

JUL 09 2010

EXECUTIVE ORDER
10-24
SECRETARY OF STATE
COMMISSION DIVISION

WHEREAS, the Constitutions of the United States and of the State of Missouri afford to all persons equal protection under the law; and

WHEREAS, the Congress of the United States and the General Assembly of the State of Missouri have enacted legislation prohibiting discrimination in public accommodations, housing and employment on the basis of race, color, religion, national origin, sex, ancestry, age, and disability; and

WHEREAS, personnel practices and procedures within the executive branch of the State of Missouri should not discriminate, through disparate treatment or disparate impact, against anyone, in violation of any federal or state civil rights statute, executive order, rule, regulation, or judicial decision; and

WHEREAS, the employment practices of the State of Missouri and the operation of its services and facilities should serve as a model for business, industry, and labor; and

WHEREAS, Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act prohibit employment discrimination based on race, color, religion, national origin, sex, ancestry, age, and disability.

NOW, THEREFORE, I, Jeremiah W. (Jay) Nixon, Governor of the State of Missouri, in recognition of the obligations of the State of Missouri and by virtue of the authority vested in me by the Constitution and laws of the State of Missouri do hereby promulgate the following Code of Fair Practices for the Executive Branch of State Government.

ARTICLE I

The executive branch of the State of Missouri shall ensure that all present and prospective employees are afforded equal opportunity at all levels and phases of employment within state government with respect to, but not limited to, hiring, recruiting, training, benefits, promotions, transfers, layoffs, demotions, terminations, rate of compensation, and recalls from layoffs. It shall be the responsibility of the State Office of Equal Employment Opportunity to monitor all departments of the executive branch of state government and assist them to ensure equal employment opportunity. The State of Missouri shall work to ensure that there will be no vestiges of discrimination against persons on account of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability; not only in employment practices but in the provision of services and the operation of facilities.

ARTICLE II

State Equal Employment Opportunity Officer

The Governor shall designate a State Officer, hereinafter referred to as the State Equal Employment Opportunity (EEO) Officer. The State EEO Officer shall report to the Governor and the Commissioner of Administration. He or she shall have primary responsibility for assisting in the coordination and implementation of workforce diversity programs throughout all departments of the executive branch of state government, and for advising the Governor on issues regarding equal employment opportunity, workforce diversity, and efforts to administer workforce diversity action goals and timetables for implementation throughout the departments of the executive branch.

The State EEO Officer shall be the state's chief compliance officer for the executive branch of state government to ensure that the State of Missouri is complying with all federal and state laws concerning equal employment opportunity and workforce diversity. He or she shall assist each department in developing a Workforce Diversity Plan. Additionally, the State EEO Officer shall review progress reports of the departments and shall meet biannually with each department director to evaluate departmental results and determine the course of future workforce diversity goals, timetables, recruiting, planning, and implementation. The results of each meeting shall be reported in writing to the Commissioner of Administration.

Not later than January first of each calendar year, the State EEO Officer shall provide a report to the Governor and the Commissioner of Administration that summarizes the activities of each department pursuant to this Order and that contains recommendations for additional programs to accomplish the purposes of this Order.

Subject to appropriations, the Commissioner of Administration shall provide the State EEO Officer with such facilities, staff, resources, equipment, and supplies as are necessary to carry out the duties set forth herein. The State EEO Officer shall submit a proposal each fiscal year to the Commissioner of Administration, detailing the needs of the Office of Equal Employment Opportunity.

ARTICLE III

Workforce Diversity Council

Each department director shall designate an individual with sufficient experience and authority within the department to be able to communicate on behalf of the department and to implement recommendations of the Council, to serve on the State Workforce Diversity Council, hereinafter referred to as the "Council."

The Council shall:

- Meet quarterly and be chaired by the State EEO Officer;
- Work to ensure that all employees of the state are educated on issues involving diversity;
- Make such recommendations as it believes necessary to the State EEO Officer to assist in the implementation of this Order; and
- Assist the State EEO Officer in formulating policy and issues that affect workforce diversity in the executive branch of state government.

The Council designee shall be the chief liaison to his or her department concerning equal employment opportunity and workforce diversity issues and shall make recommendations and report any changes, trends and new occurrences with respect to workforce diversity to their respective departments.

ARTICLE IV

Workforce Diversity Program

The Workforce Diversity Program will demonstrate the State of Missouri's good faith effort to eliminate any potential discriminatory barriers to employment, while enhancing the state's effort to provide equal employment opportunity and improve workforce diversity.

The Program shall:

- Ensure awareness of workforce diversity before hiring decisions are made;
- Prohibit the departments in the executive branch from engaging in unlawful discriminatory practices; and
- Place a strong emphasis on recruitment, retention, and upward mobility as methods to enhance the State of Missouri's work force through equal employment opportunity and workforce diversity.

ARTICLE V

Workforce Diversity Plan

Each department of the executive branch shall submit a revised Workforce Diversity Plan to the State EEO Officer by September 30th of each year. The primary responsibility for developing the Workforce Diversity Plan will rest with each department director. The State EEO Officer shall review and approve each submitted plan to ensure it significantly complies with the provisions and purposes of this Order.

Each Workforce Diversity Plan shall contain the following items:

- A departmental policy statement on Equal Employment Opportunity and Workforce Diversity;
- Identification of individuals who will be responsible for implementation of the Workforce Diversity Plan within the department;
- A utilization and availability analysis presented in a form and manner as determined by the Office of Equal Opportunity;
- Identification of problem areas and proposed actions and timelines;
- A statement on how progress will be monitored and reported;
- A description of departmental recruiting practices that will be used to diversify the department's work force;
- Procedures used to ensure all tests for employment and promotion are nondiscriminatory; and
- Identification of diversity training needs within the department and plans to address those needs.

All state agencies shall require participation by all employees in periodic training that cover the topics of:

- Discrimination;
- Sexual harassment;
- Cultural and work force diversity; and
- Other appropriate human relations training as determined by the Office of Administration, Division of Personnel. The Division of Personnel shall approve all Workforce Diversity Training provided by state agencies.

If the State EEO Officer determines that a department's Workforce Diversity Plan does not meet the requirements of this Order, he or she shall report the same to the Commissioner of Administration and the Governor, who shall take such actions and offer such assistance as they deem necessary to ensure that the department develops and files a Workforce Diversity Plan which meets the requirements of this Order.

ARTICLE VI

State Employment Services

All departments which provide employment referrals or placement services to public or private employers shall provide these services without regard to race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws. No job orders designed to exclude persons as mentioned above shall be filled unless by reason of a bona fide occupational qualification.

ARTICLE VII

State Services and Facilities

Every department shall offer its services to the public without discrimination. No state facility shall be used to promote any discriminatory practice, nor shall any department become a party to any agreement which permits any discriminatory practice prohibited by this Order, state or federal law.

ARTICLE VIII

Public Education

All state institutions of public education shall promote nondiscrimination in the provision of services and fairness in employment practices.

ARTICLE IX

Financial Assistance

Neither race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, disability, nor any other criteria in violation of federal or state discrimination laws shall be considered as a limiting factor in state administered programs involving grants, loans, or other distribution of funds to applicants for benefits authorized by law.

ARTICLE X

Health Care Service

All health care facilities licensed by the State of Missouri shall comply with all federal and state laws regarding discrimination in public accommodations including patient admissions and health care services as a condition of continued participation in any state program or eligibility for any form of state assistance or licensing.

ARTICLE XI

Training and Job Opportunities

All educational and vocational counseling, apprenticeship, and training programs involving state participation shall encourage the development of an individual's fullest potential in a nondiscriminatory fashion. Job training programs will be administered without regard to race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws.

ARTICLE XII

State Licensing and Regulatory Agencies

No department, board, commission, or agency shall grant, deny or revoke any license, permit, registration, certification, charter or other regulatory instrument on the basis of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws. Any test administered as a prerequisite to licensure by any board or licensing or regulatory agency shall be designed to preclude any discrimination.

ARTICLE XIII

Employee Organizations

Employee organizations that exist in whole or in part for the purpose of dealing with employers in the executive branch of state government concerning employee grievances, labor disputes, or terms of employment shall not, on account of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability:

- Exclude or expel from membership or otherwise discriminate against any individual;
- Limit, segregate, or classify members or applicants for membership in any way which would deprive or tend to deprive any individual of any benefit, advantage, or privilege; or
- Directly or indirectly create any condition which adversely affects the status of any employee.

ARTICLE XIV

Publication and Posting

Policies, procedures, and communications relating to this Order shall be distributed to all departments. Each department shall make the Workforce Diversity Plan accessible to all of its employees.

ARTICLE XV

Other Governmental Bodies

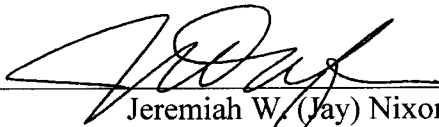
All local governments and instrumentalities of government in Missouri are requested to cooperate with this endeavor to address fair and equal employment opportunities within the state.

ARTICLE XVI

This Order shall take effect immediately and shall supersede paragraph one (1) of Executive Order 05-30.


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 9th day of July, 2010.





Jeremiah W. (Jay) Nixon
Governor

ATTEST:



Robin Carnahan
Secretary of State