflect the representation of women and minorities in the relevant statewide labor market.

c. A description of methods proposed for meeting the goals and objectives, including:

(i) specific proposals for recruiting minorities, women and the handicapped for employment in the department or agency to the extent they are underrepresented in respect to the relevant statewide labor market;

(ii) specific proposals for assuring that hiring practices are conducted in a manner consistent with the objectives of this Executive Order;

(iii) specific proposals for assuring that all promotional opportunities are offered in a manner consistent with the objectives of this Executive Order;

(iv) specific proposals for staff participation in training programs on interview techniques and acceptable hiring practices;

(v) specific proposals for employee participation in career enhancement programs and seminars.

d. A designation of the staff person(s) within the department or agency responsible for carrying out the various proposals.

e. A description of a mechanism or complaint procedure to permit and encourage employees to discuss any problems resulting from alleged bias, discrimination, lack of equal employment opportunity or any similar matters with appropriate division or departmental supervisory personnel. The procedure shall provide for the lodging of employee complaints and for a response to be made within a specified reasonable period of time. The employee shall be advised of his or her right to file a formal complaint with the State Human Relations Commission and shall receive such assistance as may be requested from the employee's Department Affirmative Action Representative.

3. Each proposed annual Affirmative Action Plan shall be filed with the State Affirmative Action Coordinator no later than July 31st of each year.

4. The department or agency shall retain a record of all applicants who voluntarily divulge information regarding race, color, age, sex and handicapped status in order to provide a means of comparison of rejection rates among

applicants. The information required shall be prescribed by the State Human Relations Commission and, to the extent practicable, shall be in a form consistent with the terminology and categories utilized in federal EEO Standard Form.

5. The department or agency shall request each terminating employee to participate in an exit interview in order to determine the reasons for employee turnover and to give each employee a chance to explain his or her reasons for leaving State service and shall retain records of interviews.

6. Every three months, each department and agency shall furnish to the State Human Relations Commission such statistical and other information concerning the department or agency's affirmative action status and progress as the Commission shall reasonably require, using, to the extent practicable, standard federal EEO forms.

7. Each department or agency shall furnish a summary of its Affirmative Action Plan to each employee and shall make available a copy of the full Plan to any employee upon request.

III. DUTIES AND RESPONSIBILITIES OF THE STATE HUMAN RELATIONS COMMISSION

1. The State Human Relations Commission is designated as the agency to monitor and evaluate compliance with the Affirmative Action Plan or Plans. The Office of Human Relations, under the administrative supervision of the Secretary of the Department of Community Affairs, shall provide staff support to the Commission.

2. The Commission shall review the status and progress of affirmative action in each department or agency. The Commission shall specify to the departments and agencies the statistical information concerning affirmative action which is required to be furnished to the Commission.

3. The Commission shall furnish a written annual report to the Governor on the progress being made in Affirmative Action in State government and recommend any additional action which, in the Commission's judgment, should be undertaken. Such report shall be available to the public.

IV. APPOINTMENT AND DUTIES OF STATE AFFIRMATIVE ACTION COORDINATOR

1. The State Affirmative Action Coordinator shall be appointed by the State Personnel Director with the approval of the Governor and shall be a member of the State Personnel Office staff.

2. The State Affirmative Action Coordinator shall report to the State Personnel Director on a regular basis on the progress being made in affirmative action in State government and recommend to the Director such additional action(s) which should be undertaken. In addition, the Coordinator shall:

a. Serve as liaison between State Human Relations Commission and the various departments and agencies for affirmative action efforts;

b. Provide assistance to the various departments and agencies in updating their Affirmative Action Plans in accordance with federal guidelines and suggest innovative approaches to eliminating past and present discrimination practices in all components of the State's human resource management;

c. Assist the State Human Relations Commission in the monitoring of affirmative action progress and with the other duties of the Commission as set out in Section III; and

d. Work with the State Training Administrator to develop training programs in Affirmative Action/Equal Employment Opportunity for State managers and supervisors.

e. Provide staff support to the advisory group created under paragraph x. of this Executive Order.

f. Serve as liaison between State of Delaware and Equal Employment Opportunity Commission for annual federal report requirements.

V. DUTIES AND RESPONSIBILITIES OF DEPARTMENT SECRETARIES AND AGENCY HEADS

The Secretary of each cabinet department and the head of each Executive agency shall have the following duties and responsibilities:

1. Hold periodic meetings with all employees of the department or agency to discuss affirmative action and the State's commitment thereto; the department or agency's responsibilities under State law and this Executive Order; and ways in which employees may assist with the implementation of this Executive Order. The department or agency's affirmative action commitment and progress shall also be discussed at staff meetings.

2. Designate a staff person to carry out all AA/EEO functions for the department or agency, including those duties and obligations set out in section VI. Such staff person shall have direct access to the department Secretary or agency head with respect to matters relating to this Executive Order.

3. File annual reports with State Human Relations Commission on Affirmative Action Plan or Plans which shall cover each position of the department or agency and which shall conform to the requirements set out in section II.

4. Oversee the implementation of the department or agency's Affirmative Action Plan to make certain it is implemented promptly and effectively and to transmit to the State Human Relations Commission quarterly reports on the status of affirmative action and equal employment opportunity within the department.

5. Include affirmative action efforts as a factor consideration in the performance evaluation of all managers and supervisors so that such efforts will be so reviewed.

6. Work with the designated Affirmative Action staff person in the performance of his or her responsibilities.

7. Take any other action, wherever possible, to eliminate problems of underrepresentation and discrimination within their department or agencies.

VI. DUTIES AND RESPONSIBILITIES OF AFFIRMATIVE ACTION STAFF DESIGNEES OF THE VARIOUS DEPARTMENTS AND AGENCIES

The Affirmative Action staff person designated by the Secretary or agency head shall have the following duties and responsibilities:

1. Work with the Department Secretary or agency head and the Affirmative Action Coordinator to develop and implement an Affirmative Action Plan for the department or agency.

2. Make certain that a summary of the Affirmative Action Plan is distributed to all employees of the department and that all employees are familiar with its terms and requirements.

3. Work with the Department Secretary or agency head to prepare reports, on a quarterly basis, on the status of affirmative action and equal opportunity efforts within the department.

4. Work with the Department Secretary or agency head, the Office of State Personnel, and department or agency personnel officers to review the qualifications of all positions within the department or agency to make certain that such requirements are reasonably related to job performance and do not constitute artificial barriers to hiring or promotion.

5. Work with the Secretary or agency head, the State Office of Personnel, and department personnel officer or officers to review the qualifications of all departmental employees to assure that women, minorities, and the handicapped are given equal opportunity for hiring, promotion, training, transfer and all personnel actions.

6. Serve as liaison between the department or agency and organizations, groups and persons concerned with employment opportunities of minorities, women and the handicapped.

7. Work with the Office of State Personnel to provide employee career counseling to assist employees in identifying advancement opportunities or skills enhancement which would qualify the employee for opportunity for career advancement.

8. Assist the Department Secretary or agency head in the discharge of the duties and responsibilities set out in Paragraph V.

9. Provide technical assistance to administrators within the department or agency on effective means of carrying out the requirements of this Order and the department or agency's Affirmative Action Plan.

10. Act as the department or agency's Affirmative Action Complaints Officer to assure that affirmative action complaints are heard, investigated and answered.

VII. DUTIES AND RESPONSIBILITIES OF THE STATE PERSONNEL COMMISSION

The State Personnel Commission is hereby authorized and directed as follows:

1. Continue to review the present Merit System rules and revise such rules as necessary in order to eliminate any perpetuation of past discriminatory practices.

2. Submit to the Governor a report detailing any changes which may have been made in the Merit System Rules and any proposed legislation to amend the present Merit System statutes which the Commission may recommend.

VIII. DUTIES AND RESPONSIBILITIES OF THE OFFICE OF STATE PERSONNEL

The Office of State Personnel is hereby authorized and directed as follows:

1. To post a public notice, in conspicuous locations or bulletin boards of all cabinet departments, major offices, divisions or agencies which shall affirm the State's commitment to affirmative action and equal opportunity and advise all State employees and applicants for State employment that any complaints of discrimination should be promptly reported to the State Human Relations Commission.

2. To provide on the application form for State employment a statement of the State's commitment to affirmative action and equal employment and advise how complaints of discrimination are to be reported.

3. To work with the department and agency personnel officers to vigorously recruit minorities, women and handicapped in all categories of State employment.

4. To work with the Affirmative Action Representatives and Personnel Officers of the various departments and agencies to review job classifications within the department or agency, and the qualifications of the employees of the department or agency with a view toward both eliminating any artificial barriers to hiring and promotion, and targeting appropriate employee development seminars.

5. To review the classification and selection procedures under the Merit System Rules to assure the removal of any artificial barriers to the hiring and promotion of minorities, women and the handicapped; and to recommend whether a pool of qualified applicants from underrepresented groups shall be developed.

6. Ensure that adequate training is provided for all State employees.

IX. EMPLOYEES COMPLAINT PROCESS AND PROCEDURES

The complaint process for cases of employment discrimination shall fall into two categories — informal and formal.

An informal complaint is the process whereby the State Affirmative Action Coordinator follows through on discrimination complaints brought to the direct attention of the State Personnel Office by written or oral communication with the Affirmative Action Coordinator. To determine whether or not the complaint falls within the jurisdiction of the Human Relations Commission and requires a formal investigation, the State Affirmative Action Coordinator will inquire into such cases by working through the designated agency affirmative action staff person and appropriate

management staff, as deemed necessary and appropriate by the cabinet Secretary. If the determination is negative, the Affirmative Action Coordinator will respond in writing to the complainant accordingly. If there is an apparent violation of Title VII of the Civil Rights Act of 1964 as amended, or violation of Title 19 of the Delaware Code relating to discrimination in employment, the case will be forwarded to the State Human Relations Commission and processed as a formal complaint.

X. AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COUNCIL

The State Affirmative Action Coordinator shall provide staff support to a citizens advisory group that shall be named the State Affirmative Action/Equal Employment Opportunity Advisory Council. Members of the Advisory Council shall be selected in such a way as to represent the interests of protected group members. The Advisory Council will be expected to assist in improving the overall State program by evaluating its existing structure and procedures and making recommendations through the Affirmative Action Coordinator. The Council also will be responsible for developing a concise brochure, for internal and external distribution that describes the State program inclusive of the Handicapped Employment Program of 1983 and the Generic Agency Aide program regarding employment opportunities for the mentally disadvantaged.

The Advisory Council shall consist of at least ten members. Members shall be appointed by the State Affirmative Action Coordinator from lists of names recommended by, but not limited to, the following types of established organizations:

- a. National Association for the Advancement of Colored People
- b. Latin American Community Center
- c. Hispanic Coalition
- d. Wilmington Women in Business
- e. National Organization of Women
- f. Organization of Minority Women
- g. Wilmington Access Committee
- h. Brandywine Professional Association
- i. National Organization of Chinese Americans

Members shall serve two-year terms. In order to allow for the staggering of terms, several initial appointments shall be made for a one-year term.

XI. APPLICABILITY OF EXECUTIVE ORDER

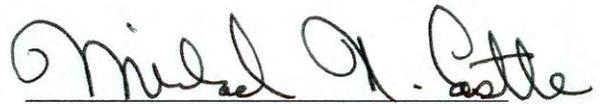
This Order shall apply to all Cabinet Departments and Executive agencies of the State. However, the Legislative and Judicial branches and independent Commissions and agencies are encouraged to adopt this Order or to promulgate forthwith Affirmative Action Plans applicable to their respective employees and agencies.

XII. REPEAL OF PREVIOUS EXECUTIVE ORDERS

Executive Orders No. Fifty-Six, Seventy-Four, Eighty-One and One Hundred Eight dated June 8, 1978, September 25, 1979, January 31, 1980 and October 5, 1981, respectively, all signed by former Governor Pierre S. du Pont, IV, are hereby rescinded.



APPROVED this 8th day of
May, 1986.


Governor


Secretary of State

