

**DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUITY, DIVERSITY, AND INCLUSION
(DEDI)
STATE EQUAL OPPORTUNITY OFFICE**



**POLICIES, PROCEDURES AND GUIDELINES
FOR
AFFIRMATIVE ACTION PLANS
IN
RHODE ISLAND
STATE GOVERNMENT**

**JULY 1ST 2022
TO
JUNE 30th 2023**

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Approved by: Tomas Avila, Associate Director (DEDI)

PREFACE

Rhode Island General Law §28-5.1-3 requires the State Equal Opportunity Office to establish the criteria and deadlines for State Agency Affirmative Action Plans. The plans apply to employees and applicants for employment. This manual fulfills that requirement. The plans are intended to assist in ensuring equal employment opportunity and eliminating the present effects of past discrimination for racial minorities, women, and persons with disabilities.

Because objectives may vary from agency to agency, the Affirmative Action Plan should be developed according to the needs of the individual agency. However, each written plan must contain the requirements outlined in this manual.

The success of equal employment opportunity in Rhode Island State Government depends largely upon effective Affirmative Action Plans being implemented and the commitment, support and mutual cooperation from Agency Directors, Managers and Staff. The most important measure of an Affirmative Action Program is its RESULTS.

ACKNOWLEDGMENTS

The Department of Administration recognizes that Equal Employment Opportunity and Affirmative Action programming is a shared responsibility among all employees. That being said, the Department acknowledges the work units and individuals listed below for their significant and/or volunteer contributions to the completion of this Affirmative Action Plan (AAP): Human Resources, who assisted with compiling the raw data for Applicant Flow, Workforce, and Employment Practices Data. Libby Kimzey, Chief of Staff of the Department of Administration Director Office, who provided multiple feedback on the process and procedure and the AAP Guidelines. Barbara Vittoria, Anand Puravangara and Andy Gough, IT Team who developed and produce the Job Group Analysis Summary, and Internal EEO Compliance data reporting system.

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PART I

APPLICABILITY

Each agency listed below is referred to as a “Plan-Covered State Agency”. The “Plan-Covered” state agencies will develop an Affirmative Action Plan which will identify the areas of under representation of minorities, women, and individuals with disabilities by job categories and include an explanation, as well as specific actions for improvement.

Administration – including Water Resources Board and RI Health Benefits Exchange
Attorney General
Behavioral Healthcare, Developmental Disabilities & Hospitals
Business Regulation – including Division of Design Professionals and the Office of the Health
Insurance Commissioner
Children, Youth & Families
Coastal Resources Management Council
Community College of Rhode Island
Corrections
Davies Career & Technical High School
Elementary & Secondary Education
Environmental Management
Executive – Emergency Management Agency
Executive – Executive Military Staff
Executive – Governor’s Office
Executive – Office of Health & Human Services
Health
Human Services
Judicial
Labor & Training
Metropolitan and Technical School
Narragansett Bay Commission
Office of the Postsecondary Commissioner – including Division of Higher Education Assistance
Public Defender
Public Safety
Public Utilities Commission
Revenue
Rhode Island Airport Corporation
Rhode Island College
Rhode Island Commerce Corporation
Rhode Island Executive Office of Commerce (please combine with Department of Housing for
the FY 2023 period)
Rhode Island Housing & Mortgage Finance Corporation
Rhode Island Resource Recovery Corporation
Rhode Island Public Transit Authority
Rhode Island School of the Deaf
Secretary of State

Transportation
Treasury
Turnpike & Bridge Authority
University of Rhode Island

The below state agencies, which have less than twenty (20) full-time employees, shall certify in a written policy statement to the DEDI/State Equal Opportunity Office that they follow and are committed to the policies and practices of Equal Opportunity and Affirmative Action. Additionally, they must complete the statistical reports included in **PART IV, Affirmative Action Plan Components: D. Program Statistics**, as well as **PART V – Addendum, Diversity Plan to Improve Minority Hiring and Workplace Inclusion**. This information must be submitted along with the policy statement. The DEDI/State Equal Opportunity Office will maintain copies of all such policy statements, plan narratives, and statistical reports.

Board of Elections
Office of the Child Advocate
Office of the Mental Health Advocate
Office of the Lieutenant Governor
Personnel Appeal Board
Rhode Island Atomic Energy Commission
Rhode Island Commission for Human Rights
RI Convention Center Authority
RI State Council on the Arts
Rhode Island Ethics Commission
Rhode Island Health and Educational Building Corporation
Rhode Island Public Building Authority

Note: All State agencies that have written Affirmative Action Plans, in compliance with Federal regulations, will submit their plans for review by the DEDI/State Equal Opportunity Office before such plans are undertaken by Federal Agencies. The DEDI/State Equal Opportunity Office will also be present during all reviews by Federal Agencies.

PART II

List of Major Changes to Affirmative Action Plan Guidelines

- A. The Exit Interview Form has been updated to reflect a more customized interpretation of the previous form. This new version includes: additional demographic options, updated and a more comprehensive (pages 84-88). A fillable pdf form is available for use on the Division of Equity, Diversity and Inclusion website located at www.dedi.ri.gov.
- B. Moved the SAMPLE Americans with Disabilities/504 Complaint Procedure Form from the Appendix to the Policy Statement section. Please ensure this form is filled out to suit your specific agency (pg. 18).
- C. Moved Retaliation & Coercion statement from the Appendix to the front of the AAP Please ensure this form is filled out to suit your specific agency (pg. 18).
- D. Underrepresentation, for the purpose of these guidelines, is determined by comparing the number of minorities and women within an EEO-4 job category of an agency with the number which would exist given equal representation with the distribution of the same group found in the population, according to population estimates in the 2021 United States Census Bureau, Quick Facts Rhode Island: <https://www.census.gov/quickfacts/fact/table/ri/PST045217>
Goals for veterans and persons with disabilities have been established by federal regulations.

<u>Category:</u>	<u>Goal for calculation purposes:</u>
Female.....	51.0%
Disabled.....	9.7%
Veterans.....	5.9%
Minority.....	31.4%
Black or African American.....	8.8%
Hispanic or Latino.....	17.1%
American Indian or Alaska Native.....	1.1%
Asian.....	3.7 %
White.....	81.3%
Native Hawaiian or Other Pacific Islander.....	0.2%
Two or More Races.....	3.0%

PART III



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION
Enterprise Policy

Human Resources 2018

Sexual Harassment Policy

04-02-18

Kyle Adamonis

401-222-5664

Kyle.Adamonis@hr.ri.gov

1. Scope

This policy applies to all State Executive Branch agencies and employees whether permanent, non-permanent, temporary, seasonal, full or part-time. Employees are also required to familiarize themselves with agency-specific sexual harassment policies.

2. Introduction

The State of Rhode Island promotes a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful and will not be tolerated. Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve a workplace free from sexual harassment, there are procedures by which inappropriate conduct will be dealt.

The State of Rhode Island takes allegations of sexual harassment seriously, and will promptly respond to complaints of sexual harassment. Where it is determined that such inappropriate conduct has occurred, action shall be taken to prevent further offending conduct and impose timely corrective action as is necessary, up to and including disciplinary action where appropriate.

Please note that while this policy sets forth goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority to immediately impose discipline or take remedial action for workplace conduct deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

3. Definition of Sexual Harassment

In Rhode Island, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

- (1) Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or

(3) The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (R.I. Gen. Laws Section 28-51-1 and Title VII, Civil Rights Act of 1964).

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual, promised or implied job benefits, such as favorable reviews, salary increases, job opportunities and promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, *may* constitute sexual harassment depending upon the totality of the circumstances, including the frequency and/or severity of the conduct and its pervasiveness:

- unwelcome sexual advances, whether they involve physical touching or not;
- sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, cartoons;
- unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- inquiries into one's sexual experiences; and
- discussion of one's sexual activities or those of another person.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. For example, the complainant can be an employee who is denied an employment opportunity or benefit where employment opportunities or benefits are granted because of another individual's submission to the employer's sexual advances or requests for sexual favors. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the State of Rhode Island. Retaliation includes threats, intimidation, reprisals, and/or adverse employment actions against 1) a person in response to a complaint that employee has made about discrimination or harassment; 2) a person who assists in filing a complaint about discrimination or harassment; and/or 3) a person who has testified about discrimination or harassment.



4. Supervisor's Responsibilities

Supervisors who observe, witness, or are informed of inappropriate behavior of a sexual nature or incidents of sexual harassment must immediately report such behavior or incidents to the Division of Human Resources. The supervisor is required to report the behavior or incident regardless of whether a complaint is made or the conduct appears to be unwelcome, and even if the person providing information requests that no action be taken.

5. Complaints of Sexual Harassment

If any State employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally.

Complaints may be filed by contacting your supervisor or the agency Human Resources liaison listed on the attached Agency Liaison Contact List and posted on the State of Rhode Island Division of Human Resources website at www.hr.ri.gov.

6. Complaint Process

When a state agency receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted by Human Resources in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. Human Resources will also interview the person alleged to have committed sexual harassment.

When a person who has presented an internal complaint requests the status of the complaint, Human Resources will provide a timely answer in writing to the complainant.

When the investigation is completed, the agency will, to the extent appropriate, inform in writing the person who filed the complaint and the person alleged to have committed the conduct of the results of that investigation.

7. Additional Remedy

In addition to filing a complaint with Human Resources, employees also may file complaints with the Associate Director for the Office of Diversity Equity and Opportunity (ODEO) in the Department of Administration or a member of staff within the ODEO/State Equal Opportunity Office (www.odeo.ri.gov). ODEO will investigate the complaint and also maintain confidentiality to the extent practicable (other than notification to the Agency Director, when appropriate):

If ODEO makes a determination that there is probable cause of discrimination, it will try to conciliate the complaint. If ODEO is unable to conciliate the complaint, ODEO will schedule a formal hearing. If, after a hearing, the Hearing Officer determines that sexual harassment occurred, the ODEO will present its findings and recommend corrective action. (Please note that if a



complainant files a charge with either or both agencies specified in Section 8 below, the ODEO will defer to the Rhode Island Commission for Human Rights (RICHR) or Equal Employment Opportunity Commission (EEOC) for investigation and/or resolution of the complaint).

8. State and Federal Remedies

In addition to the above, if an employee of the State of Rhode Island believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both government agencies set forth below in accordance with applicable time limits. Using the State of Rhode Island's complaint filing process does not prohibit an employee from filing a complaint with these agencies.

The United States Equal Employment Opportunity Commission (EEOC)
www.eeoc.gov
John F. Kennedy Federal Building
475 Government Center, Boston, MA 02203
Phone: 1-800-669-4000
TTY: 1-800-669-6820

The Rhode Island Commission for Human Rights (RICHR)
www.richr.ri.us
180 Westminster Street, 3d Floor
Providence, RI 02903
Phone: 401-222-2661
TTY: 7-1-1

Where it is determined that inappropriate conduct has occurred, the agency will act promptly to prevent further offending conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

9. Disciplinary Action

If it is determined that an employee has engaged in inappropriate conduct, the state agency will take action as is appropriate under the circumstances. Such action may range from counseling and training to disciplinary actions, including termination from employment.

10. Legal References

This policy is administered in accordance with the following:

Federal Law:

Title VII of the Civil Rights Act of 1964, as amended.

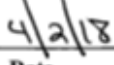


Rhode Island General Laws:

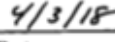
Title 28, Chapters 5, 5.1, 6 and 51.

11. Signatures


Division Director


Date


Director of Administration


Date



POLICY TEMPLATES

DEPARTMENT OF _____ STATEMENT OF POLICY ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

It is the policy of this department to promote fair and equitable treatment of all employees and applicants, and to fully comply with federal and state legislation and executive orders. Therefore, the Department will strive to ensure that all employees adhere to the following directives.

The Department of _____ supports affirmative action and equal opportunity. The Department of _____ pledges that it will post all vacancies, including transfers, and will recruit, hire, train, and promote persons in all job classifications without regard to race, color, sex, religion, sexual orientation, gender identity or expression, age, national origin, disability, or veteran status.

All employees and applicants have a right to equal opportunity in all terms, conditions, or privileges of employment, including but not limited to; recruitment, hiring, certification, appointments, working conditions, work assignments, promotions, benefits, compensation, training, transfers, layoffs, recall from layoffs, disciplinary actions, terminations, demotions, or requests for leave. The Department will not discriminate against such requests based on race, color, religion, age, sex, national origin, disability, veteran status, sexual orientation, or gender identity or expression. The Department is committed to employ qualified members of both protected and non-protected groups.

All employees have a right to a workplace free from harassment by supervisors or co-workers based on race, color, sex, sexual orientation, gender identity or expression, religion, national origin, age, disability, or any other protected status. Harassment is defined as verbal or physical conduct, interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes unwanted verbal or physical conduct of a sexual nature as well as sexual advances or requests for sexual favors. Any form of harassment is unlawful, lowers the morale and efficiency of the employees, and will not be tolerated.

Employees and applicants have a right to reasonable accommodations based on disability. Such accommodations include but are not limited to, making facilities accessible, job restructuring, and acquisition of special equipment.

The Americans with Disabilities Act/504 Coordinator for the Department is _____.

The Department is committed to identifying and eliminating past and present effects of discrimination in employment. To achieve this goal, we will identify those classes of individuals which are underrepresented in our workforce, set goals and timetables for increasing our

employment of those underrepresented groups, and implement an Affirmative Action Plan of outreach, recruitment, training, and other similarly designed programs.

The Human Resources Administrator is responsible for ensuring that the program is coordinated within the Department of _____.

As the Director of the Department of _____, I assume the responsibility for ensuring that this equal opportunity policy will be carried out within the Department.

_____, Director

Department of _____

Date: _____

POLICY ON COMPLAINTS OF ALLEGED DISCRIMINATION

The Department of _____ fully endorses and cooperates with the Division of Human Resources' complaint intake and investigation procedure which provides for prompt and fair resolution of complaints alleging discrimination in any area of employment on the basis of race, color, sex, religion, age, national origin, sexual orientation, gender identity or expression or disability. (**A copy of the Complaint Procedure should be posted along with this statement.**) You may contact the Division of Human Resources at 401-574-8381, Email: HRInvestigations@hr.ri.gov, and access the Complaint Form at www.hr.ri.gov.

_____, Director

Date: _____

Department of _____

POLICY ON SERVICE DELIVERY

The Department is committed to providing fair, courteous, and equitable service to the public. The Department will make every effort to provide interpretive services to the non-English speaking public. As per Rhode Island General Law 28-5.1 of the State of Rhode Island, all Divisions of the Department of _____ shall render services to all persons without discrimination based on race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, or disability. Each Division is further responsible for making sure that discrimination does not exist in any programs and activities it assists. This includes grants, contracts, and all areas where the State dollar is spent.

If any person feels that he/she has been discriminated against, he/she may contact the Office of Personnel Administration/State Equal Opportunity Office, One Capitol Hill, Providence, Rhode Island 02908-5865. The telephone number is 401-222-3090 or eo.compliance@doa.ri.gov.

_____, Director

Date: _____

Department of _____

POLICY ON CONTRACTS

In accordance with Rhode Island General Law 28-5.1, the Department of _____ shall require that all contractors and suppliers of goods and services sign contracts containing an Equal Opportunity Clause. The clause shall state that the parties agree to adhere to the provisions of all applicable laws, rules and regulations, both State and Federal, including, but not limited to Rhode Island General Law 28-5.1, Title VII of the Civil Rights Act of 1964, Rehabilitation Act of 1973 and Executive Orders 11246 and 11375. Every effort will be made to solicit bids from Minority Business Enterprises and Women's Business Enterprises. This policy is and will continue to be posted in conspicuous areas.

_____, Director

Date: _____

Department of _____

**POLICY STATEMENT FOR INDIVIDUALS WITH DISABILITIES
AND VETERANS**

The Department of _____ is fully committed to meet the specialized affirmative action requirements to employ and advance individuals with disabilities and veterans in accordance with the Americans with Disabilities Act of 1990, RI General Law 28-5.1, Executive Order 92-2 and the Vietnam Era Veterans Readjustment Assistance Act of 1974.

It is the policy and practice of the Department of _____ to provide equal opportunity for every employee. The Department encourages qualified individuals with disabilities, disabled veterans, and qualified veterans to participate fully in all employment opportunities. This policy applies to all decisions about recruitment, hiring, compensation, benefits, transfers, promotions, layoffs, and other conditions of employment.

Accordingly, all employment decisions shall be consistent with the principles of equal employment opportunity.

The Department will communicate to all employees and applicants its obligation to take affirmative action to employ qualified individuals with disabilities, and covered veterans, in such a way as to ensure understanding and acceptance.

The Department will contact recruiting sources such as Vocational Rehabilitation Services, the Department of Human Services and appropriate educational or training institutions to assist in recruiting qualified individuals with disabilities and covered veterans.

_____ of the _____ is designated as the 504 Coordinator for the Department of _____. This entails coordination of all divisions in the implementation of all Federal rules and regulations affecting the Department in terms of compliance with the mandates of Section 504 of Title V of the Rehabilitation Act of 1973.

_____, Director

Department of _____

Date: _____

**COMPLIANCE WITH GUIDELINES ON DISCRIMINATION BECAUSE OF
RELIGION OR NATIONAL ORIGIN**

The Department will fully comply with all laws and executive orders. The Department will strive to fulfill requests for religious accommodation through voluntary substitutions, flexible work schedules, changes in job assignments, or transfers. The Department offers employees four “personal days” of paid leave per year that may be used for accommodating religious holidays or obligations.

The Department does not discriminate against any qualified person in any facet of hiring or employment because of their religion or national origin.

_____, Director

Department of _____

Date: _____

COMPLIANCE WITH SEX DISCRIMINATION GUIDELINES

In our efforts to comply with federal law, state law, and executive orders on discrimination based on sex, the department will comply with the following procedures and practices:

1. Candidates from both sexes will be recruited for all jobs. (What about those who do not identify male or female?) scoped is limited to male/Female we have nonbinary too
2. Advertisements will not express a preference for applicants of a particular sex when placed for recruitment of personnel.
3. Written personnel policies indicate that there will be no discrimination based on sex.
4. No distinction based on sex will be made in employment opportunities, wages, and hours of work, employee benefits, or any other condition of employment.
5. Mandatory or optional ages for retirement will be equal for both males and females.
6. Appropriate physical facilities will be provided for both sexes. See above comment. Lack of facilities will not be used to reject applicants of either sex.
7. Pregnancy leaves of absence for female employees are granted on an individual basis, depending on an individual's physical condition, under the Department's leave of absence policy. Parental leave is afforded to all employees for the purpose of child raising in accordance with Personnel Rule 5.0661 (d) and State and Federal FMLA provisions.
8. Where seniority lists or lines of progression are used, they shall not be based on an employee's sex.
9. Salaries and wage schedules will not be based on an employee's sex.
10. As openings occur, the department will take affirmative action to recruit and place women in those jobs in which we have determined that females are under-represented.
11. Women will have equal opportunity to participate in training programs sponsored by the department to the extent that they are under-represented. Special efforts will be made to include women in any management training programs that are offered.
12. The Department recognizes its obligation to provide a work atmosphere free of harassment and intimidation. Any forms of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, will not be tolerated. Violations of this policy will be handled appropriately as part of the department's disciplinary procedures and its posted policy letter in support of the federal guidelines on sexual harassment.

_____, Director

Department of _____

Date: _____

RETALIATION OR COERCION STATEMENT

An employee or agent of State Government who shall discriminate against an individual through the use of retaliation, coercion, intimidation, threats or other such action because such individual has filed a complaint, testified or participated in any way in any investigation proceeding or hearing regarding discrimination in employment or public service or because such individual has opposed any act made unlawful under the Americans with Disabilities Act (ADA) of 1990 or Rhode Island Fair Employment Practices Act or any rules and regulations issued pursuant to either, shall be subject to disciplinary action. Said action may include suspension from employment or dismissal where the discrimination is found to be willful or repeated.

*** SAMPLE ***

AMERICANS WITH DISABILITIES/504 COMPLAINT PROCEDURE

_____(Agency/Department)_____ has adopted an internal procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act of 1990.

Complaints should be addressed to: _____(J.B. Person)_____ who has been designated to coordinate ADA/504 Compliance efforts.

A complaint should be filed in writing or verbally. They should contain the name and address of the person filing the complaint and a brief description of the alleged violations of the regulation.

A complaint should be filed within (# of Days)_____ after the complainant becomes aware of the alleged violation.

An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by _____(J.B. Person)_____. These rules contemplate informal but thorough investigations affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by _____ and a copy forwarded to the complainant no later than (# of days).

The ADA/504 Coordinator will maintain the files and records relating to the complaints filed.

PART IV

Policies, Procedures and Guidelines for Affirmative Action Plans in Rhode Island State Government

JULY 1, 2022
TO
JUNE 30, 2023

GENERAL REQUIREMENTS:

A. WHO MUST PREPARE A PLAN?

All state agencies with twenty (20) or more employees are required to prepare Affirmative Action Plans according to the standards established by the State Equal Opportunity Office. All agencies, regardless of the number of employees, must have a Statement of Policy on Equal Opportunity and Affirmative Action. Agency, for purposes of these standards, is defined as any State Department, Board or Commission, and all units of the Board of Education.

B. DUE DATE:

All Affirmative Action Plans must be submitted to the Division of Equity, Diversity, and Inclusion (DEDI)/State Equal Opportunity Office, no later than February 24, 2023.

C. COPIES REQUIRED:

One hard copy of the Plan is required. PLANS MUST BE CLEARLY TYPED, AND PAGES NUMBERED. (The copy must be bound) One electronic copy should be supplied by e-mail. Please send to: ooo.compliance@doa.ri.gov

D. PLAN REVIEW AND ACCEPTANCE:

Upon receipt of the Plan, the DEDI/State Equal Opportunity Office will review it and render an approval or request for revisions. If revisions are required, they must be completed by the agency and returned to the DEDI/State Equal Opportunity Office within ten (10) working days.

E. EFFECTIVE DATES:

Plans will cover the time period of July 1, 2022, through June 30, 2023.

F. **PLAN REVISIONS:**

A plan may be revised during the period it is in effect in response to changes such as major agency reorganization or major budget changes. Contact the DEDI/State Equal Opportunity Office to discuss procedures for making revisions.

G. **TECHNICAL ASSISTANCE:**

The DEDI/State Equal Opportunity Office is eager and available to answer questions, furnish information, and provide technical assistance needed to organize your plan.

For assistance, contact:

Bearee Henglatsamy, Programming Services Officer
State Equal Employment Office
Division of Equity, Diversity, and Inclusion (DEDI)
Department of Administration
One Capitol Hill
Providence, RI 02908-5865
TEL # (401) 222-3090
Rhode Island Relay # 711
Email: bearee.henglatsamy@doa.ri.gov

AFFIRMATIVE ACTION PLAN COMPONENTS:

A. COVER PAGE:

The cover page of the plan must include:

- Name of Agency
- Address of Agency
- Time Frame of the Plan
- Name, Title and Signature of Agency Head
- Signature and date line:

Accepted by: _____ **Date:** _____

- Signature and date line:

Approved by: _____ **Date:** _____
DEDI/State Equal Opportunity Office

B. AGENCY ORGANIZATION AND STRUCTURE:

A brief outline of the agency’s jurisdiction, purpose and background is an informative tool. Therefore, it is required that your Plan contain both a brief narrative about your agency and an organizational chart.

The Organizational Chart helps outside sources understand how the agency operates and is organized. It is informative to employees for the same purpose.

C. PLAN ADMINISTRATION:

1. POLICY ON SEXUAL HARASSMENT (Executive Branch agencies only):

This policy must be adopted and included in the July 1, 2023, to June 30, 2023, Affirmative Action Plan issued by all agencies within the Executive Branch of Rhode Island State government. All other agencies are encouraged to use this policy as a template in the development of their policy on sexual harassment.

2. STATEMENT OF POLICY ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION:

This statement’s provisions must be enforced by the agency head and indicate an active commitment to Equal Employment Opportunity and Affirmative Action. It must be signed by the agency head, posted, and include the following:

- A statement that the agency will post all vacancies, recruit, hire, train and promote persons in all job classifications without regard to race, color, sex,

age, national origin, religion, sexual orientation, gender identity or expression, disability status, or veteran status.

- A statement that sexual harassment and any form of harassment is unlawful and will not be tolerated.
- A statement that all employment decisions will promote the principles of Equal Opportunity.
- A statement that the following areas will be administered without regard race, color, sex, age, national origin, religion, sexual orientation, gender identity or expression, disability status, or veteran status:

Hiring, Work Assignments, Salaries/Wages, Leave, Lay-Offs, Training, Promotions, Appointments, Demotions, Discipline

- Name and title of the Americans with Disabilities Act/504 Coordinator.

3. APPOINTMENT OF EQUAL OPPORTUNITY ADVISORY COMMITTEE

- Provide a list of the names, job titles, race/ethnicity and gender of the members of the committee
- Provide a brief overview of the committee duties and responsibilities
- Provide of list of meetings held between July 1, 2022 to June 30, 2023
- Include a copy of all minutes of meetings held between July 1, 2022 and June 30, 2023

4. DIVISION HEADS, SUPERVISORS, HUMAN RESOURCES LIAISON:

- Provide a summary of the responsibilities each has in supporting the goals of equal opportunity and affirmative action

5. DIVERSITY LIAISON:

- Provide a summary of the duties and responsibilities of the diversity liaison

6. AMERICANS WITH DISABILITIES ACT/504 COORDINATOR:

- Americans With Disabilities/504 Complaint Procedure
- Duties/Responsibilities of 504 Coordinator

7. DISSEMINATION OF PLAN AND POLICY:

- Internal Dissemination and Recommendations for Improvements
- External Dissemination and Recommendations for Improvements

8. POLICY STATEMENTS:

The following policies must be signed by the agency head, included in the plan, and posted in conspicuous areas.

- Policy on Complaints of Alleged Discrimination
- Policy on Service Delivery (including contact person)
- Policy on Contracts (including minority outreach)
- Policy Statement for Individuals with Disabilities and Veterans
- Compliance with Guidelines on Discrimination Because of Religion or National Origin
- Compliance with Sex Discrimination Guidelines
- Retaliation or Coercion Statement
- American with Disabilities/504 Complaint Procedures

D. PROGRAM STATISTICS

PLEASE COMPLETE THE FOLLOWING CHARTS/FORMS:

- Applicant Data
- Applicant Flow Data
- Applicant Refusal of Positions Offered
- Affirmative Action Statistical Summary
- Job Group Analysis Summary
- Job Group Analysis
- Determining Underrepresentation & Goal Setting

E. IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS

In this section you must examine all personnel practices and underrepresentation statistics. Deficiencies found in your self-audit should be identified, discussed with appropriate managers and the corrective action to be taken clearly detailed. The following areas must be covered:

1. Self-Evaluation of Affirmative Action Program Performance:

- a) Include a description of your affirmative action program, i.e. policies, practices, programs, and efforts to ensure equal employment opportunity, and an assessment of your previous plan achievements, corrective action of problem areas, and barriers that inhibited or prevented accomplishment.
- b) For each job category, summarize your workforce composition by race/ethnicity, gender, disability, and veteran status.
- c) Identify numerical goals not met by job category and submit a detailed explanation as to why they were not achieved.

2. Employment Recruitment and Selection Process:

Review your applicant flow report. Describe the outreach and recruitment methods used to reach underrepresented populations. Outline strategies utilized to ensure your selection process is fair, equitable, and unbiased.

3. Exit Interviews:

All terminating/transferring employees have the option of an Exit Interview with the DEDI/State Equal Opportunity Office. Explain the process used to ensure that all terminating/transferring employees receive the Exit Interview Sign-Off Form and Confidential Exit Survey Inquiry.

4. Flex-Time:

Describe your practice to ensure that flex-time for all employees with your agency is applied in a fair, equitable, and unbiased manner.

5. Posting of Positions:

Describe your practice to ensure that all vacancy notices are posted and available for viewing by employees and the general public in a fair, equitable, and unbiased manner.

6. Transfer and Promotion Practices:

Describe your practice to ensure that all transfer and promotional opportunities are posted and available for viewing by employees in a fair, equitable, and unbiased manner.

7. Technical Compliance:

Pursuant to federal law, all agencies must comply with posting requirements. Provide a statement assuring that your agency has met the equal opportunity posting requirements.

The following resources are provided to assist you in meeting the posting requirements:

- “Equal Employment Opportunity is the Law” Poster
<http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>
- “EEO is the Law” Poster
<http://www1.eeoc.gov/employers/poster.cfm>

8. Terminations:

Describe your practice to ensure that all terminations of employees are performed in a fair and unbiased manner.

9. Training Programs:

Provide a description of your training program(s) and practices to ensure that all training opportunities are afforded to employees in a fair, equitable, and unbiased manner.

F. AFFIRMATIVE ACTION PLAN FOR INDIVIDUALS WITH DISABILITIES, DISABLED VETERANS AND COVERED VETERANS

The purpose of this section is for the agency to meet the requirements of the Americans with Disabilities Act of 1990, Rhode Island General Law 28-5.1, Executive Order 92-2 and Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, and to take affirmative action to employ and advance individuals with disabilities and veterans.

Policy statement must be signed by the agency head, posted and include:

- Name and Title of person responsible for implementation of the program.
- Internal and external dissemination of the policy.

Policies and procedures must be developed for the following:

- Outreach Recruitment
- Physical and Mental Qualifications
- Work Environment
- Reasonable Accommodations:
 - a) Modifying Job-Site
 - b) Support Services
 - c) Special Equipment
 - d) Restructuring the Job

Report on last year's activities

Report on this year's plans

G. DETERMINING UNDERREPRESENTATION & GOAL SETTING:

The procedure outlined in this section applies specifically to the determination of underrepresentation within the agency for affirmative action planning purposes and will lead to the establishment of affirmative action goals.

Building on past practices, this plan includes the establishment of diversity goals to measure progress toward ensuring that the state government workforce reflects the diversity of the state's population. To accomplish this, the "Determining Underrepresentation & Goal Setting" form has been expanded to include goals for individual racial/ethnic categories, as well as for persons with disabilities and veterans.

Underrepresentation, for the purpose of these guidelines, is determined by comparing the number of minorities and women within an EEO-4 job category of an agency with the number which would exist given equal representation with the distribution of the same group found in the population, according to population estimates in the 2023 United States Census Bureau, Quick Facts Rhode Island: <https://www.census.gov/quickfacts/fact/table/ri/PST045217> Goals for veterans and persons with disabilities have been established by federal regulations.

It should be noted that underrepresentation as defined here, does not necessarily imply the existence of discrimination. The law does not require rigid statistical

balance of parity between an agency’s workforce and the population. However, where representation of minorities or women differs substantially from the population representation in any job category and/or classification, there is a strong legal presumption that discriminatory practices may be responsible.

The State of Rhode Island’s population is being used as the basis for all comparisons with the agency workforce. For the purpose of these guidelines, the figures used in calculating your underrepresentation analysis are:

<u>Category:</u>	<u>Goal for calculation purposes:</u>
Female.....	51.0%
Disabled.....	9.7%
Veterans.....	5.9%
Minority.....	31.4%
Black or African American.....	8.8%
Hispanic or Latino.....	17.1%
American Indian or Alaska Native.....	1.1%
Asian.....	3.7 %
White.....	81.3%
Native Hawaiian or Other Pacific Islander.....	0.2%
Two or More Races.....	3.0%

The following example demonstrates the way in which underrepresentation is determined for affirmative action goal setting:

1. 2 of the 50 persons in the “Professionals” job category in agency “A” are minorities.
2. 32.7% of the State’s population are minorities.
3. The number of minorities who would be professionals in agency “A” if there was equal representation with the population would be 16.

$$.327 \times 50 = 16.35$$

4. The agency, in this case, is underrepresented by 14 minority professionals.
5. All partial numerical figures that contain 0.5 or more shall be rounded upward and 0.49 or less shall be rounded downward to the nearest whole number.

An underutilization analysis will be conducted for each category based on Race, Gender, Disability and Veteran status.

NUMERICAL GOAL SETTING: At this point, it has been determined if any underrepresentation of minorities, females, disabled, or veterans exists. Now is the time to make projections, based on hiring history, that are reasonable, attainable, and measurable for a quantifiable workforce to eliminate possible employment discrimination.

H. **APPENDIX:** The following documents must be included as appendix in your plan:

- Description of Job Categories
- Racial/Ethnic Identification
- Laws Governing Equal Opportunity
- Guidelines for Preventing Sexual Harassment
- Guidelines for Ensuring Unbiased Work Environments
- Employee Self-Identification of Disability and Request for Reasonable Accommodation
- State Equal Opportunity Office Discrimination Complaint Procedure
- State Equal Opportunity Office - Complaint Information Form
- Retaliation or Coercion Statement
- Exit Interview
- Affirmative Action File card
- Equal Opportunity Advisory Committee Guidelines
- Diversity Advisory Council Guidelines
- List of Enforcement Agencies

DESCRIPTION OF JOB CATEGORIES

OFFICIALS AND ADMINISTRATORS:

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies or direct individual departments or social phases of the agency's operations or provide specialized consultation on a regional, district or area basis. Includes: Department heads, Bureau Chiefs, Division Chiefs, Directors, Deputy Directors, Controllers, Wardens, Superintendents, Sheriffs, Police and Fire Chiefs and Inspectors, Examiners (Bank, Hearing, Motor Vehicle, Warehouse), Inspectors (Construction, Building, Safety, Rent-and-Housing, Fire, A.B.C. Board, License, Dairy, Livestock, Transportation), Assessors, Tax Appraisers and Investigators, Coroners, Farm Managers and kindred workers.

PROFESSIONALS:

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: Personnel and Labor Relations workers, Social Workers, Doctors, Psychologists, Registered Nurses, Economists, Dieticians, Lawyers, Systems Analysts, Accountants, Engineers, Employment and Vocational Rehabilitation Counselors, Teachers or Instructors, Police & Fire Captains and Lieutenants, Librarians, Management Analysts, Airplane Pilots and Navigators, Surveyors & Mapping Scientists and kindred workers.

TECHNICIANS:

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: Computer Programmers, Drafters, Survey and Mapping Technicians, Licensed Practical Nurses, Photographers, Radio Operators, Technical Illustrators, Highway Technicians, Technicians (Medical, Dental, Electronic, Physical Sciences), Police and Fire Sergeants, Inspectors (Production or Processing Inspectors, Testers and Weighers) and kindred workers.

PROTECTIVE SERVICE WORKERS:

Occupations in which workers are entrusted with Public Safety, Security and Protection from destructive forces. Includes: Police Patrol Officers, Fire Fighters, Guards, Deputy Sheriffs, Bailiffs, Correctional officers, Detectives, Marshals, Harbor Patrol Officers, Game and Fish Wardens, Park Rangers (except Maintenance) and kindred workers.

PARAPROFESSIONALS:

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience that is normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: Research Assistants, Medical Aids, Child Support Workers, Policy Auxiliary, Welfare Service Aids, Recreation Assistants, Homemakers Aides, Home Health Aides, Library Assistants and Clerks, Ambulance Drivers and Attendants and kindred workers.

ADMINISTRATIVE SUPPORT:

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: Bookkeepers, Messengers, Clerk Typists, Stenographers, Court Transcribers, Hearing Reporters, Statistical Clerks, Dispatchers, License Distributors, Payroll Clerks, Office Machine and Computer Operators, Telephone Operators, Legal Assistants, Sales Workers, Cashiers, Toll Collectors and kindred workers.

SKILLED CRAFT WORKERS:

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: Mechanics and Repairers, Electricians, Heavy Equipment Operators Stationary Engineers, Skilled Machining Occupations, Carpenters, Compositors and Typesetters, Power Plant Operators, Water and sewage Treatment Plant Operators and kindred workers.

SERVICE/MAINTENANCE:

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene of safety of the general public or which contribute to the upkeep and care of group may operate machinery. Includes: Chauffeurs, Laundry and Dry Cleaning Operatives, Truck Drivers, Bus Drivers, Garage Laborer, Custodial Employees, Gardeners and Groundskeepers, Refuse Collectors and Construction Laborers, Park Ranger Maintenance, Farm Workers (except Managers), Craft Apprentices/Trainees/Helpers and kindred workers.

Racial / Ethnic Designations Minority Group

An employee may be included in the group by which he or she appears to belong, identifies with or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic group.

BLACK OR AFRICAN AMERICAN (Not Hispanic or Latino): A person having origins in any of the black racial groups of Africa.

HISPANIC OR LATINO: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

NATIVE AMERICAN OR ALASKA NATIVE (Not Hispanic or Latino): A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

ASIAN (Not Hispanic or Latino): A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

WHITE (Not Hispanic or Latino): A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

NATIVE HAWAIIAN OR PACIFIC ISLANDER (Not Hispanic or Latino): A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

TWO OR MORE RACES (Not Hispanic or Latino): All persons who identify with more than one of the above five races.

**Standards adopted by the United States Equal Employment Opportunity Commission and
the Office of Federal Contract Compliance Program.**

**PRIVATE EMPLOYMENT,
STATE AND LOCAL GOVERNMENTS
EDUCATIONAL INSTITUTIONS
RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:**

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

The law covers applicants to and employees of most private employers, state and local governments and public or private educational institutions. Employment agencies, labor unions, and apprenticeship programs are also covered.

AGE:

The Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination and protects applicants and employees 40 years of age or older from discrimination on account of age in hiring, promotion, discharge, compensation, terms, conditions, or privileges of employment. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

SEX (WAGES):

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment. The law covers applicants to and employees of most private employers, state and local governments and educational institutions. Labor organizations cannot cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

DISABILITY:

The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants employees with disabilities with reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES:

On September 24, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs published a Final Rule in the *Federal Register* that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741. Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs) and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals. The new rule strengthens the affirmative action provisions of the regulations to aid contractors in their efforts to recruit and hire IWDs and improve job opportunities for individuals with disabilities. The new rule also makes changes to the nondiscrimination provisions of the regulations to bring them into compliance with the ADA Amendments Act of 2008. The new Section 503 regulations became effective on March 24, 2014. However, contractors with a written affirmative action program (AAP) already in place on the effective date have additional time to come into compliance with the AAP requirements. This compliance structure seeks to provide contractors the opportunity to maintain their current AAP cycle.

Highlights of the New Regulations

Utilization goal: The new regulations establish a nationwide 7% utilization goal for qualified IWDs. Contractors apply the goal to each of their job groups, or to their entire workforce if the contractor has 100 or fewer employees. Contractors must conduct an annual utilization analysis and assessment of problem areas and establish specific action-oriented programs to address any identified problems.

Data collection: The new regulations require that contractors document and update annually several quantitative comparisons for the number of IWDs who apply for jobs and the number of IWDs they hire. Having this data will assist contractors in measuring the effectiveness of their outreach and recruitment efforts. The data must be maintained for three years to be used to spot trends.

Invitation to Self-Identify: The new regulations require that contractors invite applicants to self-identify as IWDs at both the pre-offer and post-offer phases of the application process, using language prescribed by OFCCP. The new regulations also require that contractors invite their employees to self-identify as IWDs every five years, using the prescribed language. This language is posted in the Self-Identification Form, below.

Incorporation of the EO Clause: The new regulations require that specific language be used when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, will alert subcontractors to their responsibilities as Federal contractors.

Records Access: The new regulations clarify that contractors must allow OFCCP to review documents related to a compliance check or focused review, either on-site or off-site, at OFCCP's option. In addition, the new regulations require contractors, upon request, to inform OFCCP of all formats in which it maintains its records and provide them to OFCCP in whichever of those formats OFCCP requests.

ADAAA: The new regulations implement changes necessitated by the passage of the ADA Amendments Act (ADAAA) of 2008 by revising the definition of "disability" and certain nondiscrimination provisions.

COVERED VETERANS AND DISABLED VETERANS:

38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment qualified covered veterans.

Covered veterans means any of the following:

- 1) Disabled veterans.
- 2) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.
- 3) Veterans who, while serving on active duty with the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal (AFSM) was awarded pursuant to Executive Order 12985; and
- 4) Recently separated veterans.

Applicants to and employees of companies with a federal government contract or subcontract are protected under the authorities above. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act or 38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act should immediately contact:

The Office of Federal Contract Compliance Programs (OFCCP) Employment Standards Administration, U.S. Department of Labor,
200 Constitution Avenue, N.W., Washington, D.C. 20230, (202) 523-9368, or an OFCCP regional or district office, listed in most directories under U.S. Government, Department of Labor.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Include examples of programs

RACE, COLOR, NATIONAL ORIGIN, SEX:

In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities that receive Federal assistance.

If you believe you have been discriminated against in a program of any institution that receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

INDIVIDUALS WITH DISABILITIES:

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs.

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

TITLE 28

Labor and Labor Relations

CHAPTER 28-5.1

Equal Opportunity and Affirmative Action

SECTION 28-5.1-1

Include new legislation

§ 28-5.1-1 Declaration of policy.

(a)(1) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation.

(2) All policies, programs, and activities of state government shall be periodically reviewed and revised to assure their fidelity to this policy.

(3) Each department head shall make a report to the governor and the general assembly not later than September 30 of each year on the statistical results of the implementation of this chapter and to the state equal opportunity office; provided, that the mandatory provisions of this section do not apply to the legislative branch of state government.

(b) The provisions of this chapter shall in no way impair any contract or collective bargaining agreement currently in effect. Any contract or collective bargaining agreements entered into or renewed after July 6, 1994 shall be subject to the provisions of this chapter.

§ 28-5.1-2 State equal opportunity office.

(a) There shall be a state equal opportunity office. This office, under the direct administrative supervision of the office of diversity, equity and opportunity, shall report to the governor and to the general assembly on state equal opportunity programs. The state equal opportunity office shall be responsible for ensuring compliance with the requirements of all federal agencies for equal opportunity and shall provide training and technical assistance as may be requested by any company doing business in Rhode Island and all state departments as is necessary to comply with the intent of this chapter.

(b) The state equal opportunity office shall issue any guidelines, directives, or instructions that are necessary to effectuate its responsibilities under this chapter, and is authorized to investigate possible discrimination, hold hearings, and direct corrective action to the discrimination.

§ 28-5.1-3 Affirmative action.

(a) The state equal opportunity office shall assign an equal opportunity officer as a liaison to agencies of state government.

(b) Each state department or agency, excluding the legislative branch of state government, shall annually prepare an affirmative action plan. These plans shall be prepared in accordance with the criteria and deadlines set forth by the

state equal opportunity office. These deadlines shall provide, without limitation, that affirmative action plans for each fiscal year be submitted to the state equal opportunity office and the house fiscal advisor no later than March

31. These plans shall be submitted to and shall be subject to review and approval by the state equal opportunity office.

(c) Any affirmative action plan required under this section deemed unsatisfactory by the state equal opportunity office shall be withdrawn and amended according to equal opportunity office criteria, in order to attain positive measures for compliance. The state equal opportunity office shall make every effort by informal conference, conciliation and persuasion to achieve compliance with affirmative action requirements.

(d) The state equal opportunity office shall effect and promote the efficient transaction of its business and the timely handling of complaints and other matters before it, and shall make recommendations to appropriate state officials for affirmative action steps towards the achievement of equal opportunity.

(e) The state equal opportunity administrator shall serve as the chief executive officer of the state equal opportunity office and shall be responsible for monitoring and enforcing all equal opportunity laws, programs, and policies within state government.

(f) No later than July 1 each state department or agency, excluding the legislative branch of state government, shall submit to the state equal opportunity office and the house fiscal advisor sufficient data to enable the state equal opportunity office and the house fiscal advisor to determine whether the agency achieved the hiring goals contained in its affirmative action plan for the previous year. If the hiring goals contained in the previous year's plan were not met, the agency shall also submit with the data a detailed explanation as to why the goals were not achieved.

(g) Standards for review of affirmative action plans shall be established by the state equal opportunity office, except where superseded by federal law.

(h) For purposes of this section, "agency" includes, without limitation, all departments, public and quasi-public agencies, authorities, boards, and commissions of the state, excluding the legislative branch of state government.

(i) The state equal opportunity office shall continually review all policies, procedures, and practices for tendencies to discriminate and for institutional or systemic barriers for equal opportunity, and it shall make recommendations with reference to any tendencies or barriers in its annual reports to the governor and the general assembly.

(j) Relevant provisions of this section also apply to expanding the pool of applicants for all positions where no list exists. The equal opportunity administrator is authorized to develop and implement recruitment plans to assure that adequate consideration is given to qualified minority applicants in those job categories where a manifest imbalance exists, excluding those job categories in the legislative branch of state government.

§ 28-5.1-3.1 Appointments to state boards, commissions, public authorities, and quasi-public corporations.

(a) The general assembly finds that, as a matter of public policy, the effectiveness of each appointed state board, commission, and the governing body of each public authority and quasi-public corporation is enhanced when it reflects the diversity, including the racial and gender composition, of Rhode Island's population. Consequently, each person responsible for appointing one or more individuals to serve on any board or commission or to the governing body of any public authority or board shall endeavor to ensure that, to the fullest extent possible, the composition of the board, commission, or governing body reflects the diversity of Rhode Island's population.

(b) During the month of January in each year the boards, agencies, commissions, or authorities are requested to file with the state equal opportunity office a list of its members, designating their race, gender, and date of appointment.

(c) Of the candidates considered for appointment by the governor and the general assembly, the governor and the general assembly shall give due consideration to recommendations made by representatives of Rhode Island's

minority community-based organizations. The human resources outreach and diversity office shall act as the liaison with state government and shall forward the recommendations to appointing authorities.

(d) The appointing authority, in consultation with the equal employment opportunity administrator and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a utilization analysis of appointments to state boards, commissions, public authorities and quasi-public corporations based upon the annual review conducted pursuant to § 28-5.1-3.

(e) The equal employment opportunity administrator shall report the results of the analysis to the Rhode Island commission for human rights and to the general assembly by or on January 31 and July 31 of each year, consistent with § 28-5.1-17. The report shall be a public record and shall be made available electronically on the secretary of state's website.

§ 28-5.1-3.2 Enforcement.

(a) The state equal opportunity administrator is authorized to initiate complaints against any agencies, administrators, or employees of any department or division within state government, excluding the legislative branch, who or which willfully fail to comply with the requirements of any applicable affirmative action plan or of this chapter or who or which fail to meet the standards of good faith effort, reasonable basis, or reasonable action, as defined in guidelines promulgated by the federal Equal Employment Opportunity Commission as set forth in 29 CFR 1607.

(b) Whenever the equal employment opportunity administrator initiates a complaint, he or she shall cause to be issued and served in the name of the equal employment opportunity office a written notice, together with a copy of the complaint, requiring that the agency, administrator, agent, or employee respond and appear at a hearing at a time and place specified in the notice. The equal employment opportunity office shall follow its lawfully adopted rules and regulations concerning hearings of discrimination complaints.

(c) The equal employment opportunity office shall have the power, after a hearing, to issue an order requiring a respondent to a complaint to cease and desist from any unlawful discriminatory practice and/or to take any affirmative action, including, but not limited to, hiring, reinstatement, transfer, or upgrading employees, with or without back pay, or dismissal, that may be necessary to secure compliance with any applicable affirmative action plan or with state or federal law.

(d) A final order of the equal employment opportunity office constitutes an "order" within the meaning of § 42-35-1(j); is enforceable as an order; is to be rendered in accordance with § 42-35-12; and is subject to judicial review in accordance with § 42-35-15.

§ 28-5.1-4 Employment policies for state employees.

(a) Each appointing authority shall review the recruitment, appointment, assignment, upgrading, and promotion policies and activities for state employees without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. All appointing authorities shall hire and promote employees without discrimination.

(b) Special attention shall be given to the parity of classes of employees doing similar work and the training of supervisory personnel in equal opportunity/affirmative action principles and procedures.

(c) Annually, each appointing authority shall include in its budget presentation any necessary programs, goals and objectives that shall improve the equal opportunity aspects of their department's employment policies.

(d) Each appointing authority shall make a monthly report to the state equal opportunity office on persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within their department.

§ 28-5.1-5 Personnel administration.

(a)(1) The office of personnel administration of the department of administration, in consultation with the office of diversity, equity and opportunity, shall prepare a comprehensive plan indicating the appropriate steps necessary to maintain and secure the equal-opportunity responsibility and commitment of that division. The plan shall set forth attainable goals and target dates based upon a utilization study for achievement of the goals, together with operational assignment for each element of the plan to assure measurable progress.

(2) The office of personnel administration shall:

(i) Take positive steps to ensure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias, and

(ii) Review all recruitment procedures for all state agencies covered by this chapter for compliance with federal and state law and bring to the attention of the equal opportunity administrator matters of concern to its jurisdiction.

(3) The division of budget shall indicate in the annual personnel supplement progress made toward the achievement of equal-employment goals.

(4) The division of purchases shall cooperate in administering the state contract-compliance programs.

(5) The division of statewide planning shall cooperate in ensuring compliance from all recipients of federal grants.

(b) The office of labor relations shall propose in negotiations the inclusion of affirmative-action language suitable to the need for attaining and maintaining a diverse workforce.

(c) There is created a six-member (6) committee that shall monitor negotiations with all collective bargaining units within state government specifically for equal-opportunity and affirmative-action interests. The members of that committee shall include the director of the Rhode Island commission for human rights, the associate director of the office of diversity, equity and opportunity, the equal opportunity administrator, the personnel administrator, one member of the house of representatives appointed by the speaker, and one member of the senate appointed by the president of the senate.

§ 28-5.1-6 Commission for human rights.

The Rhode Island commission for human rights shall exercise its enforcement powers as defined in chapter 5 of this title and in this chapter and shall have the full cooperation of all state agencies. Wherever necessary, the commission shall, at its own initiative or upon a complaint, bring charges of discrimination against those agencies and their personnel who fail to comply with the applicable state laws and this chapter. This commission also has the power to order discontinuance of any departmental or division employment pattern or practice deemed discriminatory in intent by the commission, after a hearing on the record, and may seek court enforcement of such an order. The commission shall utilize the state equal opportunity office as its liaison with state government. The Rhode Island commission for human rights is authorized to make any rules and regulations that it deems necessary to carry out its responsibilities under this chapter, and to establish any sanctions that may be appropriate within the rules and regulations of the state.

§ 28-5.1-7 State services and facilities.

(a) Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. No state facility shall be used in furtherance of any discriminatory practice, nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.

(b) At the request of the state equal opportunity office, each appointing authority shall critically analyze all of its operations to ascertain possible instances of noncompliance with this policy and shall initiate sustained, comprehensive programs based on the guidelines of the state equal opportunity office to remedy any defects found to exist.

§ 28-5.1-8 Education, training, and apprenticeship programs.

(a) All educational programs and activities of state agencies, or in which state agencies participate, shall be open to all qualified persons without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all participants.

(b) Those state agencies responsible for educational programs and activities shall take positive steps to insure that all programs are free from either conscious or inadvertent bias, and shall make quarterly reports to the state equal opportunity office with regard to the number of persons being served and to the extent to which the goals of the chapter are being met by the programs.

(c) Expansion of training opportunities shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

§ 28-5.1-9 State employment services.

(a) All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability.

(b) The agencies shall advise the commission for human rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination.

(c) The agencies shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups.

(d) The department of labor and training, the governor's commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions, to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which remedy any situations or programs which have a negative impact on protected classes within the state.

§ 28-5.1-10 State contracts.

The division of purchases shall prepare any rules, regulations, and compliance reports that shall require of state contractors the same commitment to equal opportunity as prevails under federal contracts controlled by federal executive orders 11246, 11625 and 11375. Affirmative action plans prepared pursuant to those rules and regulations shall be reviewed by the state equal opportunity office. The state equal opportunity office shall prepare a comprehensive plan to provide compliance reviews for state contracts. A contractor's failure to abide by the rules, regulations, contract terms, and compliance reporting provisions as established shall be ground for forfeitures and penalties as established by the department of administration in consultation with the state equal opportunity office.

§ 28-5.1-11 Law enforcement.

The attorney general, the department of corrections, and the Rhode Island justice commission shall stress to state and local law enforcement officials the necessity for nondiscrimination in the control of criminal behavior. These agencies shall develop and publish formal procedures for the investigation of citizen complaints of alleged abuses of authority by individual peace officers. Employment in all state law enforcement and correctional agencies and institutions shall be subject to the same affirmative action standards applied under this chapter to every state unit of government, in addition to applicable federal requirements.

§ 28-5.1-12 Health care.

The state equal opportunity office shall review the equal opportunity activity of all private health care facilities licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes, and clinics. These state licensed or chartered facilities shall be required to comply with the state policy of equal opportunity and nondiscrimination in patient admissions, employment, and health care service. The compliance shall be a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or of eligibility to receive any form of assistance.

§ 28-5.1-13 Private education institutions.

The state equal opportunity office shall review all private educational institutions licensed or chartered by the state, including professional, business, and vocational training schools. These state licensed or chartered institutions shall at the request of the board of regents of elementary and secondary education be required to show compliance with the state policy of nondiscrimination and affirmative action in their student admissions, employment, and other practices as a condition of continued participation in any state program or of eligibility to receive any form of state assistance.

§ 28-5.1-14 State licensing and regulatory agencies.

(a) As used in this section:

(1) "Licensing authority" means any agency, examining board, or other office with the authority to impose and evaluate licensing requirements on any profession.

(2) "License" means and includes the whole or part of any agency permit, certificate, approval, or similar form of permission required by law, but it does not include a motor vehicle operator's license as required in chapter 10 of title 31.

(b) State agencies shall not discriminate by considering race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability in granting, denying, or revoking a license or charter, nor shall any person, corporation, or business firm that is licensed or chartered by the state unlawfully discriminate against or segregate any person on these grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal employment treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state. Any licensee, charter holder, or retail sales permit holder who fails to comply with this policy is subject to any disciplinary action that is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies that have the authority to grant, deny, or revoke licenses or charters will cooperate with the state equal opportunity office to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability or from participating in any practice that may have a disparate effect on any protected class within the population. The state equal opportunity office shall monitor the equal employment opportunity activities and affirmative action plans of all such organizations.

(c) The state agencies, licensing boards, and commissions covered by this section shall include, but not be limited to, those departments enumerated in § 42-6-1 and the state agencies, licensing boards, and commissions under the jurisdiction of those departments.

(d) No person shall be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which an occupational license, permit, certificate, or registration is required to be issued by the state or any of its agencies or any state licensing board or commission, solely or in part, because of a prior conviction of a crime or crimes unless the underlying crime or crimes substantially relate to the occupation to which the license applies. Any other state law to the contrary will be superseded by this provision.

(e) No occupational license, permit, certificate, or registration issued by the state or any of its agencies or any state licensing board or commission shall be suspended or revoked, solely or in part, because of a prior conviction of a crime or crimes unless the underlying crime or crimes substantially relate to the occupation to which the license applies. Any other state law to the contrary will be superseded by this provision.

(f) In determining if a conviction substantially relates to the occupation for which the license is sought, the licensing authority shall consider:

(1) The state's legitimate interest in equal access to employment for individuals who have had past contact with the criminal justice system;

(2) The state's legitimate interest in protecting the property and the safety and welfare of specific individuals or the general public; and

(3) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

(g) A person who has been convicted of a crime or crimes that substantially relate to the occupation for which a license is sought shall not be disqualified from the occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation for which the license is sought. The licensing authority shall consider the time elapsed since the conviction when determining sufficient rehabilitation, as well as any evidence presented by the applicant regarding:

(1) Completion of a period of at least two (2) years after release from imprisonment, or at least two (2) years after the sentencing date for a probation sentence not accompanied by incarceration, without subsequent conviction or pending criminal charge;

(2) The nature, seriousness, and relevance of the crime or crimes for which convicted;

(3) All circumstances relative to the crime or crimes, including mitigating circumstances surrounding the commission of the crime or crimes;

(4) The age of the person at the time the crime or crimes were committed;

(5) Claims that the criminal record information is in error or inadmissible under subsection (h) of this section; and

(6) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any state or federal correctional institution.

(h) The following criminal records may not be used in connection with any application for a license, permit, certificate, or registration:

(1) Juvenile adjudications;

(2) Records of arrest not followed by a valid conviction;

(3) Convictions that have been, pursuant to law, annulled or expunged;

(4) Misdemeanor convictions for which no jail sentence can be imposed;

(5) A conviction that is not related to the occupation for which a license is being sought, as determined by subsection (f) of this section.

(i) If a licensing authority intends to deny, suspend, or revoke an occupational license, permit, or certificate solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following prior to the final decision:

(1) The specific conviction(s) that form the basis for the potential denial, suspension, or revocation and the rationale for deeming the conviction substantially related to the occupation;

(2) A copy of the conviction history report, if any, on which the licensing authority relies;

(3) A statement that the applicant may provide evidence of mitigation or rehabilitation, as described in subsection (g) of this section; and

(4) Instructions on how to respond to the potential denial, suspension, or revocation.

(j) After receiving the notice of potential denial, suspension, or revocation, the individual shall have thirty (30) business days to respond.

(k) If a licensing authority denies, suspends, or revokes an occupational license, permit, or certificate solely or in part because of the applicant's substantially related conviction, the licensing authority shall issue a final written decision that addresses each of the factors enumerated in subsection (f) of this section and that also includes, but is not limited to, the following:

(1) The final decision, including the substantially related conviction(s) that form the basis for denial, suspension, or revocation and the rationale for occupation relatedness;

(2) The process for appealing the decision in accordance with chapter 35 of title 42 enumerated in subsection (g) of this section; and

(3) The earliest date the person may reapply for an occupational license, permit, or certificate, which shall not be longer than two (2) years from the date of the final decision.

(l) Each state agency or licensing body shall issue a report to be made publicly available on the agency or licensing body website one year after the passage of this section and by January 31 of each year thereafter, indicating the following:

(1) The number of initial applicants for every occupational license, permit, or certificate under their jurisdiction within the preceding calendar year, including the number of applicants granted licenses, the number of applicants denied licenses for any reason, and, to the extent available, the demographic breakdown of the applicants, including race, ethnicity, and gender, and city or town of residence; and

(2) The number of applicants denied solely, or in part, because of a criminal conviction.

(m) Unless specifically exempted by reference to this section or otherwise contrary to federal law, any existing or future state law or regulation relating to the granting, denying, suspending, or revoking of a license by a state agency shall be subject to the conditions and procedures established by this section.

(n) If any provision of this section or its application to any individual or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

§ 28-5.1-15 State financial assistance.

State agencies disbursing financial assistance, including, but not limited to, loans and grants, shall require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the state equal opportunity office, state agencies disbursing assistance shall develop, in conjunction with the state equal opportunity office, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action and shall be reviewed for compliance according to state policy.

§ 28-5.1-16 Prior executive orders – Effect.

All executive orders shall, to the extent that they are not inconsistent with this chapter, remain in full force and effect.

§ 28-5.1-17 Utilization analysis.

(a)(1) The personnel administrator, in consultation with the equal employment opportunity administrator, and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a utilization analysis of positions within state government based upon the annual review conducted pursuant to §§ 28-5.1-3 and 28-5.1-4.

(2) To the extent the analysis determines that minorities as currently defined in federal employment law as Blacks, Hispanics, American Indians (including Alaskan natives), Asians (including Pacific Islanders), are being underrepresented and/or underutilized, the personnel administrator shall, through the director of administration, direct the head of the department where the under-representation and/or under-utilization exists to establish precise goals and timetables and assist in the correction of each deficiency, to the extent permitted by law and by collective bargaining agreements.

(3) The initial analysis shall be directed toward service-oriented departments of the state, state police, labor and training, corrections, children, youth and families, courts, transportation, and human services.

(4) The equal employment opportunity administrator shall be consulted in the selection process for all positions certified as underrepresented and/or underutilized and shall report the results of progress toward goals to the governor and to the general assembly by January 31 and July 31 of each year. A copy of these results which shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The results shall be a public record and shall be made available electronically on the secretary of state's website.

(b)(1) In the event of a reduction in force, the personnel administrator, in consultation with the equal employment opportunity administrator and director of the department(s) where the reduction is proposed, shall develop a plan to ensure that affirmation action gains are preserved to the extent permitted by law and by collective bargaining agreements. A copy of this plan shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The plan shall be a public record and shall be made available electronically on the secretary of state's website.

(2) The equal employment opportunity administrator shall report the results of the plans and their subsequent actions to the governor and to the general assembly by January 31 and July 31 of each year, to the Rhode Island commission for human rights. The report shall be a public record and shall be made available electronically on the secretary of state's website. Consistent with § 28-5.1-6, the Rhode Island commission for human rights shall have the power to order discontinuance of any department or division employment pattern or practice deemed discriminatory in intent or result by the commission.

(3) The equal opportunity administrator shall notify the commission of reports and results under this chapter.

TITLE 28

Labor and Labor Relations

CHAPTER 28-5

Fair Employment Practices

SECTION 28-5-41.1

§ 28-5-41.1 Right to fair employment practices – Gender identity or expression. – Whenever in this chapter there appears the terms "race or color, religion, sex, disability, age, country of ancestral origin, or sexual orientation" there shall be inserted immediately thereafter the words "gender identity or expression."

STATE EXECUTIVE ORDERS

EXECUTIVE ORDER 13-05

Promotes Diversity, Equal Opportunity and Minority Business Enterprises in Rhode Island

EXECUTIVE ORDER 05-02

Establishes the Human Resources Outreach and Diversity Office and their responsibilities

EXECUTIVE ORDER 05-01

Promotes Equal Opportunity and the Prevention of Sexual Harassment in State Government

EXECUTIVE ORDER 94-22

Promotes Minority Business Enterprises in Rhode Island State Government.

EXECUTIVE ORDER 93-1

Equal Opportunity and Affirmative Action Policy for units in State Government.

EXECUTIVE ORDER 92-2

Compliance with Americans with Disabilities Act.

EXECUTIVE ORDER 86-10

Establishes the Refuge Policy for the State.

EXECUTIVE ORDER 85-16

Designates the State 504 coordinator to create policies, practices and programs regarding accessibility of State buildings and properties to disabled persons.



2013 MAY -9 PM 1:11

State of Rhode Island and Providence Plantations
State House, Room 224
Providence, Rhode Island 02903
401-222-2080

SECRETARY OF STATE
JAMES P. COVINO

Lincoln D. Chafee
Governor

EXECUTIVE ORDER

13-05

May 9, 2013

PROMOTION OF DIVERSITY, EQUAL OPPORTUNITY AND
MINORITY BUSINESS ENTERPRISES IN RHODE ISLAND

WHEREAS, Rhode Island was founded on the principles of tolerance and diversity;
and

WHEREAS, for generations, minority populations have enriched the fabric of our
State, strengthened our economy, and made Rhode Island a better place to live; and

WHEREAS, it is vitally important for the State to acknowledge the changing
demographics of our population and actively recruit minority talent to the workforce; and

WHEREAS, it is a priority of the Chafee Administration to reflect these changing
demographics through substantial minority employment in State government and
increased opportunities for minority business enterprises to participate in State
procurement and construction projects; and

WHEREAS, by drawing from the entire pool of human resources and talent, and by
creating a culture that values diversity and inclusion, we strengthen our collective
performance as a State workforce and thereby improve the State's ability to serve the
people of Rhode Island; and

WHEREAS, over the past 30 years, Rhode Island's population has increased from
seven percent (7%) to twenty-four percent (24%) people of color. In addition, in just the
last decade, Rhode Island's Latino population grew forty-four percent (44%), adding
almost 40,000 residents. The Asian-American and African-American populations also grew
by twenty-eight percent (28%) and twenty-three percent (23%), respectively, over the
same time period; and

Executive Order 13-05

May 9, 2013

Page 2

WHEREAS, by the year 2040 the population of the State as a whole is projected to be forty-one percent (41%) people of color; and

WHEREAS, R.I. Gen. Laws § 37-14.1-1 *et seq.*, enacted in 1986, declared a State policy by which minority business enterprises (MBEs), which include minority-owned, women-owned and disadvantaged business enterprises, shall be awarded a minimum of ten percent (10%) of all dollars in State procurement and construction projects and a preference in State contracts and subcontract awards; and

WHEREAS, R.I. Gen. Laws § 28-5.1-1 *et seq.*, the Equal Opportunity and Affirmative Action Act, enacted in 1988, declared a policy of affirmative action to achieve equal opportunity in all units of State government, and established a State Equal Opportunity Office within the Department of Administration.

NOW, THEREFORE, I, LINCOLN D. CHAFEE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Director (Director) of the Department of Administration (Department), shall review all divisions and offices within the Department charged with facilitating equal opportunity employment and MBEs, including, but not limited to, the Division of Human Resources, the State Equal Opportunity Office, the Human Resources Outreach and Diversity Office, the Division of Purchases, and the MBE Program, and shall make recommendations to the Governor to improve collaboration between these offices and all executive departments to ensure these programs are more effective. These recommendations shall encourage measures of quality and accountability in equal opportunity and affirmative action hiring and MBE procurement as allowed by law. In addition, these recommendations shall include strategies for recruiting, hiring, promoting and retaining a more diverse workforce. The Director shall submit these recommendations to the Governor for approval on or before August 1, 2013. All executive departments shall comply with the Director's recommendations and shall cooperate fully with taking steps to increase minorities in the State's workforce and increase the usage of MBEs with State contracts.
2. Every State agency, in partnership with the Office of Equal Opportunity, shall track and maintain hiring data as part of the agency's performance management functions. Each agency shall provide the Office of Equal Opportunity, which shall coordinate with the Office of Management and Budget's Office of Performance Management and the Office of Outreach and Diversity, with a plan for improving minority hiring no later than October 1, 2013.

Executive Order 13-05

May 9, 2013

Page 3

3. The Division of Purchases MBE Compliance Office shall identify State contracts and sub-contracts that could increase the number of minority-owned businesses participating in State work where strategic efforts can be undertaken. Each agency shall provide a list of contracts and sub-contracts that should be reviewed for MBE recruiting potential as part of the plan which shall coordinate with the Office of Management and Budget's Office of Performance Management and the Division of Purchases MBE Compliance Office on or before December 1, 2013.
4. The Director shall prepare an annual report to the Governor due on August 1, 2013 and every August 1 thereafter, for the prior fiscal year, demonstrating the State's progress in minority employment and MBE procurement and any recommendations for continued improvements in these programs. This report shall take into account the Affirmative Action Plans that are submitted by every State agency on an annual basis, as required under R.I. Gen. Laws Chapter 28-5.1.
5. The Department and the Human Resources Outreach and Diversity Office shall develop and conduct a diversity training program within one year of the effective date of this Order. For future hires, such training may be part of the standardized orientation provided to new employees.

This Order shall take effect immediately.

So Ordered:



Lincoln D. Chafee



STATE OF RHODE ISLAND
PUBLIC INFORMATION
CENTER

05 JAN 14 PM 3: 54

State of Rhode Island and Providence Plantations

State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

EXECUTIVE ORDER

05-02

January 17, 2005

PROMOTION OF A DIVERSE STATE GOVERNMENT WORKFORCE

WHEREAS, Rhode Island State Government is committed to fostering a competitive and diverse workforce composed of highly skilled and capable employees through the recruitment, training, retention, and promotion of qualified men and women from diverse racial, ethnic, linguistic, socioeconomic, and educational backgrounds as well as individuals with disabilities; and

WHEREAS, it is in the best interests of business and government to create an open, inclusive and equitable human resources paradigm that capitalizes on workforce excellence and the strength of individual differences; and

WHEREAS, the Rhode Island General Assembly has determined there exists a compelling interest in promoting equal opportunity; and

WHEREAS, diversity requires leadership commitment and accountability, along with the assessment and development of policies and practices to assure that the State's operating system is based on principles of equity and inclusion; and

WHEREAS, the state's commitment to equal opportunity, diversity, and conduct that fosters respect in the workplace is unwavering.

NOW, THEREFORE, I, DONALD L. CARCIERI, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. There shall be established within the Department of Administration a Human Resources Outreach and Diversity Office. This Office shall report directly to the Director of the Department of Administration or designee on the state of diversity in Rhode Island State government and shall work towards developing a business case for equity with an emphasis on building a diverse workforce to guarantee fair and reasonable opportunities for public service.
2. The Human Resources Outreach and Diversity Office responsibilities shall include:
 - Developing guidelines to effectuate its mission;
 - Researching and developing best practices for the promotion of diversity throughout State government;
 - Providing guidance and technical support to state entities;
 - Developing a strategic and focused recruitment and tracking initiative for individuals interested in state employment including fostering relationships with community-based organizations to strengthen and support recruitment and outreach activities;
 - Initiating training seminars including a diversity awareness program to share the benefits of diversity and to encourage a culturally sensitive workforce environment;
 - Submitting an annual benchmark report to the Director of the Department of Administration or designee.
3. To assist the Office in carrying out its responsibilities there shall be established a Diversity Advisory Council, selected and appointed by the Governor, and comprised of fifteen (15) members, consisting of four (4) members of the public and one (1) member from each of the following governmental entities:

Office of the Governor
Human Resources Outreach and Diversity Office
Department of Labor & Training
Office of Personnel Administration Human Resources
Office of Labor Relations
Office of Equal Opportunity
Governor's Commission on Women

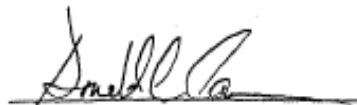
Executive Order 05-02
January 17, 2005
Page 3

Governor's Commission on Disabilities
Office of Higher Education
Rhode Island Commission on the Deaf and Hard of Hearing
Division of Legal Services within the Department of Administration

The Director of Administration or designee shall chair the Council. The Council shall meet quarterly.

This Executive Order supersedes and rescinds Executive Order No. 00-4, and is effective immediately upon the date hereof.

So Ordered:



Donald L. Carcieri

Dated: January 17, 2005



State of Rhode Island and Providence Plantations
State House
Providence Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

EXECUTIVE ORDER
05-01
January 17, 2005
PROMOTION OF EQUAL OPPORTUNITY AND
THE PREVENTION OF SEXUAL HARASSMENT IN STATE GOVERNMENT

WHEREAS, there is a compelling interest in the promotion and achievement of equal opportunity; and concerted commitment is necessary to prevent discrimination and sexual harassment in all departments and agencies of Rhode Island state government; and

WHEREAS, Rhode Island has an unwavering commitment to providing equal employment opportunity in state government to all qualified individuals without sexual harassment or discrimination on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability; and

WHEREAS, the prevention and elimination of discrimination and sexual harassment requires continued action to ensure that all employment opportunities existing in or through state government are available to all qualified individuals; and

WHEREAS, to provide equal opportunity for all employees and applicants in all aspects of employment including, but not limited to recruitment, hiring, retention, training, compensation, benefits, leave, assignment, transfer, promotion, discipline, demotion, terminations, and layoffs, and to ensure reasonable steps are taken to actively promote employment opportunities to all qualified individuals that historically have been underutilized in the state government workforce there is a need to reaffirm policies, practices consistent with State and Federal law.

NOW, THEREFORE, I, DONALD L. CARCIERI, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. All Directors, their senior staff and all supervisory employees of agencies, departments, state boards, commissions, public authorities and quasi-public corporations of state government (“Agencies”) are responsible for ensuring that all aspects of state programs for which they manage are available without discrimination or sexual harassment.
2. Pursuant to all applicable Federal and State law, all Agencies are to develop, promote, monitor, implement, and maintain equal employment opportunity policies and practices that:
 - a) do not discriminate against any employees or applicants for state employment in all aspects of employment including contract procurement and service delivery.
 - b) establish guidelines to prevent discrimination and sexual harassment of any employees or applicants for state employment.
 - c) identify and actively promote employment opportunities for qualified individuals that historically have been underutilized in the state government workforce.
 - d) describe the notice and filing provisions that enable any employee or applicant for state employment who believes he/she has been discriminated against or sexually harassed to immediately report such conduct to appropriate official(s).
3. All Agency Directors shall designate an individual as the Agency’s Equal Employment Opportunity Officer and American with Disabilities Act Coordinator (the Officer). Such Officers, with the assistance of the State Equal Opportunity Office (EOO) as set forth in Title 28, Chapter 5.1 et seq. of the Rhode Island General Laws, shall be responsible for the formulation, drafting and reporting of plans and policies relating to nondiscrimination as well as the prevention of sexual harassment as required by Title 28, Chapter 51-2.

All Agency Officers shall annually attend one (1) Equal Employment Opportunity training session and one (1) training session on the prevention of sexual harassment. Each Agency Officer shall work cooperatively with the Diversity Advisory Council as established by Executive Order 05-02 and the State EOO to conduct a semi-annual review and evaluation of hiring/promotion activity within their unit.

All Agency Directors shall work cooperatively with the Agency Officer to monitor and maintain compliance according to the guidelines outlined in the Agency’s EOO plan.

4. All Agencies shall comply with Federal laws pertaining to the promotion of equal opportunity for all qualified individuals and the prevention of sexual harassment including but not limited to the following provisions:
 - Title VII of the Civil Rights Act of 1964, as amended, that prohibits employment discrimination on the basis of race, color, religion, sex or national origin.
 - The Age Discrimination in Employment Act of 1967, as amended, that prohibits employment discrimination against individuals 40 years of age or older.
 - The Equal Pay Act of 1963 that prohibits discrimination on the basis of gender in compensation for substantially similar work under similar conditions.

- Title I of the Americans with Disabilities Act of 1990, as amended, that prohibits employment discrimination on the basis of disability in both the public and private sector, excluding the federal government.
- The Civil Rights Act of 1991, as amended, that provides for monetary damages in case of intentional discrimination.
- Section 501 of the Rehabilitation Act of 1973, as amended, that prohibits employment discrimination against federal employees with disabilities.
- Title IX of the Education Act of 1972, as amended, that forbids gender discrimination in education programs, including athletics that receive federal dollars.
- The Pregnancy Discrimination Act of 1978, as amended, that makes it illegal for employers to exclude pregnancy and childbirth from their sick leave and health benefits plans; and
- 38 U.S.C. 4212 Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended that prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified special disabled veterans.

5. All Agencies of Rhode Island State Government shall also comply with State laws pertaining to the promotion of equal opportunity for all qualified individuals and the prevention of sexual harassment including but not limited to Article 1, Section 2 of the Rhode Island Constitution; all applicable provisions of Rhode Island General Laws Chapter 5 through 6, and Chapter 51 of Title 28. These statutes require Fair Employment Practices regardless of race, color, religion, sex, sexual orientation, gender identity, expression, disability, age, or country of origin; positive action be taken to affirm the civil rights of protected classes of individuals; promote nondiscrimination and prohibit sexual harassment.

6. Pursuant to Rhode Island General Laws Title 28, Chapter 5.1, the State EOO shall be responsible for assuring compliance with State and Federal laws prohibiting discrimination and all applicable provisions of this Executive Order.

7. Pursuant to Rhode Island General Laws Title 28 Chapter 51, the Office of Labor Relations within the Department of Administration shall be responsible for assuring compliance with State and Federal laws prohibiting sexual harassment and all applicable provisions of this Executive Order.

8. Pursuant to Rhode Island General Laws Title 28, Chapter 5 Sections 8 through 40, the Rhode Island Commission for Human Rights shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

9. Pursuant to Rhode Island General Laws Title 42, Chapter 51, the Governor's Commission on Disabilities shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

10. Pursuant to Rhode Island General Laws Title 23 Chapter 23-1.8, the Commission on Deaf and Hard-of-Hearing shall be responsible for assuring compliance with all applicable provisions of this Executive Order.

11. Pursuant to Rhode Island General Laws Title 28-5.1-5 and Title 36 Chapter 4-26.1, the Office of Personnel Administration within the Department of Administration and the State EOO

shall be responsible for assuring compliance with State and Federal laws and all applicable provisions of this Executive Order.

12. Pursuant to Rhode Island General Laws Title 28-5.1-3.1 each Agency of State Government is responsible for assuring compliance with all applicable provisions of this Executive Order.

Individuals believing that they have been discriminated against or sexually harassed in employment by or through state government should immediately contact:

Rhode Island State Equal Opportunity Office
Department of Administration, Personnel Office
One Capitol Hill
Providence, RI 02908
Tel (401) 222-3090; Fax (401) 222-6391; TTD (401) 222-6144

Rhode Island Commission for Human Rights

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180 Westminster Street, 3rd Floor Providence, RI 02903 Tel (401) 222-2661; Fax (401) 222-2616; TTY (401) 222-2664

Governor's Commission on Disabilities
41 Cherry Dale Court
Cranston, RI 02920
Tel (401) 462-0100; Fax (401) 462-0106; TTY (401) 462-0101

This Executive Order supersedes and rescinds Executive Order No. 96-14 and No. 95-11, and is effective immediately upon the date hereof.
So Ordered:



Donald L. Carcieri
Dated: January 17, 2005

State of Rhode Island
and Providence Plantations

Bruce Sundlun, Governor

EXECUTIVE ORDER

No. 94-22

December 23, 1994

MINORITY BUSINESS ENTERPRISE



State House,
Providence

WHEREAS, it is the policy of the State of Rhode Island and of this administration that Minority Business Enterprises and Women Business Enterprises, (herein defined as "MBEs") shall have the fullest possible opportunity to participate in State funded and State directed public construction programs and projects and in State purchases of goods and services; and

WHEREAS, the General Assembly in 1986 enacted Title 37, Chapter 14.1, (herein defined as the MBE statute) and therein authorized the Director of the Department of Administration to establish rules and regulations for giving MBEs a preference in contract and subcontract awards; and

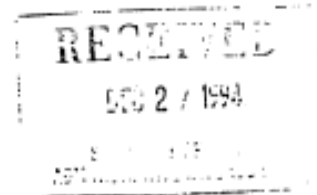
WHEREAS, on June 23, 1994, I signed Executive Order 94-9, reorganizing and enhancing the powers and duties of the MBE Program, and there is now a need to restructure and clarify the responsibilities of the MBE program; and

WHEREAS, as Governor, I intend to affirm and carry out the State's policy of encouraging full compliance with the MBE statute throughout State government;

NOW, THEREFORE, I, BRUCE SUNDLUN, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

Article I - Applicability

This Executive Order shall apply to any and all State purchasing, including but not limited to construction projects or contracts, professional services, and purchase of goods and services funded in whole or in part by State funds, or funds which the State expends or administers as the recipient of a federal grant, or in which the State is a signatory to the contract.



Article II - Minority Business Enterprise Program

(A) The Director of the Department of Administration shall assume overall responsibility for the MBE Compliance Program. The Director of Administration shall create the position of Administrator - MBE Compliance and shall delegate day to day operational responsibility to that official. The Administrator - MBE Compliance shall serve as the primary operational officer of the MBE Program and shall be supported by staff as determined by the Director, Department of Administration. The Administrator - MBE Compliance shall assume responsibility as the Executive Director of the MBE Commission and provide staff support for the Commission. The Administrator - MBE Compliance shall, with the support of the MBE Program staff, advise and assist the Governor, the Director of Administration, the Purchasing Agent, and other entities and individuals directly affected by the contract and procurement practices of State government. The Administrator - MBE Compliance shall assist in the development of effective and innovative strategies for promoting MBE participation in the State's procurement, construction, professional, consulting, and legal service contracts in order to comply with R.I. General Laws Section 37-14.1-7.

(B) The MBE Program shall:

1. Assist the Director of Administration to issue rules, regulations and reporting requirements necessary to implement the objective of this Executive Order.
2. Monitor the progress of each department, agency, and quasi-state authority or corporation in the attainment of MBE policy objectives, participation goals, and requirements.
3. Conduct such activities as visits to job sites, public hearings and examination of records and practices of various departments as may be necessary to ensure compliance with the requirements of this Executive Order.
4. Arrange for technical assistance, support and resource identification to assist the various department, agency and quasi-state authority or corporation purchasing entities in attaining the objectives of this Executive Order.
5. Identify and seek assistance from various community based organizations, local, state and federal agencies active in the field of MBE development as well as offices in other state and federal jurisdictions.

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DEC 23 1994

6. Act as a coordinating body to bring MBEs into active participation in the purchasing procedures of the various departments of the State.

7. Develop a statewide reporting system for all MBE activities under R.I. General Laws Section 37-14.1.

8. Conduct research and analysis to strengthen the State's MBE Program.

9. Develop for the Director of the Department of Administration recommended rules and regulations to insure compliance and sanctions for non-compliance by departments, agencies and quasi-state authorities or corporations.

10. Submit an Annual Report to the Governor, by November 30th of each year (for the prior fiscal year) recommending procedures, activities, etc. to improve the program.

(C) The MBE Program shall certify MBEs:

The responsibility for MBE certification has been assumed by the Department of Administration:

1. Pursuant to R.I. General Laws Section 37-14.1 (relating to MBE) and Section 42-35-1 (relating to Administrative Procedures), the Department of Administration shall adopt, transfer and/or modify rules and regulations for the certification of MBEs.

2. Develop a database of certified MBEs to be maintained as a public record.

3. Notify the purchasing agent of the State and quasi-state authorities or corporations of any determination of non-compliance with the requirements of this Executive Order or a removal of the certification of an MBE.

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December 23, 1994
Page 4

Article III - MBE Commission

(A) There is hereby established a Minority Business Enterprise Commission (herein defined as the "MBE Commission") to advise and assist the MBE Program, the Director, Department of Administration and the Administrator - MBE Compliance in meeting and carrying out the MBE compliance rules and regulations promulgated by the Department of Administration.

(B) The following officials and individual persons are hereby appointed as members of the MBE Commission, to serve at the pleasure of the Governor:

A cabinet level official to be appointed by the Governor

Director of the Department of Administration (or designee), Chair

Representative Joseph Newsome

Executive Director, Commission for Human Rights

Casby Harrison, III
Licht & Semenoff

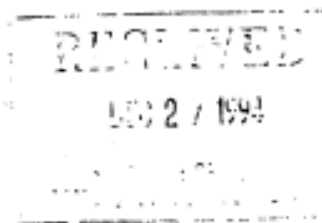
President (or designee)
Black Contractors Association of Rhode Island

Executive Director (or designee)
Rhode Island Commission on Women

President (or designee)
Hispanic Contractors Association

(C) The following officials shall serve as non voting advisors to the MBE Commission:

Director of Policy
Governor's Office



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Associate Director and Purchasing Agent
Department of Administration - Division of Purchasing

Associate Director - Department of Administration
Division of Human Resources

State Controller
Department of Administration - Office of Accounts and Control

Chief Civil Rights Officer
Department of Transportation

(D) The following official shall serve as the Executive Director of the MBE Commission:

Administrator - MBE Compliance
Department of Administration - Division of Human Resources

The MBE Commission shall meet no less than six times per year and upon the call of the Chairperson or four (4) Commission members to consider whatever business the Chairperson or Commission members may deem appropriate. Four (4) members shall constitute a quorum of the Commission.

Article IV - Responsibility of Departments, Agencies, and Quasi-State Authorities or Corporations Empowered to Expend State Funds

(A) Each governmental department, agency and quasi-state authority or corporation empowered to expend or administer State funds shall develop and submit as part of its annual budget, an MBE plan to meet the goal of awarding 10% of the dollar value of all procurements and construction projects to certified MBEs.

(B) The Director of each department, agency or quasi-state authority or corporation empowered to expend State funds, shall designate a highly placed official ("MBE Coordinator") to have overall responsibility for promoting greater participation of MBE in his or her department or agency or quasi-state authority or corporation.

(C) If the rules and regulations promulgated by the Department of Administration are not being met, the Department, agency or quasi-state authority or corporation shall submit a report to the Department of Administration's Administrator - MBE Compliance stating the reasons for its inability to comply with such rules and regulations, and identify the remedial steps it shall take. Such remedial steps may include:

1. Targeting some bid invitations to MBEs.
2. Promoting joint ventures between MBEs and non-MBEs.
3. Requiring prime contractors, where subcontracting opportunities exist, to subcontract a minimum amount of work on projects to MBEs.
4. Designating MBEs as suggested vendors when submitting requests to the purchasing agent.
5. Dividing large contracts into smaller units to afford opportunities for MBEs, where legally permissible.
6. Developing a plan to require prime contractors, whenever possible, to purchase supplies, services and equipment from MBEs.

Article V - Responsibility of State Purchasing Agent and Quasi-State Authority or Corporation Purchasing Agents

The State Purchasing Agent and quasi-state authority or corporation purchasing agents will provide maximum support to comply with the requirements of the MBE statute as stated herein. Such efforts will include:

1. Notifying all possible bidders, especially potential MBE suppliers of purchasing for departments, agencies and quasi-state authorities or corporations. Such notification might include direct mail, advertising in media reaching the minority community, and such other outreach efforts as may be necessary.
2. Seeking out MBEs from the list of certified MBEs to be included in prospective bidder lists, and targeting some bid invitations to MBEs.

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3. Providing information to minority suppliers and conducting outreach and information sessions for existing and potential MBEs.
4. Monitoring the utilization of MBEs in the area of Utility Order Purchases.
5. Provide such information as may be requested by the MBE Commission.
6. Performing any such other activities that generally support objectives of this Executive Order and R.I. General Laws Section 37-14.1 et seq.

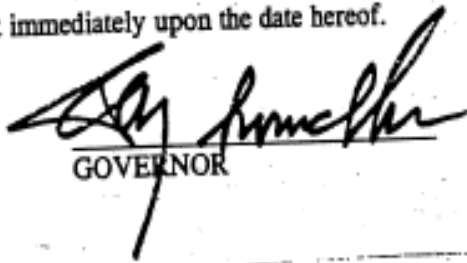
This Executive Order effectively rescinds, supersedes and replaces Executive Order No. 94-9.

This Executive Order shall take effect immediately upon the date hereof.

DATE

12/27/94

GOVERNOR



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DEC 27 1994

State of Rhode Island
and Providence Plantations

Bruce Sundlun, Governor

EXECUTIVE ORDER

No. 93-1

JANUARY 18, 1993

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SECRETARY OF STATE
ADMINISTRATIVE RECORDS DIV.



AFFIRMATIVE ACTION POLICY STATEMENT

State House. I, BRUCE SUNDLUN, by the authority vested in me as Governor of Providence the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. Equal Opportunity and Affirmative Action towards its achievement is the firm and unwavering policy of all units of Rhode Island State Government.

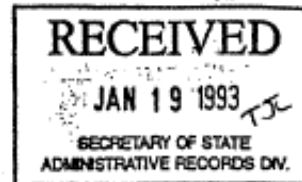
2. Rhode Island State Government is committed to providing equal opportunity in every aspect of its programs and will not discriminate because of race, sex, national origin, age, religion, sexual orientation, or disability. Because my administration recognizes the need to eliminate the vestiges of past societal discrimination, it will take affirmative action to ensure that its employment opportunities are available to every qualified Rhode Islander.

3. Within agencies, departments of state government, and those agencies created by legislative statute, the following areas will be administered without regard to race, color, sex, age, religion, sexual orientation, or disability:

Hirings	Work Assignments
Salary/Wage	Leave
Lay-offs	Training
Transfers	Recall From Lay-offs
Promotions	Appointments
Demotions	Discipline

4. In addition, my administration will not tolerate discrimination by any recipient of state government funds. This includes lending institutions, developers, contractors, sub-contractors and entities doing business with the State. Deliberate or persistent violation of the affirmative action policies set forth herein may result in the withdrawal of State support or involvement in a project and/or debarment from further State involvement. Any person or corporation doing business with the State shall cooperate with the monitoring of this policy. The Director of Administration shall promulgate such rules and regulations as are necessary to effectuate compliance with this paragraph.

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Affirmative Action Policy Statement



5. In addition to Rhode Island State Government, each and every employee of state government is responsible for assuring that all aspects of State programs for which he/she is responsible for are available without discrimination. Department Directors and their senior staff are responsible for the implementation of this policy and they will be evaluated as to their role in this implementation.

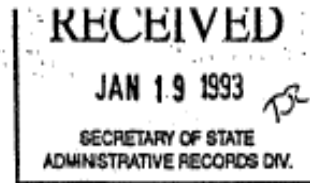
6. All Department Directors and appointing authorities shall appoint a highly placed person, who shall report to the Department Director and who shall be designated as the Departmental Affirmative Action Officer. The Departmental Affirmative Action Officer shall attend at least one EEO training session annually and the Officer shall assist in the development and enforcement of affirmative action plans. Each Departmental Affirmative Action Officer shall work cooperatively with the Personnel Administrator to conduct a quarterly review of hiring/promotion activity within their unit to evaluate and report to his/her Department Director on affirmative action progress or lack thereof. Each Departmental Affirmative Action Officer shall submit information on the status of their plans twice annually to their respective Department Directors.

7. The Governor's Executive Committee for Affirmative Action is hereby established and its membership shall hereafter consist of the following: the EEO Administrator, the Executive Director of the Human Rights Commission, the Executive Secretary of the Governor's Commission on the Handicapped, the Director of the Commission on Women, the Executive Director of the Minority Business Enterprise Commission, the Chief of the Merit Selection and Classification Unit, the Administrator of Purchasing Systems, and the Personnel Administrator who shall Chair this Committee.

8. The Committee shall advise the Governor in the formulation and coordination of plans, policies and programs relating to equal opportunity and affirmative action in all State departments and agencies and in assuring effective implementation of such policies, plans and programs by such agencies.

9. Upon the request of the Executive Committee, the Department Director of each State agency and the Departmental Affirmative Action Officer shall meet with the Committee and report in person to such Committee on the agency's affirmative action program. It shall be the Executive Committee Chair's responsibility to schedule such meetings, and it shall be the duty of every agency head to comply

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Executive Order 93-1
Affirmative Action Policy Statement



with such requests for data or other information or reports as the Executive Committee may deem appropriate for analysis and review in advance of such meeting.

10. In addition to the duties of the State EEO Office set forth in Title 28, Chapter 5.1 of the Rhode Island General Laws, the State EEO Office shall:

A) review the Affirmative Action plans submitted annually by each state department or agency and prepare a comparative analysis of the strengths and weaknesses of the plans;

B) make recommendations to the departments on proactive policy initiatives that may enhance affirmative action plan objectives;

C) prepare an Executive Summary of the departmental plans for submission to the Governor annually on November 15th; and

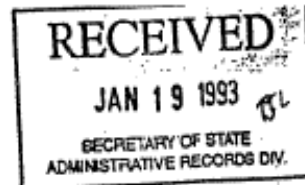
D) work cooperatively and in conjunction with the Departmental Affirmative Action Officers, Departmental MBE Coordinators, and State Officials serving on the Governor's Executive Committee for Affirmative Action.

11. The State Equal Opportunity Office shall be responsible for assuring compliance with Rhode Island General Laws Title 28, Chapter 5.1 and the provisions of this Executive Order.

12. The Rhode Island Commission for Human Rights shall be responsible for assuring compliance with Rhode Island General Laws Title 28, Chapter 5, Sections 8 through 40 and the provisions of this Executive Order.

13. The Rhode Island Governor's Commission on the Handicapped shall be responsible for assuring compliance with Rhode Island General Laws Title 42, Chapter 51 and the provisions of this Executive Order.

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Affirmative Action Policy Statement



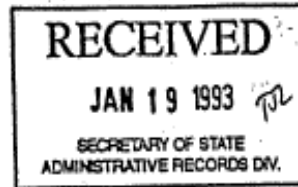
14. All units of Rhode Island State Government shall comply with all state and federal laws pertaining to equal opportunity and affirmative action including:

Rhode Island Fair Employment Practices Act,
Rhode Island Handicapped Products Procurement Act,
Rhode Island AIDS Discrimination Act,
Federal Executive Order 11246, as amended,
Title VI and Title VII of the Civil Rights Act of 1964, as amended,
Age Discrimination in Employment act of 1967,
Equal Pay Act of 1963,
Rehabilitation Act of 1973, Section 504,
Americans with Disabilities Act (ADA) of 1990,
Vietnam Era Veterans Act of 1974,
Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991,
Age Discrimination Act of 1975,
Education Amendments Act of 1972 (Title IX),
Civil Rights Act of 1991,
Rhode Island Executive Order 92-2 (Americans with Disabilities Act),
Rhode Island Executive Order 91-39 (Sexual Harassment),
Rhode Island Executive Order 92-4 (Minority Business Enterprise Commission), and
Rhode Island Executive Order 93-1 (Affirmative Action Policy Statement).

15. Persons with disabilities requesting reasonable accommodation should contact their own department/agency's personnel office or ADA Coordinator.

16. Persons having questions or needing assistance for minority or women business enterprises should contact the Executive Director of the Minority Business Enterprise Commission at 277-6246(v) 277-3090 (tdd).

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Affirmative Action Policy Statement



17. Citizens of Rhode Island believing that they have been discriminated against in the pursuit of achieving the quality of life as aforementioned should contact:

Governor's Commission on the Handicapped
555 Valley Street, Building #51
Providence, RI 02908-5686
TEL. #277-3731
TDD #277-3701
FAX #277-2833

RI Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903-3768
TEL. #277-2661
TDD #277-2664
FAX #277-2616

RI State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5865
TEL. #277-3090
TDD #277-6144
FAX #277-6378

This Executive Order shall supercede and rescind Executive Order No. 85-11, and become effective immediately on the date hereof.

DATE

1-18-93

GOVERNOR

A handwritten signature in dark ink, appearing to be "D. A. Smith", written over a horizontal line that serves as the signature line for the Governor.

State of Rhode Island
and Providence Plantations

Bruce Sundlun, Governor

EXECUTIVE ORDER

NO. 92-2

JANUARY 23, 1992



COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

State House,
Providence

WHEREAS, the Americans with Disabilities Act ("ADA") was enacted by the United States Congress on July 26, 1990 to expand the civil rights of individuals with disabilities in the areas of employment, transportation, public accommodations and communications; and

WHEREAS, the primary objective of the ADA is to require employers and public service providers to eliminate any and all barriers, practices or policies that may discriminate against or otherwise deprive individuals with disabilities of the full use and enjoyment of public accommodations, public transportation, telecommunication systems and employment opportunities; and

WHEREAS, it was anticipated that the process of removing any and all such barriers would best be effectuated by developing a comprehensive statewide plan; and

WHEREAS, in June of 1991, I directed the Governor's Commission on the Handicapped to create a Coordinating Committee on the ADA that would bring representatives from all segments of State government together to participate in joint self evaluation and ADA compliance planning; and

WHEREAS, the Coordinating Committee, chaired by Nancy Husted-Jensen has developed and presented me with a statewide plan for meeting the mandates of the ADA entitled "AMERICANS WITH DISABILITIES ACT; SELF EVALUATION AND COMPLIANCE PLAN FOR THE STATE OF RHODE ISLAND;" (hereinafter "ADA Compliance Plan")

NOW, THEREFORE, I, BRUCE SUNDLUN, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Rhode Island State ADA Compliance Plan shall be implemented forthwith so that individuals with disabilities may be fully integrated into all aspects of Rhode Island life in the most expeditious manner possible.

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January 23, 1992



2. There shall be a State ADA Coordinator to assume overall, day-to-day responsibility for implementing the ADA Compliance Plan.

3. The Chairperson of the Governor's Commission on the Handicapped is hereby designated to serve at the Governor's pleasure as the State ADA Coordinator. The Executive Secretary of the Governor's Commission on the Handicapped is hereby designated to serve as Deputy Coordinator.

4. The duties of the ADA Coordinator shall include:

- A. monitoring the State's compliance with all federal and state laws and regulations affecting individuals with handicaps, including but not limited to Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act;
- B. establishing a technical assistance program to inform and advise State and local government agencies, human service providers, providers of public accommodations, real estate agents, brokers, developers, architects, landlords, builders, and other affected entities and individuals on their obligations under the ADA;
- C. establishing a grievance procedure to promptly and equitably resolve complaints of noncompliance with the ADA involving departments, agencies or divisions of State government;
- D. establishing a procedure for initiating complaints against any department, agency or division within State government that willfully fails to comply with the requirements of the ADA or the ADA Compliance Plan.
- E. developing, making periodic revisions to, and overseeing implementation of an ADA Transition Plan for the removal of environmental and communication barriers in State owned facilities;
- F. presiding at future meetings of the State Coordinating Committee on the ADA.

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5. The State Coordinating Committee on the ADA shall continue to exist and shall continue to be staffed by the Governor's Commission on the Handicapped. The Committee shall advise and assist the ADA Coordinator in the implementation of the ADA Compliance Plan. It shall also prepare a status report to the Governor on or before October 1, 1992, and annually thereafter.

6. The Governor's Commission on the Handicapped, the State Building Commission and the Commission for Human Rights shall, whenever possible and appropriate, cooperate with and assist the ADA Coordinator to:

- A. Assure compliance with the building accessibility and public accommodations sections of the ADA; and
- B. carry out the duties of the ADA Coordinator enumerated above.

This Executive Order shall take effect on the date hereof.

Date

1-23-92

Governor

A handwritten signature in cursive script, appearing to read "James H. Hunt", written over a horizontal line.



Edward D. DiPrete
Governor

State of Rhode Island and Providence Plantations

EXECUTIVE CHAMBER, PROVIDENCE

EXECUTIVE ORDER

NO. 86-10

APRIL 15, 1986

REFUGEE POLICY

WHEREAS, the State of Rhode Island has been a home and a haven for immigrants and refugees since the beginning of its recorded history; and

WHEREAS, for more than three centuries people driven from their homelands by various forms of persecution have come to Rhode Island and found the opportunity and the means to establish a new life here; and

WHEREAS, the United States Refugee Act of 1980, Pub. L. No. 96-212, authorizes the grant of asylum to refugees who are defined as any person outside his or her country of nationality "who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion"; and

WHEREAS, Rhode Island accepts and welcomes the opportunity to take part in our national refugee resettlement program and to carry out our state's exemplary historical role in assisting people fleeing dangers and undue hardships; and

WHEREAS, the refugee experience is a major upheaval in the lives of these individuals, and in order for them to adjust successfully to a new country and culture, a period of transition is necessary to learn a new language and culture; and

WHEREAS, Rhode Island recognizes that refugees have great potential to contribute to the state and its communities, and that it is in the interest of all that their potential be nurtured and encouraged; and

Executive Order 86-10
Page Two
April 15, 1986

WHEREAS, the Rhode Island Office of Refugee Resettlement was created for the purpose of implementing the requirements of the Refugee Act of 1980 (P.L.96-212) to assist refugees in the state to become self-sufficient as rapidly as possible; and

WHEREAS, the Governor's Advisory Council on Refugee Resettlement, created by Executive Order 85-24, was established for the purpose of forging a linkage between the refugee community and the larger Rhode Island society; and

NOW, THEREFORE, I, Edward D. DiPrete, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, hereby order and direct the following:

1. The Rhode Island Office of Refugee Resettlement shall be authorized to coordinate consultations among the following entities and agencies: voluntary agencies ("VOLAGs") and their national offices; local officials; state departments; namely, the Department of Employment Security, the Department of Health, the Department of Human Services, the Department of Mental Health, Retardation and Hospitals, the Department for Children and Their Families, the Department of Economic Development, the Department of Transportation, the Department of Education, the Office of the Attorney General and other appropriate public and private agencies.
2. The above consultations shall be to determine the availability of needed services such as housing availability and community responsiveness; to evaluate economic conditions, and to determine the proximity of organizations and institutions which provide support.
3. All transitional services shall be provided with a view to maximize their accessibility and cultural appropriateness. The characteristics and concerns of the refugee communities should be taken into account in the shaping of specific service delivery procedures and mechanisms and the determination of their cultural and linguistic sensitivity.

4. Those state agencies as previously stated that conduct programs and activities directly or indirectly relating to the service needs of the refugee population shall immediately undertake an affirmative planning process with regard to refugees. This planning process shall be completed by October 1, 1986, and shall include the following elements:
 - A. Needs Assessment: Determining the current and potential requirements refugees have for the agencies' services;
 - B. Current Use: Measuring and documenting the extent to which refugees now use the services;
 - C. Agency Service Plan for Refugees: Formulating a plan, including a timetable for implementation, that ensures that delivery of the agencies' services to refugees meets the needs identified in the needs assessment and are in compliance with Title V $\frac{1}{2}$ of the United States Civil Rights Act of 1964.

5. Rhode Island Office of Refugee Resettlement and Rhode Island Equal Opportunity Office Assistance -

The Rhode Island Office of Refugee Resettlement and the Rhode Island Office of Equal Opportunity shall provide technical assistance to the agencies throughout the planning process and shall monitor the agencies' progress in the implementation of their plans. Technical assistance when necessary will be requested from the Federal Offices for Civil Rights Compliance.

6. State Agencies Preparing Agency Service Plans -

The following state agencies shall engage in the planning process: the Department of Human Services, The Department of Health, the Department of Employment Security, The Department of Mental Health, Retardation and Hospitals, the Department for Children and Their Families, the Department of Education,

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April 15, 1986

the Department of Economic Development, and the Department of Transportation.

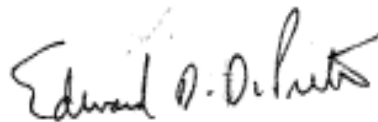
7. Transitional Education Program -

RIORR shall meet regularly with the Department of Education to coordinate the provision of the transitional program for refugee children, bilingual education programs, adult education services, and other educational programs of special concern to the refugee communities.

8. Consultation with Attorney General -

RIORR shall work with the Office of the Attorney General, specifically the Civil Rights Division and the Division of Consumer Protection, in its effort to ensure that necessary state protection and services are available to the refugee population.

This Executive Order shall take effect on the date hereof.



Edward D. DiPrete
Governor



Edward D. DiPrete
Governor

State of Rhode Island and Providence Plantations

EXECUTIVE CHAMBER, PROVIDENCE

EXECUTIVE ORDER

NO. 85-16

JULY 23, 1985

SECTION 504 COORDINATOR

WHEREAS, Title V of the Rehabilitation Act of 1973 sets forth the civil rights of handicapped persons; and

WHEREAS, handicapped persons have a right to expect and gain access to various buildings and properties which exist for the betterment of all persons; and

WHEREAS, under Section 504 of Title V of the Rehabilitation Act of 1973 the State has been mandated to create policies, practices and programs regarding accessibility of State-buildings and properties to handicapped persons; and

WHEREAS, such a designation would allow for the expedient compliance with the mandate of Section 504 thereby serving the needs of handicapped persons in the best possible manner;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, it is ordered as follows:

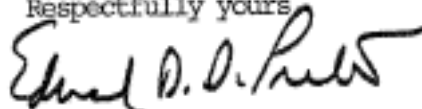
1. The Director of Administration is hereby designated the State's 504 Coordinator and shall delegate operational control to the State Building Code Commissioner as his designee.
2. The duties of the Coordinator shall be to coordinate all State agencies in the implementation of all federal rules and regulations affecting the State in terms of compliance with the mandates of Section 504 of Title V of the Rehabilitation Act of 1973.
3. The Coordinator's duties shall include:
 - a. Authority to order departments to prepare and complete transition plans in accordance with 504 regulations.

Executive Order No. 85-16
July 23, 1985
Page Two

- b. Coordinating the formulation and review of transition plans with advisory panels who may represent handicapped organizations.
- c. Granting final approval of transition plans and department use of program accessibility.
- d. Managing the construction, design or alterations of buildings and sites necessary to bring all programs into compliance.
- e. Authorization to coordinate and mediate matters concerning 504 compliance.
- f. Assisting public and private sectors through the use of proper agencies on technical, employment and architectural matters concerning 504 compliance.
- g. Establishment of a consumer complaint procedure necessary to resolve all complaints to agencies pertaining to 504.
- h. The State 504 Coordinator or the State Building Code Commissioner as his designee is hereby authorized to initiate complaints against those agencies, administrators, agents or employees of any department or division within state government who willfully fail to comply with the requirements.
- i. The 504 Coordinator and the State Building Code Commissioner as his designee shall consult with the Chairman of the Governor's Commission on the Handicapped with respect to implementation of the above duties and responsibilities.

This Executive Order shall take effect on the date hereof. This Executive Order rescinds Executive Order No. 80-16 dated September 29, 1980.

Respectfully yours



Edward D. DiPrete
GOVERNOR

PUBLIC LAW 97-118

AN ACT

RELATING TO SEXUAL HARASSMENT, EDUCATION AND TRAINING IN THE WORKPLACE

CHAPTER 51 SEXUAL HARASSMENT, EDUCATION AND TRAINING IN THE WORKPLACE

§ 28-51-1. Definitions. — (a) As used in this chapter the term “sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual’s employment.

(b) As used in this chapter, the term “employer” means any entity employing fifty (50) or more employees.

§ 28-51-2. Adoption of workplace policy and statement. — (a) All employers and employment agencies shall promote a workplace free of sexual harassment.

(b) Every employer shall:

(1) adopt a policy against sexual harassment which shall include:

- (i) a statement that sexual harassment in the workplace is unlawful.
- (ii) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment.
- (iii) a description and examples of sexual harassment.
- (iv) a statement of the range of consequences for employees who are found to have committed sexual harassment.
- (v) a description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made; and
- (vi) the identity of the appropriate state and federal employment, as amended, discrimination enforcement agencies, and directions as to how to contact such agencies as amended.

(2) provide to all employees a written copy of the employer’s policy against sexual harassment; provided, however, that a new employee shall be provided such a copy at the time of his or her employment.

- (c) Employers are encouraged to conduct an education and training program for new employees and members, within one (1) year of commencement of employment or membership, which includes at a minimum the information set forth in this section. Employers are encouraged to conduct additional training for new supervisory and managerial employees within one (1) year of commencement of employment which shall include at a minimum the information set forth in subsection (b), the specific responsibilities of supervisory and managerial employees and the methods that such employees should take to ensure immediate and appropriate state agencies are encouraged to cooperate in making such training available.
- (d) Employers shall provide amended copies of their written policies on sexual harassment to all employees upon their request on or before September 1, 1997.

§ 28-51-3. Education and training programs. — Employers are encouraged to conduct an education and training program on sexual harassment consistent with the aims and purposes of this chapter for all employees, including, but not limited to the supervisory or managerial personnel, on or before September 1, 1997.

(2003)

State of Rhode Island Guidelines For Preventing Sexual Harassment

Harassment on the basis of sex is a violation of RIGL 28-5.1 and Executive Order No. 05-01. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

In determining whether alleged conduct constitutes sexual harassment, the Division of Human Resources will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and at the legality of a particular action. A determination of what constitutes sexual harassment will be made from the facts, on a case-by-case basis.

The appointing authority is responsible for the acts of its agents and supervisory employees with respect to sexual harassment, regardless of whether or not the specific acts complained of were authorized or even forbidden by the appointing authority and regardless of whether or not the appointing authority knew or should have known of their occurrence. The Division of Human Resources will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether or not the individual is serving in either a supervisory or agency capacity.

With respect to persons other than those mentioned in the previous paragraph, an appointing authority is responsible for acts of sexual harassment in the workplace where that appointing authority or its agents or supervisory employees knew or should have known of the conduct. An appointing authority may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.

Prevention is the best tool for the elimination of sexual harassment. An appointing authority should take all steps necessary to prevent sexual harassment from occurring such as affirmatively raising the subject of sexual harassment, expressing strong disapproval, developing appropriate sanctions, informing the employees of their right to raise and how to raise the issue of harassment and developing methods to sensitize all concerned.

If any State Employee believes that they have been sexually harassed, they may contact:

DIVISION OF HUMAN RESOURCES
(401) 574-8381
HRInvestigations@hr.ri.gov

Revised (2023)



STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION

**Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090**

GUIDELINES FOR ENSURING UNBIASED WORK ENVIRONMENTS

Rhode Island General Law 28-5.1, Executive Order No. 05-01 of the State of Rhode Island and Title VII of the 1964 Civil Rights Act, mandates employers to maintain a working environment free of discriminatory insults, intimidation and other forms of harassment. Both an employee's psychological and economic well being are protected. While an employer cannot be held accountable for the prejudices of its workers clientele, it must take reasonable measures to control or eliminate the overt expression of those prejudices in the workplace. Prompt action by an employer to prevent or correct discriminatory harassment can go a long way in lessening employer liability.

Perhaps the most common type of harassment to which workers are subjected is verbal abuse. Racial and ethnic epithets, slurs or jokes directed at or made in the presence of minority group employees, are not to be tolerated. An example of unlawful race and sex bias in the work environment is the use of the diminutive term "boys" when referring to minority male employees and "girls" when referring to female employees.

Another common type of verbal abuse is either spreading rumors or joking about an employee's assumed sexual preference or orientation. One's personal preference does not determine how one performs at his or her job and therefore, this type of bias does not belong in the workplace.

An employer is under a two-pronged duty to maintain a working atmosphere free of national origin bias. First, the employer itself must refrain from ridicule or harassment on the basis of national origin. Second, an employer should not tolerate such behavior by its employees. Ethnic slurs or jokes based on national origin are unlawful.

An employer is also under obligation to maintain a work environment free of religious bias. Permitting a supervisor to espouse his or her beliefs to employees while at work may amount to religious discrimination.

Any unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature is unlawful sexual harassment when the response or reaction to the advances or requests is permitted to affect the employment decisions. It is also illegal for an employer to permit any conduct that is sexually offensive, intimidating, hostile or interferes with an individual's work performance. Sexual advances by co-workers who have no control over a person's employment may be unlawful if it has such an intimidating effect that job status is affected.

(2023)

Employee Self-Identification of Disability Form and Request for Reasonable Accommodation

CONFIDENTIAL

In accordance with the Americans with Disabilities Act of 1990, Rhode Island General Laws §28-5.1 et. seq., and Executive Order #92-2, the State Equal Opportunity Office invites a qualified individual with a disability to self-identify to be provided reasonable accommodations if necessary to perform the essential function for the desire position.

NAME: _____ AGENCY: _____

JOB TITLE: _____ DATE: _____

Please Check the category that best describes your disability. (Upon request, verification of disabling condition must be obtained from your physician.)

Disabling conditions include, but are not limited to:

- AIDS
- Alcoholism
- Blindness or Visual Impairment
- Cancer
- Cerebral Palsy
- Deafness or Hearing Impairment
- Diabetes
- Drug Addiction
- Epilepsy
- Heart Disease
- Mental Retardation
- Mental or Emotional Illness
- Multiple Sclerosis
- Muscular Dystrophy
- Orthopedic
- Perceptual Disabilities such as: Dyslexia, Minimal Brain Dysfunction, Development Aphasia or Speech Impairment
- Other

Yes, I request a Reasonable Accommodation Needs Assessment Review

No Reasonable Accommodation is needed at this time

Additional Comments:

Signature: _____

Date:

RIEEO 5/09A

REVISED 7/02/2002

RI SEOO (401) 222-3090



**STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION**

**Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090**

DISCRIMINATION COMPLAINT PROCEDURE

Handling employee complaints internally is a highly sensitive, multi-faceted process that may involve many people. The purpose of this procedure is to make sure complaints (harassment, discrimination, workplace violence, or retaliation) are investigated in a timely manner and any appropriate corrective action is taken to ensure inappropriate and/or illegal actions and behaviors cease immediately.

The Division of Human Resources Site Operations / Business Partner Team investigates HR-related complaints across Executive Agencies. This includes complaints related to discrimination, harassment, sexual harassment, workplace violence and retaliation.

When the HR Site Operations / Business Partner Team receives a complaint, it will promptly and thoroughly investigate the allegations. The HR Site Operations / Business Partner Team will also maintain regular contact with employees involved in the complaint throughout the process.

How to Report a Complaint

A person may report a complaint orally or in writing to the Division of Human Resources, Site Operations / Business Partner Team or continue to report through any existing channels, including the employee's supervisor or manager, Executive Director of Human Resources, Human Resources Chief of Staff, and the Office of Diversity, Equity and Opportunity (DEDI). The reported complaint will be brought to the Division of Human Resources Site Operations / Business Partner Team who will investigate all complaints.

Employees can report a complaint directly to Human Resources in any of the following ways:

- Complete a Complaint Form - Fillable .pdf available at www.hr.ri.gov
- Phone 1-401-574-8381
- Email: HRInvestigations@hr.ri.gov

An individual may also file a complaint with the Rhode Island Commission for Human Rights or the U.S. Equal Employment Opportunity Commission. If a charge has been filed, either simultaneously or at a later date with Rhode Island Commission for Human Rights or the U.S. Equal Employment Opportunity Commission, the State of Rhode Island may defer to either commission for investigation and any resolution and/or prosecution of any charge.



STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION

Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090
eoo.compliance@doa.ri.gov

DISCRIMINATION COMPLAINT INFORMATION FORM

1. Complainant Information:

State your name and address

Name

Address

City State Zip Code

Telephone Number(s)/Email Address

Work:

Cell:

Home:

Email:

2. Name of Department:

3. Name of Immediate Supervisor:

4. Name and title of individual(s) who allegedly discriminated against you

Name Title

Name Title

Name Title

7. Basis of alleged Complaint:

- Race
Color
Sex
Age: (40 or above)
National Origin
Disability
Religion
Sexual Orientation
Gender Identity or

Expression

- Unlawful
Questions (arrest record, criminal conviction, or other)
Retaliation

Explain Basis:

Blank lines for explaining the basis of the complaint.

5. Date of alleged violation:

6. Place of alleged violation:

(_____)

Case Number

RIE00-03-87 Revised 2018

DISCRIMINATION COMPLAINT INFORMATION FORM
(Continued)

9. Explain what happened and how you believe you were discriminated against (attach additional paper as needed). Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material(s) pertaining to your complaint.

10. Why do you believe these events occurred?

11. Have you brought this complaint to anyone else's attention?

12. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.

Complainant Signature

Date

Interviewing Officer

PLEASE CONTACT DEDI/State Equal Opportunity Office at (401) 222-1452 or RI Relay: 711 for assistance if you have a disability and require a reasonable accommodation to complete this form.



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eoo.compliance@doa.ri.gov

EXIT INTERVIEW SIGN-OFF FORM

Rhode Island Department of:

The Division of Equity, Diversity and Inclusion in collaboration with the Division of Human Resources has established this exit interview process in order to assess the overall employee experience while working for the state, to assure that terminating employees are not leaving because of discriminatory circumstances, and to identify opportunities to improve retention and engagement.

I hereby acknowledge that I understand the above and certify that I have received the Confidential Exit Survey from the Division of Human Resources and that the completed Confidential Exit Survey must be forwarded to the State Equal Opportunity Office. I also understand that a copy of this completed sign-off form (not the Confidential Exit Survey) will be placed in my personnel file.

SIGNATURE OF EMPLOYEE

DATE EMPLOYEE SIGNED

DATE EXIT INTERVIEW WAS GIVEN TO EMPLOYEE

SIGNATURE OF HUMAN RESOURCES REPRESENTATIVE

INSTRUCTIONS:

The Human Resources Representative must distribute a copy of the Confidential Exit Survey along with any necessary documents to the terminating employee. The Human Resources Representative must place a copy of the Exit Interview Sign-Off Form in the employee's personnel file. (eoo.compliance@doa.ri.gov) immediately upon completion.



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ooo.compliance@doa.ri.gov**

CONFIDENTIAL EXIT SURVEY

The Division of Equity, Diversity and Inclusion in collaboration with the Division of Human Resources has established this exit interview process in order to assess the overall employee experience while working for the state, to assure that terminating employees are not leaving because of discriminatory circumstances, and to identify opportunities to improve retention and engagement.

NAME

JOB TITLE

(Please Check All That Apply - For
Equal Opportunity Purposes Only)

Race/Ethnic Categories

- | | |
|-------------|---|
| White _____ | American Indian or Alaska
Native _____ |
| Black _____ | Hispanic _____ |
| | Native Hawaiian or
_____ |

CONFIDENTIAL EXIT SURVEY INQUIRY

(continued)

1. What is your main reason for leaving?

2. What did you like best about your job?

3. What did you dislike about your job?

4. Did you find your employment worthwhile in terms of personal growth and achievement?

Yes _____ No _____

Please explain:

CONFIDENTIAL EXIT SURVEY INQUIRY

(continued)

10. Would you seek employment with the State of Rhode Island at a future date?

Yes _____ No _____

Please explain:

CONFIDENTIAL
EXIT SURVEY
INQUIRY
(continued)

Comments

Submission Instructions

Please e-mail this form to ooo.compliance@doa.ri.gov
with subject line: Exit Interview For (YOUR AGENCY
NAME). This is a confidential e-mail and all

RHODE ISLAND DEPARTMENT OF ADMINISTRATION
OFFICE OF DIVERSITY, EQUITY AND OPPORTUNITY/STATE EQUAL OPPORTUNITY OFFICE
AFFIRMATIVE ACTION FILE

RIEEO-03/78
(Revised September 2018)

TO BE COMPLETED BY APPLICANT OR EMPLOYEE ONLY

Applicant or Employee

Address
 Number Street City State Zip Code

NOTE: When selecting racial/ethnic category, you must select only one of the boxes numbered 1 through 7. Female Male

- | | | |
|---|---|--|
| 1 – Black or African American (Not Hispanic or Latino) <input type="checkbox"/> | 2 – Hispanic or Latino <input type="checkbox"/> | 3 – American Indian or Alaska Native (Not Hispanic or Latino) <input type="checkbox"/> |
| 4 – Asian (Not Hispanic or Latino) <input type="checkbox"/> | 5 – White (Not Hispanic or Latino) <input type="checkbox"/> | 6 – Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) <input type="checkbox"/> |
| 7 – Two or More Races (Not Hispanic or Latino) <input type="checkbox"/> | Disabled <input type="checkbox"/> | Veteran <input type="checkbox"/> Disabled Veteran <input type="checkbox"/> Age: 40 & Over <input type="checkbox"/> |

FOR PERSONNEL USE ONLY

Department _____ Division _____
 Appropriation Account No. _____ Pay Grade _____ Position No. _____
 Incumbent* _____ (Use this selection for current employees who are requesting a change to their demographic designation)
 Promotion _____ Transfer _____ Hired _____ List _____ No List _____ Offered _____ Not Offered _____ Refused _____
 Reason for Action _____
 Interviewer/HR Staff _____ Date _____

RACIAL/ETHNIC CATEGORIES

- 1 – **Black or African American (Not Hispanic or Latino)** – A person having origins in any of the black racial groups of Africa.
- 2 – **Hispanic or Latino** – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- 3 – **American Indian or Alaska Native (Not Hispanic or Latino)** – A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains tribal affiliation or community attachment.
- 4 – **Asian (Not Hispanic or Latino)** – A person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- 5 – **White (Not Hispanic or Latino)** – A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- 6 – **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- 7 – **Two or More Races (Not Hispanic or Latino)** – A person who primarily identifies with two or more of the above race categories.

DISABLED:

All persons with a physical or mental impairment that substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. A history of such disability, or the belief on the part of others that a person has such a disability, whether it is so or not, also is recognized as a disability by the regulation.



STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION

Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090
www.dedi.ri.gov

EQUAL OPPORTUNITY ADVISORY COMMITTEE*
GUIDELINES 2022-2023

MISSION:

To provide two-way communication and suggestions on various aspects of the equal opportunity program to the director in a department or agency in state government.

1. **ESTABLISHING THE COMMITTEE:**

- A. All employees should be informed of opportunities to serve on the committee.
- B. Agency head appoints the committee from a list of volunteers.
- C. Volunteers should include staff from:
 - 1. Each division of agency
 - 2. Various job levels
 - 3. Diverse group of employees, i.e. minorities, women, persons with disabilities, and veterans

2. **STRUCTURE:**

- A. Terms of membership
- B. Elections of officers
- C. How many members
- D. Alternates
- E. Sub-committees
- F. Meetings
- G. Minutes

3. **FUNCTIONS (ROLE):**

- A. Advise – not perform
- B. Develop short-term objectives
- C. Identify areas of possible discrimination
- D. Assist the designee of the agency head with preparing the affirmative action plan
- E. Monitor the progress of the action goals and programs, if necessary, make recommendations to improve
- F. Review monthly progress reports
- G. Issue a progress report to agency head quarterly

4. **CHAIRPERSON (DUTIES):**

- A. Prepare agenda for meeting

- B. Preside over committee meetings
 - C. Submit any committee recommendations to the agency head
5. **SECRETARY (DUTIES)**
- A. Preside over meeting in absence of chairperson
 - B. Record minutes of the meeting
 - C. Prepare minutes for distribution.
6. **AGENCY HEAD:**
Should make a commitment that all recommendations will be reviewed and acknowledged
7. **EMPLOYEES SHOULD BE INFORMED OF AGENCY POLICY:**
- 1. Newsletter
 - 2. Pay envelopes
 - 3. Employee handbooks
 - 4. Copies of the affirmative action plan policy statement of key program elements
8. The state equal opportunity office may issue such guidelines, directives, or instructions as necessary to carry out Rhode Island General Laws § 28-5.1.

For additional guidance and/or technical assistance, contact:

Bearee Henglatsamy, Programming Services Officer
State Equal Opportunity Office
Division of Equity, Diversity and Inclusion
Department of Administration
One Capitol Hill
Providence, RI 02908
TEL # (401) 222-3090
Rhode Island Relay: 711
Email: bearee.henglatsamy@doa.ri.gov

** Each agency is required to have an Equal Opportunity Advisory Committee*



STATE OF RHODE ISLAND
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Providence, RI 02908-5890
401-222-3090
www.dedi.ri.gov

DIVERSITY ADVISORY COUNCIL*
GUIDELINES 2022-2023

MISSION:

To guide and support a state department or agency director on developing organizational changes and strategies that will advance the goals of diversity and inclusion in the workplace, as well as to assist in the implementation of approved strategies and changes.

1. **ESTABLISHING THE COMMITTEE:**
 - A. All employees should be informed of opportunities to serve on the council.
 - B. Agency head appoints the council from a list of volunteers.
 - C. Diversity Liaison(s) will serve as ex-officio council member
 - D. Volunteers should include staff from:
 1. Each division of agency
 2. Various job levels
 3. Diverse group of employees, i.e. senior leadership, minorities, women, persons with disabilities, and veterans
2. **STRUCTURE:**
 - A. Terms of membership
 - B. Elections of officers
 - C. How many members
 - D. Alternates
 - E. Sub-committees
 - F. Meetings
 - G. Minutes
3. **FUNCTIONS (ROLE):**
 - A. Advise – not perform
 - B. Leverage diversity to improve employee and organizational performance
 - C. Link diversity strategy with the department's/agency's business strategy
 - D. Develop metrics to measure progress

- E. Develop short- and long-term plans for advancing the goals of diversity and inclusion.

4. CHAIRPERSON (DUTIES):

- A. Prepare agenda for meeting
- B. Preside over council meetings
- C. Submit any council recommendations to the department/agency director

5. SECRETARY (DUTIES):

- A. Preside over meeting in absence of chairperson
- B. Record minutes of the meeting
- C. Prepare minutes for distribution

6. AGENCY HEAD:

Should make a commitment to support the work of the council and ensure that all recommendations will be reviewed and acknowledged.

For additional guidance and/or technical assistance, contact:

Bearee Henglatsamy, Programming Services Officer
Department of Administration
Division of Equity, Diversity and Inclusion
Human Resources Outreach and Diversity Office
One Capitol Hill
Providence, RI 02908-5865
TEL # (401) 222-3090
Rhode Island Relay: 711
Email: bearee.henglatsamy@doa.ri.gov



* Agencies are not required to have a Diversity Advisory Council but are encouraged to do so.

**STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION**

**Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090**

ENFORCEMENT AGENICES

Department of Administration
Office of Diversity, Equity and Opportunity
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908
TEL # (401) 222-3090
FAX # (401) 222-2490
Eoo.compliance@doa.ri.gov

RI Commission for Human Rights
180 Westminster St. Ste. 3
Providence, RI 02903-1918
TEL # (401) 222-2661/ Voice
TDD # (401) 222-2664
FAX # (401) 222-2616

U.S. Equal Employment Opportunity Commission
1801 L Street NW
Washington, D.C. 20507
TEL # (202) 663-4900/ Voice
TDD # (800) 800-3302
TDD # (202) 663-4494 (for all Area Codes)

Department of Justice
Office of the Americans with Disabilities Act
Civil Rights Division
P.O. Box 66118
Washington, D.C. 20035-6118
TEL # (202) 514-0301/ Voice
TDD # (202) 514-0381
(202) 514-6193 (Electronic Bulletin Board)

PART V



**STATE OF RHODE ISLAND
DEPARTMENT OF ADMINISTRATION**

**Division of Equity, Diversity and Inclusion
State Equal Opportunity Office
One Capitol Hill
Providence, RI 02908-5890
401-222-3090**

**Addendum
Diversity Plan to Improve Minority Hiring and Workplace Inclusion**

As the diversity of Rhode Island’s population continues to increase, it is imperative that each state agency develops and implements a plan to improve the representation of women, minorities, persons with disabilities, and veterans in their overall workforce. This is especially important for position within the upper echelon of their agency; i.e. positions in Job Category A and B, where policy and program decisions are typically made and managed. Moreover, each agency is encouraged to create a workplace culture and climate that values diversity and inclusion, so that our collective performance and service to others will be enhanced.

Accordingly, please provide a summary of:

- A. Your agency’s plan to improve the representation of women, minorities, persons with disabilities, and veterans throughout your workforce, and especially within the upper echelon of your agency, where they may be underrepresented. When summarizing these efforts, a comparison should be made between the percentages of each racial/ethnic minority group in the population to their representation within your workforce across all job categories. Identify the strategies you will use to address underrepresentation gaps between the two.
- B. Your agency’s plan to create a workplace culture and climate that values diversity and inclusion, and ensures quality customer/client services to the people of Rhode Island.
- C. Your agency’s plan to ensure that new and existing employees within your workforce take part in an orientation training program on topics such as diversity, discrimination, and sexual harassment, as well as similar topics related to diversity, equity, and inclusion, which are facilitated by the Division of Equity, Diversity and Inclusion (DEDI) or others.