

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER

NUMBER SEVENTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: AFFIRMATIVE ACTION IN STATE EMPLOYMENT

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

WHEREAS, as Governor of the State of Delaware, I am committed to the effective implementation of these provisions of law and to eradicating promptly and effectively any vestiges of past discriminatory practices based on race, religion, color, national origin, sex or age which remain in State employment; and

WHEREAS, by Executive Orders Number Forty and Fifty-six, I established an Affirmative Action Task Force to assess employment opportunities for minorities, women and the aged in State government and to recommend programs and practices to assure equal employment opportunities in all Departments and agencies of the Executive Branch; and

WHEREAS, the Task Force has concluded that minorities and women do not now enjoy equal opportunities in hiring, promotion and pay within State government; that significant

variations exist within the various Departments and agencies of the State in the number of minorities and women employed; that in some instances Merit System rules and existing job qualifications and classifications perpetuate past discriminatory employment practices; and that historically the Secretaries of the various Departments and heads of agencies have failed to take sufficient action to eliminate problems of underrepresentation of minorities, women, the aged and the handicapped in their respective Departments and agencies; and

WHEREAS, the Task Force, in its report of July 6, 1979, made certain recommendations for dealing with these problems, including promulgation of a statewide Affirmative Action Plan; requiring certain action by Cabinet Secretaries, agency heads and other State offices and officials; revision of the Merit System rules and regulations; and changes in the classified service; and

WHEREAS, as head of the Executive Branch of government it is appropriate for me to direct, by Executive Order, that certain action be taken within the Executive Branch of government to assure equal employment opportunity in State government and the eradication of past discriminatory practices;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, 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, as established by State law and Executive Orders, assuring equal opportunity in State employment and prohibiting discrimination in State employment on the basis of race, religion, color, national origin, sex or age is hereby affirmed.

2. It is also the firm policy of this Administration to assure that there be full opportunity for participation and advancement in State employment for handicapped citizens.

3. Further, it is hereby declared to be the policy of this Administration to effectively and promptly eliminate any continuing pattern of past discriminatory practices in State employment.

II. PROMULGATION OF AFFIRMATIVE ACTION PLANS

1. Each Department and agency within the Executive Branch of government shall, by January 1, 1980, develop an Affirmative Action Plan or Plans which shall cover each employee of the Department or agency.

2. Such Plan or Plans shall include, but 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 or age.

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 underrepresented 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 officer or officers 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 Officer.

3. Each proposed Affirmative Action Plan shall be filed with the State Affirmative Action Coordinator no later than January 1, 1980.

4. The Department or agency shall retain a record of all applicants showing race, color, age, sex and handicapped status of applicants 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 4.

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 such interviews.

6. Every six 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 and Economic Development 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 Secretary of the Department of Community Affairs and Economic Development shall appoint a State Affirmative Action Coordinator. The Office of Human Relations, under the administrative supervision of the Secretary of the Department of Community Affairs and Economic Development, shall provide staff assistance to the Coordinator.

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

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

b. Provide such assistance to the various Departments and agencies as may be needed in developing and implementing an Affirmative Action Plan or Plans.

c. Establish procedures for the submission, review and approval of Affirmative Action Plans by the Departments and agencies.

d. Review, evaluate and approve Affirmative Action Plans submitted by the Departments and agencies.

e. 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 Paragraph III.

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. By December 1, 1979, hold a meeting or series of 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. By October 15, 1979, designate an Affirmative Action Officer or Officers for the Department or agency who shall be responsible for the duties and obligations set out in Paragraph VI and who shall have direct access to the Department Secretary or agency head with respect to matters relating to this Executive Order.

3. By January 1, 1980, develop and file with the State Human Relations Commission an Affirmative Action Plan or Plans which shall cover each employee of the Department or agency and which shall conform to the requirements set out in Paragraph 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 for consideration in the performance evaluation of administrators within the Department or agency and alert all administrators that such efforts will be so evaluated.

6. Work with the Affirmative Action Officer in the performance of his or her responsibilities.

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

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

The Affirmative Action Officer or Officers appointed 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 for 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, transfer and advancement.

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 an 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 be sure 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. By January 1, 1980, to review the present Merit System rules and revise such rules as necessary in order to eliminate any perpetuation of past discriminatory practices. Specifically, the Commission shall review the classification and selection procedures under the Merit System Rules to assure the removal of any barriers to the hiring and promotion of minorities, women and the handicapped; shall recommend whether or not the Merit System should be modified to permit the competitive entry of employees at all grade levels from outside the classified service; and shall recommend whether a pool of qualified applicants from underrepresented groups shall be developed.

2. To submit to the Governor, by February 1, 1980, 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.

3. During calendar year 1980, to increase the number of training sessions for managers dealing with equal employment opportunity and affirmative action.

4. To study the advisability of instituting bridge or training positions within the State classified service and to file a report with the Governor no later than April 1, 1980, concerning its findings and recommendations.

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 the handicapped in all categories of State employment.

4. To work with the Affirmative Action Officers and personnel officers of the various Departments and agencies to review job classifications and qualifications 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.

IX. APPLICABILITY OF EXECUTIVE ORDER

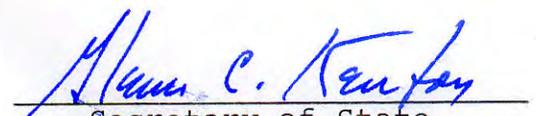
This Order shall apply to all Cabinet Departments and Executive agencies of the State. However, the Legislative and Judicial branches and independent Commissions and agencies are encouraged to adopt this Order or to promulgate forthwith Affirmative Action Plans applicable to their respective employees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

IN WITNESS WHEREOF I have hereunto set my Hand and Seal this 25th day of September, 1979.



  
Governor

ATTEST:

  
Secretary of State