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Division of Capital Planning and Operations
Affirmative Action Program

GOVERNMENT DOCUMENTS
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Deputy Commissioner

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Affirmative Action & Recruitment Manager

585/246

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INTRODUCTION

This is an Affirmative Action Program submitted by the Division of Capital Planning and Operation's (DCPO) Affirmative Action Manager, Human Resources Development Unit (HRD Unit). It encompasses the policies and commitments of the Commonwealth of Massachusetts in establishing and maintaining equal opportunity and affirmative action objectives.

This Affirmative Action Program contains a statement of affirmative utilization and labor force analyses, the establishment of objectives and responsibilities as well as the identification and proposals for remediation of barriers to equal opportunity. The development of the Program is conceived as being continuous with rather than separate from existing or new operational procedures. As such, the Affirmative Action Program should be visualized as an integral part of DCPO's overall operation and should, therefore, fit smoothly into the overall operational concept.

Success of the Affirmative Action Program depends primarily on the full commitment of all personnel involved in its implementation. The Deputy Commissioner will have general responsibility for the development and implementation of the Affirmative Action Program through the Agency Affirmative Action Manager, who will direct specific implementation and provide technical assistance. The authority to disseminate and monitor the Affirmative Action Program is delegated to the Agency Affirmative Action Manager who will report to the Deputy Commissioner. The daily implementation, however, will be the responsibility of the Unit Directors, Unit Managers and all personnel in supervisory positions. All Unit Directors, Unit Managers and supervisors will be evaluated on overall accomplishment of their equal opportunity and affirmative action responsibilities, and their commitment to the hiring and development of protected groups.

POLICY DECLARATION



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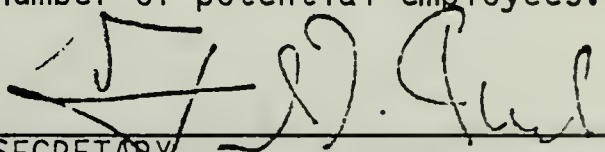
POLICY DECLARATION

Secretariat

I, Frank T. Keefe, Secretary of the Executive Office for Administration and Finance, hereby recognize that when the effects of employment practices, regardless of their intent, discriminate against any group of people on the basis of race, sex, handicap, or Vietnam-era veteran status, specific affirmative action must be taken to ensure equal opportunity and to provide equitable remedies for the consequences of present and past discriminatory practices.

Therefore, under the legal authority of: Massachusetts Executive Order No. 227, (Governor's Code of Fair Practice, 1983), amending and revising Executive Order No. 74, as amended by Executive Orders Nos. 116 and 117; Executive Order No. 246, revoking and superseding Executive Orders Nos. 143 and 150; Executive Order 253, amending and revising Executive Order No. 235, revising and amending Executive Orders Nos. 74, 224, and 227; Executive Order No. 200; and Title VII of the U.S. Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; I commit myself and my employees to take positive action, within the context of existing law, to ensure equitable participation of minorities, women and Vietnam-era veterans and the handicapped in all the daily operations of this Secretariat.

I will investigate, and where necessary, initiate changes in, employment practices, patterns, or programs to provide positive benefits to the Secretariat by more fully utilizing and developing the potential of all current employees and by expanding opportunities to a greater number of potential employees.



SECRETARY

June 14, 1988
Date

Agency Policy

We, John I. Carlson, Jr., Deputy Commissioner of the Division of Capital Planning and Operations and R. Gary Fountaine, Affirmative Action Manager for the Division of Capital Planning and Operations hereby recognize that when the effects of employment practices, regardless of their intent, discriminate against any group of people on the basis of race, sex, handicap, or Vietnam-era veteran status, specific affirmative action must be taken to ensure equal opportunity and to provide equitable remedies for the consequences of present and past discriminatory practices.

Therefore, under the legal authority of: Massachusetts Executive Order No. 227, (Governor's Code of Fair Practice, 1983), amending and revising Executive Order No. 74, as amended by Executive Orders Nos. 116 and 117; Executive Order No. 246, revoking and superseding Executive Orders Nos. 143 and 150; Executive Order No. 253, amending and revising Executive Order No. 235, revising and amending Executive Orders Nos. 74, 224, and 227; Executive Order No. 200; and Title VII of the U.S. Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; commit ourselves and our agency to take positive action, within the context of existing law, to ensure equitable participation of minorities, women and Vietnam-era veterans and handicapped in all agency employment practices as specified in guidelines promulgated by the State Office of Affirmative Action.

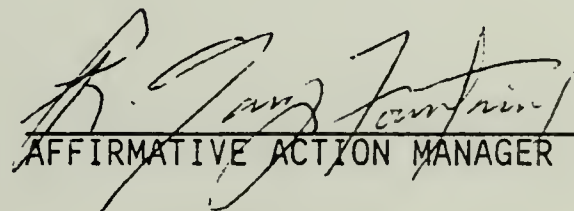
We have developed this Affirmative Action Plan to help us achieve our goal of equal employment opportunity for all. We are committed to implementing this plan in a fair and effective manner.



DEPUTY COMMISSIONER

Date

June 1, 1988



AFFIRMATIVE ACTION MANAGER

Date

June 1, 1988

PROGRAM DEVELOPMENT AND EVALUATION

AFFIRMATIVE ACTION PROGRAM

PROGRAM DEVELOPMENT AND EVALUATION

The development of an Affirmative Action Program for the Division of Capital Planning and Operations is promulgated under the Commonwealth of Massachusetts' Executive Order 227, as amended (the Governor's Code of Fair Practice 1983); the federal Executive Order 11246, as amended; and Titles VI and VII of the Civil Rights Act of 1964; the Equal Employment Opportunity Act of 1972; and the Rehabilitation Act of 1973.

In accordance with these requirements and pertinent laws and regulations, an Affirmative Action Program is being developed by the Affirmative Action and Recruitment Manager. This Program will be a detailed, results-oriented set of procedures, designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the work force. In addition, the Agency's Affirmative Action Program will promote job opportunities for the handicapped and Vietnam-Era Veterans.

Through its Affirmative Action Program, the Agency seeks to:

- ° Establish a strong organization policy and commitment to equal employment opportunity.
- ° Analyze current work force to identify jobs and units where minorities and females are underutilized.
- ° Set specific measurable, attainable hiring and promotion objectives in each area of underutilization.
- ° Make every Unit Director and supervisor responsible and accountable for assistance in meeting these stated objectives.
- ° Re-evaluate job descriptions and hiring criteria to ensure that they include only actual job needs.
- ° Find minorities and females who qualify to fill vacancies.
- ° Develop promotional opportunities for internal protected group members.

The Agency's Affirmative Action Program will begin with a two year targeted plan, which includes periodic evaluation and revisions when necessary. The program will identify attainable objectives in a manner consistent with the Agency's overall objectives and mission, as well as provide for the full utilization of available resources while ensuring equal treatment to all employees of the Agency.

The Affirmative Action Program attempts such an approach and its development provides the framework through which the stated objectives will be reached by carrying out specific, action-oriented steps. The areas of greatest interest

are those which will remove artificial barriers to equal opportunity and accomplish the general objectives of the Affirmative Action Program. Specifically, the responsibilities for achieving stated program objectives are divided among the Deputy Commissioner as the appointing authority, Affirmative Action and Recruitment Manager, Unit Directors, and all Agency personnel.

An evaluation of the Affirmative Action Program will be conducted quarterly by the Affirmative Action and Recruitment Manager. These evaluations will consist of an analysis of how well each responsible party described in the Affirmative Action Program addressed the relevant problems and whether the stated objectives were achieved.

Ongoing monitoring and evaluation of the Affirmative Action Program will be an essential feature. Where weak areas are found, revision and/or updating of procedures will be developed, amending the general program. Where established Unit operating procedures are determined to be in contradiction with the Agency's policies and/or existing state or federal laws, modification will be made through a revision of procedures.

The Affirmative Action and Recruitment Manager will annually update and/or revise the Affirmative Action Program to reflect changes in the Agency's labor force and add any necessary new action steps to the Program. If new action steps are determined to be necessary during the annual revision process, they will be submitted to the Deputy Commissioner for final approval.

RESPONSIBILITIES AND IMPLEMENTATION

RESPONSIBILITIES/IMPLEMENTATION

OFFICE OF THE DEPUTY COMMISSIONER

I. PLAN DEVELOPMENT AND SUPPORT

- A. Objective: To ensure implementation and acceptance of the Affirmative Action Program as being congruent with overall Agency objectives, policies, mission and philosophy.
- B. Objective: To attain the levels specified in the Affirmative Action Program approved by the Secretary of the Executive Office for Administration and Finance for the hiring and promotion of protected groups.

Action Step: Approval and endorsement of the Affirmative Action Program by the Secretariat is necessary in order to establish the Program as an enforceable administrative instrument. Such approval is inherent in the Policy Statement signed by the Secretary. The authority for the implementation of the Program is delegated to the Deputy Commissioner in coordination with the Affirmative Action Manager.

Target Date: May 1988 and ongoing.

II. HUMAN AND MONETARY RESOURCES

- A. Objective: To ensure that the Affirmative Action Manager is adequately provided with the necessary resources to carry out assigned duties.

Action Step: The Affirmative Action Manager shall be assigned the necessary human and monetary resources to carry out the provisions of the Affirmative Action Program. The Affirmative Action Manager in coordination with the Deputy Commissioner shall review and evaluate this component of the Program to determine if additional resources are required.

Target Date: Ongoing.

III. INTERNAL AUDIT REPORTING

- A. Objective: To ensure that the activities proposed in the Program are carried out in a timely manner and to provide for consistent reporting procedures. The Deputy Commissioner will direct each Unit Director to submit quarterly reports on their EEO status and projected achievements against current fiscal year staffing goals and objectives.

Action Step: Quarterly evaluations of the Program will be conducted by the Affirmative Action Manager and submitted to the Deputy Commissioner. Quarterly progress reports will also be submitted to the State Office of Affirmative Action as well as the Secretary for

OFFICE OF THE DEPUTY COMMISSIONER

the Executive Office of Administration and Finance. The evaluations will show progress made as well as deficiencies noted.

Target Date: May 1988 and ongoing.

IV. PERFORMANCE MANAGEMENT SYSTEM (PMS)

- A. Objective: To ensure that acceptance and implementation of the Affirmative Action Program are part of all Unit Directors fiscal year goals.

Action Step: During the four phases of the performance management cycle, affirmative action goals for the recruitment and development of protected groups will be reviewed to ensure compliance with the Agency Affirmative Action Program.

Target Date: June 1988 and ongoing.

V. COLLECTIVE BARGAINING

- A. Objective: To ensure that all labor agreements entered into by the Agency will contain a clause prohibiting unlawful discrimination related to terms and conditions of employment by either party to the agreement.

Action Step: Close coordination and evaluation of employment practices between the Agency and union officials.

Target Date: Ongoing.

UNIT DIRECTORS

RESPONSIBILITIES/IMPLEMENTATION

UNIT DIRECTORS

I. ESTABLISHMENT OF NUMERICAL OBJECTIVES

- A. Objective: To annually review the staffing pattern within their respective Units and to implement realistic and attainable numerical objectives for minorities and women as determined by the Affirmative Action or Recruitment Manager.

Action Step: Annual staffing analysis will be done each year. Based on current staff and projected new additions to staff, projected turnover rates and comparisons with current relevant labor markets, each Unit will establish hiring and promotion objectives to alleviate underutilization of minorities and women where it exists.

Target Date: May 1988, and annually thereafter until Agency staff objectives are met.

II. INTERNAL AUDIT AND REPORTING

- A. Objective: To ensure proper coordination of the Affirmative Action Program within and among Units.

Action Step: Unit Directors and Managers will be responsible for coordinating affirmative action efforts through inclusion of the Program's objectives as part of the duties of all supervisory personnel. Progress made, as well as deficiencies noted, will be analyzed and recommendations will be made to the Affirmative Action manager. Since the AAP is a part of the overall objectives of the Agency, the efforts and achievements of Unit Directors in the area of affirmative action will be included in their Job Performance Evaluations (PMS). Lines of communication between supervisory personnel and employees should be kept open to ensure airing of any problems and feelings which may affect EEO/AA issues. Lines of communication should also be kept open between Unit Directors, Human Resources Development Manager, Personnel and Labor Relations Manager, and the Affirmative Action Manager to ensure the effectiveness of the AAP and its objectives, the resolution of complaints, and the proper handling of all equal opportunity matters. In all reporting procedures, the Deputy Commissioner will be kept informed to ensure high level of coordination and direction.

Target Date: Ongoing

- B. Objective: To review the progress made by the Unit in meeting Unit utilization goals.

Action Step: Quarterly, each Unit will submit a workforce analysis for their Unit to the Affirmative Action and Recruitment Manager to determine the results in meeting goals and objectives in a given quarter.

Target Date: July 1988 and quarterly thereafter.

UNIT DIRECTORS

III. RECRUITMENT AND SELECTION

- A. Objective: Recruitment is a crucial factor in affirmative action because it is the first procedural point at which equal employment opportunity has traditionally been stymied. Minorities and women must be the target of recruitment activities if objectives are to be realized.

Developing and implementing specific recruiting activity is necessary to achieve hiring goals and objectives. The Affirmative Action and Recruitment Manager will provide technical assistance in these efforts.

Action Steps:

1. Establish objective measures to analyze and monitor the recruitment process. Evaluation of recruitment selection practices, and the direction of the recruitment effort.
2. Analyze and review the recruitment procedures for each job classification.
3. Utilize minorities and females on recruitment visits to various educational institutions, in coordination with the Affirmative Action and Recruitment Manager.
4. Establish qualification standards for the minimum education and experience necessary for successful job performance. Substitution of education for experience or experience for education will be job related and on a case-by-case basis.
5. Current and recruited applications on file have priority and are given first consideration over any "walk-in" person. This list is not to be considered final. The Affirmative Action and Recruitment Manager will be open to all innovative and imaginative ideas which contribute to the recruitment process.

Target Date: Ongoing.

IV. COLLECTIVE BARGAINING

- A. Objective: To ensure that all labor agreements entered into by the Agency will contain a clause prohibiting unlawful discrimination related to terms and conditions of employment by either party to the agreement.

Nothing in this Program shall be construed either to infringe upon or to supercede the rights guaranteed to union employees.

UNIT DIRECTORS

Action Step: Close coordination and evaluation of employment practices between the Deputy Commissioner or any designee negotiator and union officials. Union contract provisions will be reviewed to ensure that they are nondiscriminatory.

Target Date: During contract negotiations by the Labor Relations Committee.

V. EMPLOYABILITY AND ACCESSIBILITY FOR THE HANDICAPPED

- A. Objective: The Agency affirms its commitment not to discriminate on the basis of handicapped status in the admission or access to or treatment of employment in its programs or activities.

Action Step: Unit Directors will implement a procedure involving an invitation to self-identify on the basis of handicap for all Unit employees. The procedure will establish the status of the applicant/employee as a handicapped person who may request a reasonable accommodation.

Every effort will be made to comply with existing state and federal guidelines to ensure that no handicapped person will be discriminated against due to their handicap status.

All new construction and major renovations will be made accessible to the handicapped and a review of existing and leased structures will be done to determine accessibility.

Target Date: Ongoing

VI. PROMOTION

- A. Objective: To assure that promotion standards, job requirements, method of selection and placement of promotions are not discriminatory, but in fact contribute toward affirmative action objectives.

Action Step: All job vacancies should be posted and/or advertised in accordance with Agency hiring procedures. All employees shall be apprised of promotional opportunities and training programs offered by the Agency or the Commonwealth. Unit Directors will utilize the PMS Professional Development Plan (Phase 4) for management employees and EPRS Annual Review (Stage C) for non-management employees to determine career and professional development goals and training necessary to meet those goals.

Target Date: Ongoing

UNIT DIRECTORS

- B. Objective: To promote qualified protected group members for positions in job categories where they are currently underutilized and for which they may qualify.

Action Step: Units will consult with the Affirmative Action and Recruitment Manager when they wish to fill a vacancy through promotion, to review current Unit utilization.

Target Date: Ongoing.

HUMAN RESOURCES DEVELOPMENT UNIT

RESPONSIBILITIES/IMPLEMENTATION

HUMAN RESOURCES DEVELOPMENT UNIT

I. RECRUITMENT AND TRAINING

- A. Objective: To publicize job openings to increase minority and female applicants.

Action Steps:

1. All job opportunity or promotional opportunity openings will be posted and/or advertised in accordance with Agency Hiring Procedures.
2. Job Vacancy Announcements shall be disseminated to minority and female organizations to solicit applications/referrals from qualified candidates.
3. Job announcements will be sent to the Department of Employment Security which maintains contact with unemployed persons and various veteran groups.
4. Job announcements will be sent to the Department of Personnel Administration, Executive Search and Job Referral Sections for specialized recruitment efforts.
5. Regularly utilize minority and female targeted news media in "Help Wanted" advertising.
6. Advertising will be done as needed on local radio stations which have the largest minority and female audience in the area, if possible.
7. Regional and national publications, which have a large minority or female readership, will be used when local recruiting efforts fail to produce qualified applicants from those groups, particularly for higher level positions.

Target Date: Ongoing

- B. Objective: To provide new employees with information regarding their rights under existing nondiscrimination laws, the Resolution Process and the Agency Affirmative Action Program (AAP).

Action Step: This information will be included in orientation training and an employee handbook. Prospective employees will be advised that the Agency is an equal opportunity employer, and it will be so stated on all employment applications and Job Vacancy Announcements.

Target Date: June 1988 and ongoing.

HUMAN RESOURCES DEVELOPMENT UNIT

- C. Objective: To take affirmative action to employ and promote qualified handicapped individuals at all levels of employment, including the executive level.

Action Step 1: In accordance with the basic principles of the Commonwealth's Executive Order 246, implement a procedure involving an invitation to self-identify on the basis of handicap. The procedure will establish the status of the applicant/employee as a handicapped person who may request reasonable accommodation.

Target Date: Ongoing

Action Step 2: The Agency shall ensure equal opportunity through affirmative action in the areas of hiring, promotion, transfer, recruitment, training, and compensation.

In addition, the Agency shall:

1. provide a program of information and awareness training about handicapped persons to all managers and interviewers;
2. review all physical and/or mental job qualification requirements to ensure that they do not tend to screen out qualified handicapped individuals;
3. eliminate unnecessary, non-job related, mental and/or physical requirements for entry into each job;
4. in the area of promotion, when a vacancy occurs, institute an internal search to determine if there is a qualified handicapped employee who could be promoted;
5. develop alternate methods of informing handicapped employees of relevant information (such as informing visually impaired individuals of announcements posted on bulletin board);
6. review employee performance appraisals to ensure that no discriminatory patterns or practices exist or are developed affecting handicapped employees or applicants; and
7. provide reasonable accommodation in all areas of accessibility.

Target Date: Ongoing

- D. Objective: To take affirmative action to employ and advance Vietnam Era Veterans in all levels of employment, including the executive level.

Action Step: The Agency shall ensure equal opportunity through affirmative action for Vietnam Era Veterans in the areas of: recruitment, hiring, training, promotions and compensation.

HUMAN RESOURCE DEVELOPMENT UNIT

In addition, the Agency shall:

1. invite all Vietnam Era Veterans, employees and applicants, who wish to benefit under the affirmative action program to identify themselves to the Agency and provide subsequent data for certification by the State Office of Affirmative Action;
2. identify problem areas as they pertain to the implementation of this Program and develop solutions;
3. ensure that certified Vietnam Era Veterans have the opportunity to participate in all Agency-sponsored educational and training programs;
4. ensure that compensation for salaried and nonsalaried employees shall be the same for all employees within a particular salary or wage code without regard to pension or disability benefits or any other source of income an employee or applicant may receive;
5. review and evaluate the Agency's selection process, including training and promotion, to insure freedom from stereotyping Vietnam Era Veterans in a manner which limits their access to all jobs for which they are qualified.

Target Date: Ongoing

- E. Objective: To provide Unit Directors, and supervisory staff with EEO and Affirmative Action (EEO/AA) training concerning existing non-discrimination laws. The training will provide a thorough understanding of the legal mandates (federal and state) under which the Agency must operate.

Action Step: The EEO/AA training for management and supervisory staff will incorporate, but is not limited to, the following topics:

1. Analysis of regulatory and legislative requirements for EEO/AA in the Commonwealth including federal requirements.
2. Brief discussion on discrimination.
3. DCPO policy on EEO/AA.
4. Resolution Process.
5. Supervisory role in EEO/AA Program.

Target Date: June 1988, January 1989

HUMAN RESOURCE DEVELOPMENT UNIT

II. PROMOTION

- A. Objective: To develop a consistent promotional policy to be used throughout the Agency to benefit all employees.

Action Step: To develop and promulgate to its hiring authorities a promotional policy based on merit principles only. The promotional policy will contain the criteria which will be used by every hiring authority when making a promotional selection. The criteria will include only objective merit factors such as length of service related experience, related qualifications and training and will not include subjective factors which may lead to biased decisions.

Target Date: July 1988

- B. Objective: To aggressively promote qualified protected group members for positions in job categories where they are currently underutilized.

Action Step: In cases of underutilization, the Affirmative Action and Recruitment Manager will review the Unit utilization for those protected group members who are eligible for promotion to one or more positions within a Unit.

During this review period, protected group members who wish to be included in the pool of applicants will be interviewed. The Affirmative Action and Recruitment Manager shall:

1. review and update records on the individual's qualifications, education, experience, seniority, and performance on the job;
2. identify individuals who appear to be working at jobs that are below their ability; and
3. upon request, consult with each individual to assess his/her opportunities for advancement, the prerequisites for such advancement, and an estimate of the probability for such advancement becoming a reality.

Units will consult the Affirmative Action and Recruitment Manager when they plan to fill a vacant position through promotion, particularly when the vacancy occurs in a categorization where protected group members are underrepresented. If a protected group member is not selected, the reason should be provided in the interview file.

Target Date: Ongoing.

III. JOB STRUCTURING AND CAREER DEVELOPMENT

- A. Objective: To remove the barrier of dead-end jobs by suggesting to the Unit alternate structures in establishing positions with career-ladder possibilities.

HUMAN RESOURCE DEVELOPMENT UNIT

Action Step: The Human Resources Development Unit will evaluate all job positions in the Agency to determine the following:

1. That each position description adequately and logically describes the job with the minimum related educational requirements.
2. That each position entails duties which will provide increasing experience and responsibilities that could logically lead to qualifications for a higher position.
3. That positions are structured as career ladders to provide upward mobility for all qualified employees. Where the foregoing is found not to be the case, the Human Resources Development Unit should provide suggestions to the Unit for restructuring positions to comply with the objective to increase upward mobility. When additional training is necessary to ensure career development, provisions for such training should be considered and proposed. Phase 4 of PMS and Stage C of EPRS will address the career development and promotion issues of agency employees. Each Unit will be analyzed in this fashion and the results submitted to the respective Unit with an information copy to the Affirmative Action and Recruitment Manager.

Target Date: Ongoing.

IV. BENEFITS AND CONDITIONS OF EMPLOYMENT

- A. Objective: To ensure that all benefits and conditions of employment provided by the Agency including leave (annual and sick), insurance, assignments, promotions, seniority, layoffs, etc., are handled in a nondiscriminatory fashion.

Action Step: The Human Resources Development Unit will maintain a close relationship with the Group Insurance Commission so that all benefits and conditions can be jointly reviewed. Compliance review will be provided by the Affirmative Action and Recruitment Manager as necessary on any employment questions which may be affected by the Civil Rights Act, Rehabilitation Act, Age Discrimination in Employment Act, Equal Employment Opportunity Act, and the Equal Pay Act.

Target Date: Ongoing

V. TERMINATION, DISCHARGE, AND DISCIPLINE

- A. Objective: To ensure that Agency employees are terminated on a non-discriminatory basis as outlined in collective bargaining agreements and that employees are provided an exit interview.

Action Step: In case of layoffs, employees shall be laid off on a nondiscriminatory basis so that affirmative action principles are maintained. In the event of the termination of employment of a protected group employee, the Affirmative Action and Recruitment Manager

HUMAN RESOURCE DEVELOPMENT UNIT

will conduct an exit interview to determine if affirmative action rights have been abridged. When protected group members are disciplined, laid off, discharged or downgraded, the action may be reviewed by the Affirmative Action and Recruitment Manager before it becomes final to determine if such action represents a breakdown in the Affirmative Action Program and therefore calls for remedial action.

The Affirmative action and Recruitment Manager shall work in conjunction with appropriate personnel to ensure that termination procedures comply with affirmative action policies.

The Agency's records of all disciplinary actions shall show race, sex, handicap, and/or Vietnam Era Veteran status, the formal charges, findings, and sanctions imposed.

The Human Resources Development Unit in coordination with Unit Heads will maintain an open door policy of communication so that all terminating employees will receive an exit interview. It is understandable that all employees leaving the Agency's employment will not be available for an exit interview, but where feasible, one should be granted.

Target Date: Ongoing

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

RESPONSIBILITIES/IMPLEMENTATION

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

The Affirmative Action and Recruitment Manager is charged with the responsibility of developing procedures and programs for affirmative action in employment, in accordance with the laws and consistent with general policies and programs of the Commonwealth of Massachusetts.

The primary goal of the Affirmative Action and Recruitment Manager is to plan, develop, supervise, monitor and provide for the enforcement of the Affirmative Action Program and for the enforcement of affirmative action and equal opportunity for employment, and contracting activities of the Agency.

Responsibilities: The responsibility for the development, implementation, coordination and monitoring of the Agency's Affirmative Action Program is R. Gary Fontaine, Affirmative Action and Recruitment Manager, who reports to the Deputy Commissioner for all matters involving equal employment opportunity and affirmative action.

The Affirmative Action and Recruitment Manager shall be responsible for the following areas:

1. Planning, developing, implementing and evaluating policies affecting all aspects of human resource management, and compliance.
2. Investigating employee and applicant complaints of alleged practices of discrimination.
3. Establishing and reviewing affirmative action goals and timetables in all personnel actions.
4. Submitting reports regularly to the Deputy Commissioner, the Secretary of Executive Office for Administration and Finance, and the State Office of Affirmative Action to document Agency progress toward its affirmative action objectives.
5. Assisting managers and supervisors to recruit, hire and promote people identified as members of a protected class group.
6. Designing and conducting training programs to provide managers and supervisors with tools to ensure successful employee relations.
7. Reviewing all personnel activity to ensure adherence to targeted objectives.

The successful implementation of this program, however, rests with all Agency employees.

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

In addition, the Affirmative Action and Recruitment Manager with the assistance of those staff members with specific responsibilities for coordinating and monitoring activities relating to external Affirmative Action Programs, will develop and implement the Affirmative Action Program to increase the access of minority people, women, handicapped individuals, and Vietnam Era Veterans to Agency jobs.

I. PLAN DISSEMINATION AND EVALUATION

- A. Objective: To distribute and publicize the Agency's Affirmative Action Program (AAP) internally and externally.

Action Step: Sufficient copies of the Plan will be available for Unit Directors for distribution to all supervisory personnel. The Affirmative Action and Recruitment Manager will make every effort to distribute the Plan to key minority and female organizations, granting agencies or any organization which requests a copy as a means of assuring compliance or determining the Agency's efforts in the field of equal opportunity and affirmative action. All Agency employees shall be informed that the AAP is available to them and shall have access to a copy of the Plan within his/her office. Meetings with union officials will be held to inform them of the AAP and to request their cooperation. Employees will be informed that any grievance concerning a violation of affirmative action and equal opportunity rights may be addressed through the Resolution Process (see Appendix A).

Target Date: June 1988 and ongoing.

- B. Objective: To develop a system of evaluating the AAP regularly.

Action Step: Continuous evaluation of activities required by the Program will be accomplished by the Affirmative Action and Recruitment Manager and his staff. Monitoring will involve all action steps in this section of the Program including completion dates and responsible entities. Quarterly, the Affirmative Action and Recruitment Manager will submit a report to the Deputy Commissioner specifying the accomplishments of the Agency in reaching the objectives of the Program and fulfilling the action steps in the preceding year.

Target Date: May 1988 and quarterly/annually thereafter.

- C. Objective: To provide a system for revision and updating of the Program.

Action Step: Revisions and updates of this AAP will be the responsibility of the Affirmative Action and Recruitment Manager in conjunction with the Deputy Commissioner.

Target Date: Semi-annually.

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

II. COMPLIANCE REVIEWS AND TRAINING

- A. Objective: To maintain a system of Affirmative Action Compliance Review of all Agency Units.

Action Step: Affirmative action evaluations will be conducted of all Agency Units by the Affirmative Action and Recruitment Manager and staff on a rotating basis. All issues will be addressed in the Compliance Review.

Target Date: Ongoing.

- B. Objective: To provide technical assistance and training in EEO and affirmative action to management personnel.

Action Step: A packaged program will be incorporated as part of the Agency's training program encompassing equal opportunity in hiring, promotion, interviewing, disciplinary actions, and other terms and conditions of employment. Technical assistance will continue to be provided by the Affirmative Action and Recruitment Manager as needed or requested. Affirmative action information will be incorporated as part of the orientation training of new employees to acquaint them with the functions of the AAP and their rights under the law.

Target Date: July 1988 and January 1989.

III. RECRUITMENT AND HIRING

- A. Objective: To assist the Human Resources Development Unit in meeting affirmative action hiring objectives through positive recruitment and referral.

Action Step: The Affirmative Action and Recruitment Manager will maintain a list of minority, female, and veteran contacts, including universities and colleges throughout the country. This list will be periodically updated and will be made available to all the Unit Directors to assist in their recruitment efforts. The Affirmative Action and Recruitment Manager will also act as an informal referral source for minorities, females, and Vietnam Era Veterans.

Target Date: June 1988 and ongoing.

- B. Objective: To review the progress made by the Agency in setting adequate objectives and reaching these objectives.

Action Step: Each Unit will submit quarterly work force analysis data for EEO/AA staffing, staff replacement projects and affirmative action goals. The Affirmative Action and Recruitment Manager will review all data received to ensure that reasonable quantitative objectives are

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

being met for each Unit. In any instance where substantial underutilization is not properly addressed through ambitious quantitative results in a given quarter, the Affirmative Action and Recruitment Manager will contact the Deputy Commissioner and Unit Director to point out the deficiency. The Affirmative Action and Recruitment Manager, in coordination with the Unit Director, will analyze employment data for that Unit to identify deficiencies in staffing and recommend results.

Target Date: July 1988 and quarterly.

AGENCY EMPLOYEES

AGENCY EMPLOYEES

I. PROGRAM SUPPORT

- A. Objective: To ensure acceptance of the Affirmative Action Program and full participation in reaching its stated goals.

Action Steps:

1. Demonstrating sensitivity to and respect for individual and personal differences when working with other employees and with the public. Submitting suggestions for strengthening their Unit's affirmative action participation.
2. Participating in Agency sponsored Affirmative Action Training Programs or Seminars.

Target Date: Ongoing.

BASIC ELEMENTS

BASIC ELEMENTS

I. Applicants

A. Recruitment/Outreach

To fill non-civil service job classifications, the Affirmative Action Manager will utilize all available sources to reach protected group members. For civil service categorizations, protected group members shall be notified of job openings and encouraged to apply to the Department of Personnel Administration's Bureau of Recruitment and Referral. When there is underutilization of minorities or women in any job category, this agency shall request the Department of Personnel Administration to apply to the provisions of Personnel Administration Rule .10 (PAR .10). Use of this rule enables a special civil service list to be obtained for minorities or women.

Protected Group Members who meet federal low income guidelines shall be notified of their potential eligibility for placement on special Civil Service Section 47A employment lists.

This agency is committed to working with the Department of Personnel Administration in order to review job prerequisites and to determine the validity of the requirements. All efforts will be made to ensure that the skill requirements are job related and are consistent with business necessity and the safe performance of the job. Sources of recruitment shall include, but not be limited to:

- ° Department of Personnel administration;
- ° Department of Employment Security job bank referral office;
- ° advertising in publications for minorities, women, Vietnam-era veterans, and the handicapped;
- ° community organizations located in areas where protected group members reside or frequent;

- ° contacts with protected group members working in the respective field or related fields; and
- ° contacts with community organizations concerned with issues which affect protected group members.

An active listing of recruiting sources will be maintained by the Affirmative Action and Recruitment Manager he/she will make a continuous effort to use, expand, and update the list. It is expected that a reasonable percentage of the applicant pool for any job will be composed of protected group members.

A record shall be maintained of the applicants who have applied for a position and who have been interviewed, showing race, sex, certified Vietnam-era veteran status. The record shall also show the status of their application. When an applicant has voluntarily self-identified as handicapped a record shall be kept of the applicant's status. The record shall be kept in a separate confidential file.

II. Interviews

This agency shall ensure appropriate training for all employees who interview job applicants. Interviewers will be notified at the training session and in writing that they are to restrict their questions during the interview to topics which relate clearly to expected job performance. Interviewers will be cautioned to use the same pool of objective questions for protected group members that they use for all others. Recommendations should be based on the same criteria. (See the SOAA Handicap Guidelines for the proper interview procedure for applicants/employees who have identified themselves as handicapped.) Records will be kept of the questions asked during the interview.

Any records kept of the interview process for self-identified handicapped persons shall be kept in a separate file marked confidential.

III. Hiring

All hiring standards will be fixed, reasonable, objective, and job related. This agency will analyze all job categories by race, sex, handicap and Vietnam-era veteran status for the past fiscal year to determine where new employees have been placed. (See Appendix C.)

An affirmative action record will be kept for each position filled. A record of persons interviewed, accepted, or refused for each new hire and promotion showing race, sex, handicap, and Vietnam-era veteran status shall be maintained and may be reviewed by the State Office of Affirmative Action. Hiring records will only be kept for those Handicapped individuals who have self-identified. Records pertaining to self-identified handicapped persons shall be maintained in a separate confidential file. The affirmative action records will not be used as any part of the employees' evaluation.

The affirmative action record shall include the reason for not hiring any and all protected group members.

The file will include the following information:

- A. Name of each applicant
- B. Certification Number (for Vietnam-era Veterans - only)
- C.
 - a. Position Vacancy (title)
 - b. Position Vacancy
 - c. Unit
 - d. Location
- D. Date of Application
- E. Starting date of new position
- F. Reason(s) for not being selected

Item E and F will be determined when the protected group member is/is not selected for the position.

IV. Employees

A. Training

In fulfillment of affirmative action objectives, the Affirmative Action Manager will ensure that protected group members who are already employed in the agency are aware of the opportunities and programs for training and career development.

Supervisors will notify subordinates of opportunities for training and career development either by posting the relevant information in a conspicuous location, or by direct memo, or by enclosing the information in employee pay envelopes. Supervisors shall hold individual conferences with employees to discuss training and career development. (PMS Phase 4 and EPRS Stage C.)

Protected group members shall be encouraged to participate in training programs. In order to ensure that protected group members are not underrepresented in training and career programs, records shall be maintained of those receiving training and tuition remission. Records shall include information on the race, sex, handicap and/or Vietnam-era veteran status of the training participants. Records shall also be maintained on those persons who self-identify as handicapped. Records pertaining to self-identified handicapped persons shall be maintained in a separate file marked confidential.

B. Promotions

This agency will ensure that a fair promotion procedure is established which benefits all employees. Accordingly, all current job vacancies shall be publicized throughout the agency.

In cases of underutilization, the Affirmative Action Manager, in conjunction with the appropriate personnel, will set up and aggressively utilize a

"remedial action file" for those minority, female, voluntarily self-identified handicapped, and Vietnam-era veteran employees who are eligible for promotion to one or more positions within this Agency. Those self-identified handicapped employees who wish to be considered for promotion will be included in a separate remedial file marked confidential.

The "remedial action file" will be established and updated periodically. During the compilation of this file, this agency will interview protected group members who wish to be included in the file. The Affirmative Action Manager, in conjunction with the appropriate personnel shall:

1. review and update records on the individual's qualifications, education, experience, seniority, and performance on the job;
2. identify individuals who appear to be working at jobs that are below their ability or require additional training opportunity;
3. upon request, consult with each individual to assess his/her opportunities for advancement, the prerequisites for such advancement, and an estimate of the probability for such advancement becoming a reality; and
4. publicize civil service exams.

The Affirmative Action Manager will consult the "remedial action file" when Agency Units plan to fill a vacant position through promotion, particularly when the vacancy occurs in a category where protected group members are underrepresented. If a protected group member is not selected the reason should be provided in the interview file.

Job openings and job requirements will be posted in a conspicuous place. Posting will be required of all positions. Jobs shall be posted well in advance of the application deadline in order to ensure that all employees are aware of job vacancies.

C. Termination, Discharge, and Discipline

In case of layoffs, employees shall be laid off on a nondiscriminatory basis so that affirmative action principles are maintained. In the event of the termination of employment of a protected group employee, the Affirmative Action Manager will conduct an exit interview to determine if affirmative action rights have been abridged. When protected group members are disciplined, laid-off, discharged or downgraded, the action may be reviewed by the Affirmative Action Manager before it becomes final to determine if such action represents a breakdown in the affirmative action program and therefore calls for remedial action.

The Affirmative Action Manager shall work in conjunction with the appropriate personnel to ensure that termination procedures comply with affirmative action policies.

The agency's records of all disciplinary actions shall show race, sex, handicap, and/or Vietnam-era veteran status, the formal charges, findings, and sanctions imposed. The records pertaining to self-identified handicapped persons shall be kept in a separate file and marked confidential.

PROGRAM FOR THE HANDICAPPED

PROGRAM FOR THE HANDICAPPED

I. General Policy

In accordance with the requirements of Executive Order 246, this agency agrees to implement a procedure involving an invitation to self-identify on the basis of handicap. The procedure will establish the status of the applicant/employee as a handicapped person, for affirmative action purposes. (See SOAA Handicap Guidelines).

No handicapped employee will be counted in the workforce analysis unless she/he has completed the process of self-identification verification and confirmation.

This agency will take affirmative action to employ and promote qualified handicapped individuals at all levels of employment, including the executive level. It shall ensure opportunity through affirmative action in the areas of: hiring, promotion; demotion; transfer; recruitment; recruitment advertising; termination; and training. In addition, Division of Capital Planning and Operations shall:

- a. provide a program of information and awareness training about handicapped persons to all supervisors and interviewers;
- b. review all physical and/or mental job qualification requirements to ensure that they do not tend to screen out qualified handicapped individuals;
- c. eliminate unnecessary, non-related mental and/or physical requirements for entry into each job;
- d. in the area of promotion, when a vacancy occurs, institute an internal search to determine if there is a qualified handicapped employee who could be promoted;
- e. develop alternate methods of informing handicapped employees of relevant information (such as informing visually impaired individuals of announcements posted on bulletin boards);
- f. review employee performance appraisals to ensure that no discriminatory patterns or practices exist or are developed affecting handicapped employees or applicants; and

g. provide reasonable accommodation in all areas of accessibility.

II. Reasonable Accommodation

Division of Capital Planning and Operations shall make a reasonable accommodation to the physical and/or mental limitations of a handicapped person whenever this person requires such an accommodation, unless it can be demonstrated by this agency that such an accommodation would impose an undue hardship. (See the SOAA Handicapped Guidelines.)

A request for reasonable accommodation may be made at any time and is in no way contingent on the separate process of voluntary self-identification for affirmative action purposes.

Reasonable accommodation, according to Executive Order 246, means any accommodation which has not been shown to impose undue hardship upon the program or activity. Essentially, this means removing barriers which prevent or limit employment opportunities for eligible handicapped persons. Accommodations may include, but are not limited to: accessibility to the agency's premises; the provisions of support services such as readers and interpreters; the provision or modification of equipment and supportive devices; modified work schedules or leave policy; and other potential accommodations.

III. Examinations

In accordance with Executive Order No. 246, all examinations for entry or promotional appointments shall be clearly designed to test an applicant's actual ability to discharge the duties of the position, if reasonable accommodation were made.

When an applicant's handicap reduces the person's opportunity to demonstrate possession of knowledge, skills and abilities required for the job,

and the applicant requests assistance, this agency will make reasonable accommodations. Appropriate accommodations will be made in the way material is presented to that applicant so as to permit equitable testing. Accommodations which would impose an undue hardship on the agency's program(s) are not considered reasonable.

VIETNAM ERA VETERANS PROGRAM

VIETNAM-ERA VETERANS PROGRAM

I. General Policy

Division of Capital Planning and Operations agrees to take affirmative action to employ and advance Vietnam-era veterans in all levels of employment, including the executive level. It shall ensure equal opportunity through affirmative action in the areas of: hiring; upgrading; demotion; transfer; recruitment; recruitment advertising; classification; compensation benefits; promotion; termination; and training. (See Vietnam-era Veterans Guidelines.)

II. Program

The agency shall:

- a. invite all Vietnam-era veterans, employees and applicants, who wish to benefit under the affirmative action program to identify themselves to the agency and to provide subsequent data from certification by SOAA;
- b. identify problem areas as they pertain to the implementation of this program and develop solutions;
- c. ensure that certified Vietnam-era veterans have the opportunity to participate in all agency sponsored educational and training programs;
- d. ensure that compensation for salaried and on-salaried employees shall be the same for all employees within a particular salary or wage code without regard to pension or disability benefits or any other source of income an employee or applicant may receive;
- e. integrate into the agency's employee assistance program a provision for counseling Vietnam-era veterans;
- f. arrange for career counseling for certified Vietnam-era veterans; and
- g. review and evaluate the agency's selection process, including training and promotion, to ensure freedom from stereotyping Vietnam-era veterans in a manner which limits their access to all jobs for which they are qualified.

GOALS AND TIMETABLES

MONITORING AND IMPLEMENTATION OF GOALS AND TIMETABLES

Prior to February 1 of each year, unit directors will meet with the Affirmative Action Manager to review the unit utilization analysis with goals and timetables for addressing the under-representation of protected group members where shown. The utilization analysis will contain a present workforce analysis, a one year employment projection of need, a percentage utilization analysis and the delineation of projected annual goals for hiring and promotions. The goals should be result oriented and reflective of realistic targets which the unit director, the Human Resources Development Director and the Affirmative Action Manager have determined can be achieved. The percentages developed should represent a minimum level of achievement and not the ultimate target, and should not be considered quotas which restrict employment by setting an actual number of people to be hired.

In order to effectively implement the stated goals, the following steps shall be taken:

- A. Monitoring
- B. Implementation

A. Monitoring

Quarterly, the Affirmative Action Manager will evaluate Agency progress toward compliance with the established goals and timetables. In monitoring the Affirmative Action Plan, unit directors, the Human Resources Development Director and the Affirmative Action Manager shall be responsible for:

1. Monitoring the Agency's patterns for hiring, promotions, transfers and terminations and evaluating compliance with projected goals.
2. Developing strategies for implementing the Agency AAP to address unrealized goals.

The Human Resources Development Director shall meet regularly with the Affirmative Action Manager to review numerical and programmatic accomplishments of each unit and to make recommendations for strengthening and revising Agency programs.

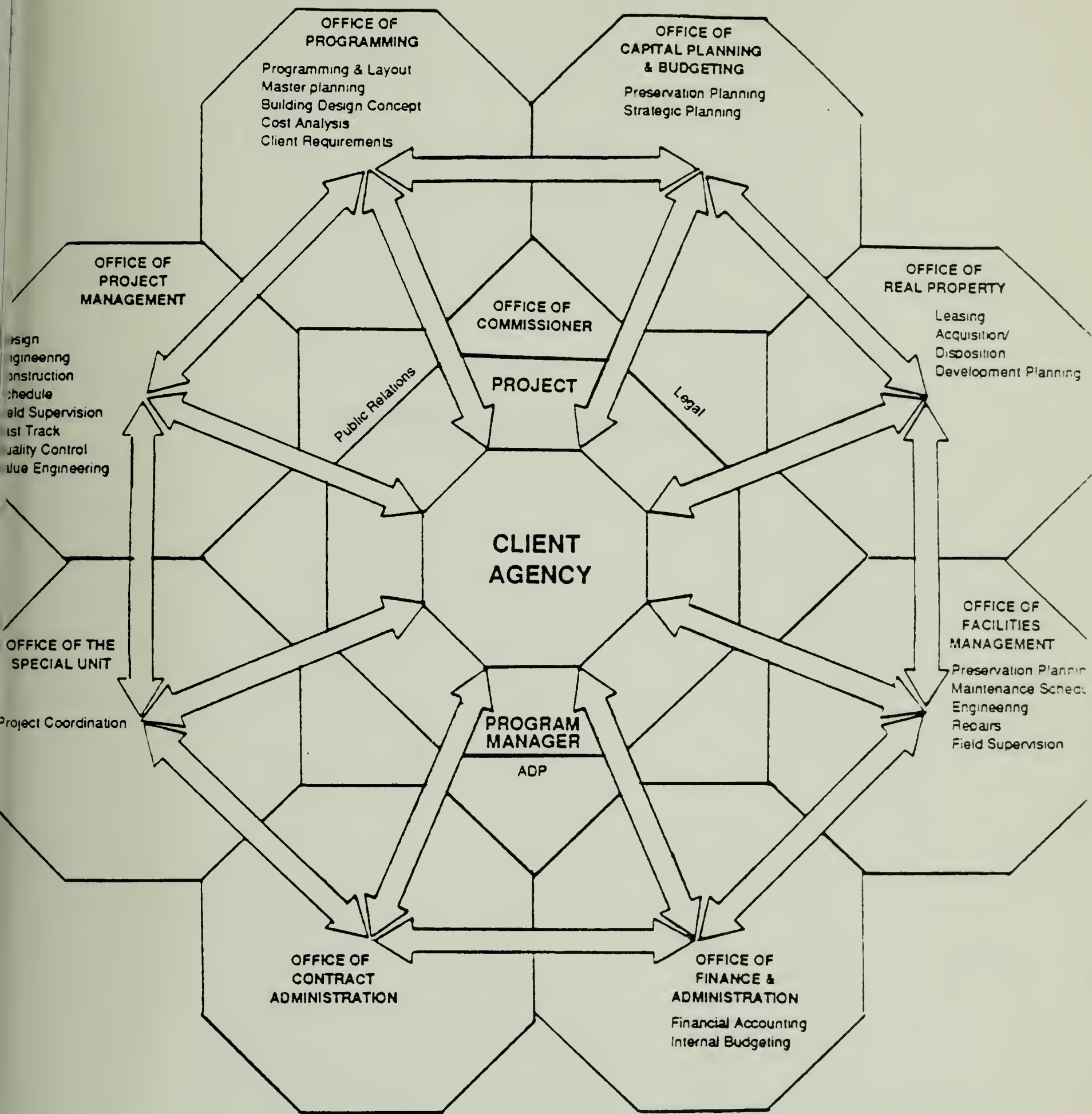
B. Implementation

The purpose of the implementation procedure is to pursue compliance with realistically developed goals within a specified time period. The use of the implementation process to implement the Agency affirmative action commitment demonstrates the importance of this program to the Deputy Commissioner. Implementation shall not hinder any unit director from exercising sound management or merit principles in determining the composition of his/her staff. Instead, it is designed to assure that

job-related criteria are used in Agency employment practices; to remove artificial barriers to employment and promotion; to improve the development and utilization of protected groups and to ensure that each unit works in concert toward the achievement of parity for protected groups within the Agency workforce.

The Affirmative Action Manager will implement progressive remedial action in attempting to achieve full compliance with the Agency Affirmative Action Plan. The Affirmative Action Manager will review personnel transactions on a quarterly basis. Each unit director is presumed to have implemented non-discriminatory policies. However, if statistical data demonstrates a pattern of non-compliance with the Unit's goals for employment and promotion of protected groups, the Deputy Commissioner will be informed and remedial action shall be taken. (Refer to the Affirmative Action Manager for Remedial Procedures.) Appendix B.

ORGANIZATIONAL CHARTS



DCPO's approach is a systems-teamwork approach. Specialist in all disciplines contribute to the team effort which, directed by the program and/or the project manager, is dedicated to meeting the client agency's objectives. Open communication and cooperation among all team members at every phase of the project result in high performance and value for the client.

WORKFORCE/UTILIZATION ANALYSIS

JOB CATEGORY	AGENCY TOTAL		MALES					FEMALES					AGENCY TOTAL FEMALES	MINORITIES		
	GRAND TOTAL	TOTAL MALES	W	B	H	A	N	W	B	H	A	N		#	%	
																8
OFFICIAL ADMINISTRATORS	23	22	20	2	0	0	0	0	0	0	0	0	2	8.7		
PROFESSIONAL	26	15	14	1	0	0	0	10	0	0	1	0	2	7.7		
TECHNICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
PROTECTIVE SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
PARA- PROFESSIONAL	1	0	0	0	0	0	0	1	0	0	0	0	0	0		
CLERICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SERVICE MAINTENANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
TOTALS	52	37	34	3	0	0	0	13	0	0	1	0	4	8.0		
Percentages		74.0	68.0	6.0	0	0	0	26.0	0	0	2.0	0				

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VEV=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

JOB CATEGORY	AGENCY TOTAL		MALES				FEMALES				AGENCY TOTAL FEMALES	FEMALES			
	GRAND TOTAL	TOTAL MALES	W	B	H	A	N	W	B	H		A	N	#	%
OFFICIAL ADMINISTRATORS	23	22	20	2	0	0	0	1	0	0	0	0	1	4.3	
PROFESSIONAL	26	15	14	1	0	0	0	11	0	0	1	0	11	42.3	
TECHNICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
PROTECTIVE SERVICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
PARA-PROFESSIONAL	1	0	0	0	0	0	0	1	0	0	0	0	1	100.0	
CLERICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SERVICE MAINTENANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTALS	52	37	34	3	0	0	0	13	12	0	.1	0	13	26.0	
Percentages		74.0	68.0	6.0	0	0	0	26.0	24.0	0	2.0	0			

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VEV=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

JOB CATEGORY	AGENCY TOTAL				AGENCY TOTAL FEMALES				FEMALES				MINORITIES	
	GRAND TOTAL	TOTAL MALES	MALES			TOTAL FEMALES	W	B	H	A	N	#	8	
			W	B	H									A
OFFICIAL ADMINISTRATORS	54	39	37	2	0	0	14	0	0	1	3	5.6		
PROFESSIONAL	88	59	55	2	1	0	29	0	2	1	7	8.0		
TECHNICAL	2	2	1	0	0	0	0	0	0	0	1	5.0		
PROTECTIVE SERVICES	6	5	5	0	0	0	1	0	0	0	0	0		
PARA- PROFESSIONAL	4	2	2	0	0	0	2	0	0	0	0	0		
CLERICAL	30	3	3	0	0	0	19	6	0	1	8	26.7		
SKILLED CRAFT	22	21	20	0	1	0	1	0	1	0	1	4.5		
SERVICE MAINTENANCE	6	6	6	0	0	0	0	0	0	0	0	0		
TOTALS	212	137	129	4	2	2	75	63	3	3	20	9.4		
Percentages		64.6	60.8	1.9	0.9	0.9	35.4	29.7	1.4	1.4	9.4			

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VEV=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

JOB CATEGORY	AGENCY TOTAL		MALES					FEMALES					AGENCY TOTAL	
	GRAND TOTAL	TOTAL MALES	W	B	H	A	N	W	B	H	A	N	#	%
OFFICIAL ADMINISTRATORS	54	39	37	2	0	0	0	14	0	0	0	1	15	27.8
PROFESSIONAL	88	59	55	2	1	1	0	26	0	0	2	1	29	33
TECHNICAL	2	2	1	0	0	1	0	0	0	0	0	0	0	0
PROTECTIVE SERVICES	6	5	5	0	0	0	0	1	0	0	0	0	1	16.7
PARA-PROFESSIONAL	4	2	2	0	0	0	0	2	0	0	0	0	2	50
CLERICAL	30	3	3	0	0	0	0	19	6	0	1	1	27	90
SKILLED CRAFT	22	21	20	0	1	0	0	1	0	0	0	0	1	4.5
SERVICE MAINTENANCE	6	6	6	0	0	0	0	0	0	0	0	0	0	0
TOTALS	212	137	129	4	2	2	0	63	6	0	3	3	75	35.4
Percentages		64.6	60.8	1.9	0.9	0.9	0	29.7	2.8	0	1.4	1.4	75	35.4

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VEV=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

VIETNAM ERA VETERANS SECRETARIAT A&F

JOB CATEGORY	GRAND TOTAL	VEV. MALES	VEV - MALES				VEV FEMALES	VEV - FEMALES				VEV #	VEV
			W	B	H	A		N	A	H	B		
OFFICIAL / ADMINISTRATOR	54	3	3	0	0	0	0	0	0	0	0	3	5.5
PROFESSIONAL	88	5	4	1	0	0	0	0	0	0	0	5	5.7
TECHNICAL	2	0	0	0	0	0	0	0	0	0	0	0	0
PROTECTIVE SERVICES	6	0	0	0	0	0	0	0	0	0	0	0	0
PARA-PROFESSIONAL	4	0	0	0	0	0	0	0	0	0	0	0	0
CLERICAL	22	0	0	0	0	0	0	0	0	0	0	0	0
SKILLED CRAFT	30	0	0	0	0	0	0	0	0	0	0	0	0
SERVICE MAINTENANCE	6	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	212	8	7	1	0	0	0	0	0	0	0	8	3.77
Percentages		3.8	3.3	.47	0	0	0	0	0	0	0		

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VE=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

HAN = HANDICAPPED

HANDICAPPED

SECRETARIAT

A&F

JOB CATEGORY	GRAND TOTAL	HAN MALES		MALES - HAN				FEMALES - HAN				HANDICAPPED			
		HAN MALES	HAN FEMALE	W	B	H	A	N	W	B	H	A	N	HAN #	HAN %
OFFICIAL/ADMINISTRATOR	54	1	0	1	0	0	0	0	0	0	0	0	0	1	1.8
PROFESSIONAL	88	1	0	1	0	0	0	0	0	0	0	0	0	1	1.3
TECHNICAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROTECTIVE SERVICES	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PARA-PROFESSIONAL	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CLERICAL	30	1	0	1	0	0	0	0	0	0	0	0	0	1	3.3
SKILLED CRAFT	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SERVICE MAINTENANCE	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	212	3	0	3	0	0	0	0	0	0	0	0	0	3	1.4
Percentages		1.4	0	1.4	0	0	0	0	0	0	0	0	0	0	0

NOTES: W=White, B=Black, H=Hispanic, A=Asian, N=Native American, VEV=Vietnam Era Veterans
 Minority includes Black, Hispanic, Asians, and Native American
 Females includes White and Minorities

DIRECTORY

Directory

The agency individual listed below is responsible for the designated areas. In the event of information and staffing changes the Affirmative Action Manager will communicate such changes in writing to the State Office of Affirmative Action within ten business days.

<u>Title</u> <u>Area of Responsibility</u>	<u>Name</u>	<u>Address</u> <u>Phone No.</u>
Affirmative Action Manager	R. Gary Fontaine	DCPO One Ashburton Place Boston, MA 02108
Facilitator for Resolution Process	R. Gary Fontaine	727-4006
Section 504 Coordinator	R. Gary Fontaine	727-4006
Reasonable Accommodation Coordinator	R. Gary Fontaine	727-4006
Vietnam-Era Veteran Coordinator	R. Gary Fontaine	727-4006
Hispanic Employment Coordinator	R. Gary Fontaine	727-4006

SUMMARY

SUMMARY

The successful achievement of a non-discriminatory employment program requires maximum cooperation. Each unit of the Agency is responsible for compliance with affirmative action goals. Affirmative action and recruitment support ensures that sufficient resources are available to unit directors in the pursuit of their affirmative responsibilities of recruiting, hiring, retaining and promoting qualified minority, women, handicapped and veteran employees. The program also ensures that affirmative action goals are pursued with diligence.

AREAS OF SPECIAL CONCERN

This Agency has conducted an evaluation of its policies and programs. It has been determined that the following areas require special attention within the designated time period in order to fulfill Affirmative Action goals.

Areas of Special Concern

Protected Group Utilization:

A review of the current workforce utilization for the Agency shows that we have made gains toward increased participation of protected groups, but are still below parity. To address this issue detailed workforce analysis and goals have been set for each of the office units at DCPO. Quarterly meetings with each unit director will be conducted to review their individual unit profile and address any issue toward increased utilization within their respective offices.

Target Date: June 1988 and quarterly thereafter.

Recruitment Procedures:

Included in the Affirmative Action Program are the Agency Hiring Procedures (Appendix C). To ensure that unit directors fully participate in the established goals for Affirmative Action, the Agency Affirmative Action/Recruitment Manager will monitor all agency vacancies and provide assistance in efforts to attract and recruit qualified protected group applicants for noted underutilized vacancies. Additionally, the Affirmative Action/Recruitment Manager will review all new hires and promotions to determine if sufficient good faith effort was taken in the selection process toward meeting Agency utilization goals.

Target Date: Ongoing

Affirmative Action Awareness:

With the establishment of the Affirmative Action/Recruitment Manager position within DCPO, we will develop an awareness program to address the issue and benefits of diversity within the workforce. Utilizing education and training we will inform Agency employees of the Affirmative Action Program and its components.

SIGN OFF SHEET

Director
State Office of Affirmative Action

Linda Lynn-Weaver

Name

Signature

Date

Linda Lynn-Weaver
Linda Lynn-Weaver
August 4, 1988

Secretariat Affirmative Action Manager
Executive Office of Administration and
Finance

Helen Chin Schlichte

Name

Signature

Date

Helen Chin Schlichte
Helen Chin Schlichte
14 June 1988

Agency Affirmative Action Manager
Division of Capital Planning and
Operations

R. Gary Fountaine

Name

Signature

Date

R. Gary Fountaine
R. Gary Fountaine
JUN 14 1988

DEFINITIONS

DEFINITIONS

- AAP: Affirmative Action Plan.
- Accessibility: A barrier-free environment in which the mobility of the physically handicapped is not inhibited by external forces such as architectural design.
- Affirmative Action: A demonstrated commitment to the recognition, development and utilization of the abilities of minorities, women, handicapped persons and Vietnam-era veterans. It is a process to achieve the purposes of anti-discrimination laws.
- Affirmative Action Plan: A written document outlining those steps to be taken to bring about affirmative action. The execution of the plan will assure measurable yearly improvements in hiring, training and promotions for minorities and women and develop an employment program for Vietnam-era veterans and handicapped employees. It is a result-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure anti-discrimination.
- Alternative Certification Programs: Programs administered through the Department of Personnel Administration which use the Civil Service selection procedures to reach targeted protected classes.
- Applicant Tracking: The process of recording hiring, promotions and other employment actions for the purpose of monitoring. Applicant tracking analysis assures that the employer's employment practices and procedures are accomplished within the guidelines of the affirmative action plan.
- Applicant Pool: Total of those persons who have applied for a particular position (or who have applications on file) from which an employee may be selected.
- Artificial Barrier: A requirement placed on a job or on an individual's performance within the job which is neither job related nor consistent with merit principles.
- Candidate for Employment: An individual who has applied for and has been interviewed for an Agency-posted job opening.
- Complaint: A pleading by which a legal action is commenced under Federal or State courts or administrative agencies. The complainant applies to the courts or agencies for legal redress.

Equal Employment Opportunity: An employer's posture that all personnel activities will be conducted in a manner to assure equal opportunity for all. Such activities will be based solely on individual merit.

Goals: A numerical objective, fixed realistically, based on the number of vacancies expected and the number of qualified applicants available to the job market.

Handicapped Person: Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment.

Job-Related: Aspects of a job which are essential to the performance of the specific task.

MINORITY

Black: All persons having origins in any of the Black racial groups of Africa.

Hispanic: All persons of Puerto Rican, Dominican, Cuban, Mexican, Central or South American or other Spanish culture or origin, regardless of race.

Asian: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

Native American: All persons having origins in any of the original peoples of North America excluding Mexico, and who maintain cultural identification through tribal affiliations or community recognition.

Parity: Equality. The ultimate goal of affirmative action programming is to achieve parity in the participation of women in the state service comparable to their participation within the general workforce and for minorities based on their population statistics within the Commonwealth. The goal is for representation in every job category and at every level within the workforce.

Protected Groups: Legally identified groups that are specifically protected by the statute against employment discrimination. (Minorities, women, self-identified handicapped and Vietnam-era Veterans.)

Qualified Handicapped Person: A handicapped person who is capable of performing essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation.

Reasonable
Accommodation:

The changing of environments or schedules, or the requirements to adapt to the known physical or mental limitations of a qualified handicapped applicant or employee. The accommodation may include, but not be limited to, job restructuring, part-time or modified work schedules, acquisition or modification of equipment, space or devices, the provisions of readers or interpreters, or other similar actions.

Timetables:

The time frame (in years) set for attaining measurable GOALS in an affirmative action program.

Under-utilization:

Having minorities, women, handicapped persons or Vietnam-era veterans in a particular job classification less than would reasonably be expected by their availability in the workforce or recruitment area.

Utilization Analysis:

The enumeration and examination of the presence of protected group members employed by the Agency.

Vietnam-era
Veteran:

A person who has served on active duty for a period of more than 180 days, any part of which occurred between February 1, 1955, and August 4, 1964, and 90 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released with other than a dishonorable discharge.

Workforce Analysis:

A detailed listing (by specified categories) of job classifications and levels by department or other organizational unit.

APPENDIX A
RESOLUTION PROCESS

RESOLUTION PROCESS

I. General Policy

This agency is committed to providing the opportunity for any protected group member to voice and resolve any infringement of equal opportunity or affirmative action rights that are assured through executive order of the Commonwealth of Massachusetts. Accordingly, this agency has established a uniform affirmative action grievance procedure that is known as the Resolution Process.

The Resolution Process may be used for allegations of adverse impact, maltreatment, or harassment based on race, sex, handicap, or status as Vietnam-era veteran; allegations of failure to make reasonable accommodation for a person's disability or any and all other issues arising from Executive Orders No. 200, 240, 227, 246, 235, or 253 and related to this Affirmative Action Program.

The Resolution Process is an equitable procedure that does not assert or protect all rights guaranteed by law. A person who chooses to use the Resolution Process is not precluded from filing a complaint or grievance with other appropriate agencies or authorities. Anyone using the Resolution Process shall be informed that any discovered information which could constitute a violation of anti-discrimination laws should be referred to the Massachusetts Commission Against Discrimination (MCAD).

II. Procedure

(See the SOAA Resolution Process Guidelines.) The Agency Facilitator is a highly placed person who implements and monitors this agency's Resolution Process. While doing so, she or he makes and preserves complaint records and ensure that applicable rules, regulations and laws concerning confidentiality and privacy are respected.

Within one week of the date when the Complainant notifies the Agency Facilitator that she or he has a grievance, the Agency Facilitator conducts an intake interview. The purpose of the intake interview is to have the Agency Facilitator understand the Complainant's allegations and to have the Complainant understand the nature of the Resolution Process. The Complainant and the Agency Facilitator agree to try to achieve resolution within four weeks. At the completion of the interview, the Complainant writes a summary of the complaint that includes a statement of desired relief.

The Agency Facilitator interviews relevant parties, examines appropriate documents, and gathers essential information before she or he negotiates with the Complainant and others in an attempt to achieve resolution. The Agency Facilitator may request the assistance of the Secretariat Facilitator (the facilitator at the secretariat level) or the Resolution Facilitator (the facilitator at the SOAA levels). If resolution is not achieved within four weeks of the date of the intake interview, the complaint is processed to this agency's executive office, where it becomes a primary responsibility of the Secretariat Facilitator.

The Secretariat Facilitator has six weeks in which to achieve resolution of an unresolved complaint. The Secretariat Facilitator reviews the agency response and meets with the Complainant to determine whether further investigation or action is necessary. The Secretariat Facilitator may request the SOAA Resolution Facilitator's direct assistance; if so, the Resolution Facilitator can conduct an investigation and return a summary report, with recommendations, to the Secretariat Facilitator. If the complaint is not resolved after six weeks, it is forwarded to the SOAA for review.

The SOAA has four weeks to review any unresolved complaint. The Resolution Facilitator may investigate and make recommendations to the Director of the SOAA. The Director makes a final determination and takes appropriate action, as authorized by Executive Orders No. 227 or 246.

APPENDIX B
REMEDIAL ACTION PROCEDURES

DIVISION OF CAPITAL PLANNING AND OPERATIONS

AFFIRMATIVE ACTION PROGRAM

REMEDIAL ACTION PROCEDURES

The DCPO is adopting an Affirmative Action Program (AAP) whose purpose is to outline and implement procedures to effectively maximize the utilization of the human resources available to the Agency and to achieve parity within the Agency workforce for protected groups. The Agency's affirmative action effort will include recruitment, training and promotions. The remedial action procedures are progressive steps to be implemented after documented non-compliance with the Agency Affirmative Action Program and established goals for the non-compliant Unit.

- I. Audit
- II. Sign-Off
- III. Referral to State Office of
Affirmative Action (SOAA)

I. Affirmative Action Audit Trail

If after one full quarter, a unit is found to be in non-compliance with its affirmative action goals, the unit director must submit to the Human Resources Development Unit, an Affirmative Action Audit Form (HRD-3) for each vacant position to be filled along with the completed "hiring package" (Appendix C). The form will include interviewer's name and title, names of candidates interviewed, name of selected candidate and other designated information. The "Affirmative Action Audit Form" must be filed with the Affirmative Action Manager prior to the vacant position being filled.

The Audit Form, however, cannot be used to prevent the hiring of the selected individual. The HRD Unit and Affirmative Action Manager may hold up the hiring process only in the event that no Audit Form is filed after notice has been given to the Unit.

The purpose of the Audit Form is to compile applicant flow data to aid the Affirmative Action Manager in addressing the unit affirmative action goals.

At the end of one full reporting quarter after the Audit is imposed, the Affirmative Action Manager will determine whether to cease the reporting requirements or make a finding of continued non-compliance and institute step two of the remedial action process. Continued non-compliance will be found on a showing of the following circumstances: 1) continued failure to meet the unit goals or 2) excessive complaints of discrimination and/or harassment within the unit.

II. Sign-Off

Sign-off shall be implemented only upon a finding of continued non-compliance, at the recommendation of the Affirmative Action Manager and at the direction of the Deputy Commissioner. The purpose of this step is to ensure centralized oversight over potentially problematic hiring practices. Moreover, this step assures Agency compliance with its affirmative action commitments and the mandates of present laws.

Prior to any person being hired by the unit, the Personnel Action Form (HRD-2) must carry the signature of the Secretariat Affirmative Action Manager in addition to those presently required. In addition, the hiring package for the selected person must also be accompanied by an Audit Form as required in

Step One. During this step the Secretariat Affirmative Action Manager may hold up the hiring process and require new interviews, additional recruitment or other measures to increase the representation of protected groups within all job categories.

At the end of two quarters after imposing Step Two, the Secretariat Affirmative Action Manager and the Agency Human Resources Development Manager and the Agency Affirmative Action Manager will determine whether to cease sign-off authority or make a determination of non-compliance and impose step three. Non-compliance will be found on a showing of the following circumstances: 1) continued failure to demonstrate compliance with unit goals, 2) failure to utilize recruitment, retention and promotion programs, or 3) continued complaints of discrimination and/or harassment within the unit.

III. Referral to State Office of Affirmative Action (SOAA)

(Article II, Section 2.3, subsec: 4); (Executive Order 227)

The purpose of Step Three is to concentrate the unit hiring authority under the SOAA in order to achieve actual compliance with the unit projected goals. Under this step, the energies of the Commonwealth recruitment and training programs will be utilized to aid the unit in utilizing resources systems, plans and procedures to address its affirmative action commitment. This step is result oriented and will be used until such time as the representation of protected groups is increased.

Step Three will be implemented after two consecutive quarters of having a unit under audit sign-off review and at the joint determination of the Director of the State Office of Affirmative Action, Secretariat Affirmative Action

Manager, Agency Human Resources Development Manager and the Agency Affirmative Action Manager. During this stage only essential Unit openings will be filled and only after an interview process designed by the above individuals has been put in place.

All personnel transactions will be handled through the SOAA with the Unit Director's sole role being advisor to the selecting body.

At the discretion of the Director of the State Office of Affirmative Action, Secretariat Affirmative Action Manager, Agency Human Resources Development Manager and Agency Affirmative Action Manager the hiring freeze may be lifted.

APPENDIX C
HIRING PROCEDURES

DIVISION OF CAPITAL PLANNING AND OPERATIONS

HIRING PROCEDURES

I. PURPOSE

The purpose of this document is to establish procedures for filling vacancies at the Division of Capital Planning and Operations in accordance with applicable laws and DCPO personnel, affirmative action and budgetary guidelines.

II. POSTING A POSITION

1. When a vacancy exists due to (1) the creation of a new position, (2) promotion, (3) transfer or (4) termination, the affected Office completes a Request to Post form (HRD-1). The form contains a request to fill the vacancy, as well as a section for general job duties and important skills and abilities. A separate request is prepared for each vacancy.

2. The Office Director's signature on the Request to Post form implies that the position is required to meet the operational goals of the Office, that the position is within the Office budget and that it is contained in the Office's approved staffing plan. The Office Director submits the Request to Post form to the Human Resource Development (HRD) Unit.

3. The Human Resource Development Manager and Personnel/Labor Relations Manager review and approve the Request to Post for compliance with the established organizational structure of the Office.

4. All bargaining unit positions are to be posted. Managers are encouraged to post other positions in order to offer advancement opportunities to employees.

5. The Human Resource Development (HRD) Unit prepares a Job Vacancy Announcement (HRD-6) and posts the position. Announcements will be posted for a minimum of ten (10) working days. The Human Resource Development Unit and each Office will maintain a supply of Internal Application Forms (HRD-4) which employees may complete to apply for any open position at DCPO.

III. AFFIRMATIVE ACTION AND RECRUITMENT

1. The Affirmative Action/Recruitment Manager meets regularly with the Human Resource Development Manager and Office Directors to review established goals and timetables and to determine what special recruitment efforts should be taken during the selection process for any vacancy.

The Affirmative Action/Recruitment Manager may submit resumes to the Office Director for inclusion in the review and interview process. The Affirmative Action/Recruitment Manager also meets, as needed, with Office Directors during the final interview process to ensure that opportunities to meet affirmative action goals are given full consideration.

2. The Affirmative Action/Recruitment Manager reviews the Job Vacancy Announcement (HRD-6) to obtain information in order to implement the Affirmative Action Program and address protected group underutilization.

3. Vacancies may be externally advertised at the request of the Office Director in order to obtain a greater pool of candidates. The Affirmative Action/Recruitment Manager will work closely with the Office Director or designee to determine a recruitment strategy for hard-to-fill positions. Recruitment strategies may include advertising in newspapers or trade journals, outreach and/or specialized search.

4. Additionally, organizations listed on the Affirmative Action/Recruitment Source List may be notified of vacancies.

IV. INTERVIEW PROCESS

1. In order to build and maintain a current resume bank all applications/resumes should be submitted to the Human Resource Development Unit. The Human Resource Development Unit reviews all applications and resumes. Acknowledgement cards are sent to all applicants.

2. The screening and referral process is as follows:

- a) The Human Resource Development Unit screens all candidates and develops a list of candidates who meet the minimum experience, education and license requirements for the position.
- b) The Human Resource Development Unit then forwards the list, or short-list, of the ten best applicants, in the case where more than ten applicants meet the minimum qualifications, with applications/resumes to the HRD Liaison or Office Director who will make arrangements for interviews.
- c) If fewer than three applicants meet the minimum qualifications, the Affirmative Action/Recruitment Manager will discuss less qualified applicants with the Office Director for inclusion in the list of candidates to be interviewed.
- d) The Office Director may also request to review the entire group of applications received.

3. All internal applicants for designated collective bargaining positions who meet the minimum entry requirements for the position will be interviewed. Bargaining unit positions require that selections be based on the following factors in priority:

- a) Ability to do the job as determined by:
 - 1) Experience and competence (job performance) in the same or related work.
 - 2) Education and training related to the vacant position.
- b) Seniority, as measured by length of state service from date of permanent appointment.
- c) Work history.

4. The Affirmative Action and Recruitment Manager is available to assist in any phase of the interview process, from developing a selection process to interviewing selected candidates. The selection process for bargaining unit positions should clearly and specifically reflect the factors mentioned in bargaining unit agreements.

V. APPOINTMENTS

1. The Office Director or designee interviews at least three candidates from the list of candidates. After a selection is made the Office Director submits the completed hiring package to the Human Resource Development Manager. The Affirmative Action/Recruitment Manager reviews the appointment for compliance with the Agency's affirmative action goals and timetables. When a candidate is approved for hire the Human Resource Development Manager authorizes the appointment in the Commonwealth's PMIS System. A Personnel Action Form (HRD-2) must be completed before an employee is placed in PMIS and on the DCPO payroll.

The "hiring package" shall include the:

- a) Personnel Action Form (HRD-2);
- b) Applicants's Employment Application (HRD-3) and Resume or Internal Application (HRD-4) and Resume if a Current Employee;
- c) Three (3) Reference Checks (HRD-5);
- d) Position Vacancy Announcement (HRD-6) and any advertisement which may have been placed;
- e) Non-selection notices if a designated collective bargaining position; and,
- f) The Affirmative Action Audit Form (HRD-7) should be completed for those designated offices which have not met their affirmative action goals.

2. Wage rates for positions covered by collective bargaining agreements are governed by the respective collective bargaining agreements. The Office Director may recommend a starting salary within the established salary range for management, professional and technical pay law (TPL) positions after providing detailed justification for recommended salaries above the start of the range.

3. The Deputy Commissioner approves appointments for positions graded M-6 or above. The Office Director approves all other appointments. The Human Resource Development Manager authorizes appointments to PMIS based upon operational goals of the appointing office, a review of the appointees qualifications and other personnel policies.

VI. NOTIFICATION TO APPLICANTS

1. All applicants who have been interviewed will be notified of the results of their selection.

2. Non-selection notices will be sent to bargaining unit members in accordance with collective bargaining agreement.

3. Hiring Managers should coordinate the notification process with the Recruitment Manager.

4. All applications for employment will be kept on file in the Human Resource Development (HRD) Unit for six months from date of receipt and given consideration for any vacancy for which they may qualify during this time.

DIVISION OF CAPITAL PLANNING AND OPERATIONS

REQUEST TO POST POSITION

TO: Human Resource Development Unit

FROM:

DATE:

Please post the following position:

Account No.

Unit:

Position No:

Work Address:

Payroll Title:

Functional Title (if applicable):

Job Duties: (Please provide a general description of the duties and responsibilities., i.e. those not included on the Form 30 or which you want to emphasize.)

Skills and Abilities (i.e. which are not on the Form 30):

Director's Signature

Date

HUMAN RESOURCE DEVELOPMENT UNIT

PERSONNEL ACTION FORM

Date: _____

Employee Name _____

Effective Date of Action _____

Position Title _____

Functional Title _____

Position Number _____

Appropriation Account _____

Job Group _____ Bargaining Unit _____

Salary _____ Step _____

_____ New Hire _____ Promotion _____ Transfer _____ Resignation _____ Demotion

APPROVALS: PLEASE OBTAIN SIGNATURES IN THE FOLLOWING ORDER:

(1) Office Director: _____ Date _____

(2) Affirmative Action Manager: _____ Date _____

(3) HRD Manager: _____ Date _____

M5 or Above:

(4) Tax Certification: _____ Date _____

M6 or Above:

(5) Deputy Commissioner: _____ Date _____

PLEASE ATTACH EMPLOYMENT APPLICATION (HRD-4) AND RESUME OF CANDIDATE

DIVISION OF CAPITAL PLANNING AND OPERATIONS

INTERNAL APPLICATION FORM

PERSONAL DATA:

First Name: _____ MI: _____ Last Name: _____

Work Unit: _____ Location: _____

Position Title: _____ S.S. #: _____

Work Telephone: _____

What Position Are You Interested In?

Position Title: _____ Position# _____

CIVIL SERVICE:

Have you taken any Civil Service Exams in the past year? If yes:

Date: _____ Exam Title: _____

Are you on a current Civil Service List? _____ Exam Title _____

EMPLOYMENT HISTORY: Please list your former positions.

Position Title: _____ Organization: _____

Location: _____ Telephone: _____

Employment Dates: _____

Position Title: _____ Organization: _____

Location: _____ Telephone: _____

Employment Dates: _____

I certify that the aforementioned information is correct to the best of my knowledge and authorize the Agency to verify any of this information.

Signature

Date

THE DIVISION OF CAPITAL PLANNING AND OPERATIONS IS AN
EQUAL EMPLOYMENT/AFFIRMATIVE ACTION EMPLOYER

DIVISION OF CAPITAL PLANNING AND OPERATIONS

REFERENCE CHECK FORM

Applicant: _____ Position: _____

Reference: _____ Telephone: _____

Title: _____ Organization: _____

Address: _____

How do you know the applicant? _____

Did you supervise the applicant? _____

When? _____ In what position? _____

Please comment on the applicant's

Knowledge of Job or Function _____

Quality of Work _____

Attendance/Dependability _____

Relationship to Co-workers _____

Is the applicant eligible for re-hire at your company? _____

Do you have any reservations about this applicant's employment? _____

Do you recommend the applicant for employment? _____

Name of Interviewer

Date

HUMAN RESOURCE DEVELOPMENT UNIT

AFFIRMATIVE ACTION AUDIT FORM

To be filed with the Human Resources Development Unit prior to filling each position. The signed certificate shall be maintained by the Manager of Affirmative Action and Recruitment. The Hiring Supervisor is responsible for completing this form prior to submission.

POSITION INFORMATION

Unit: _____

Position Title: _____

Job Group/Step: _____ Salary: _____

Date Vacancy Occurred: _____

Date Position Requested: _____

SELECTED CANDIDATE INFORMATION

Candidate Name: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Selection Rationale: _____

RECRUITMENT EFFORT

Describe efforts to recruit affirmative action candidates. Include names of (a) publications in which position was advertised; (b) organizations contacted; (c) colleges and universities contacted; and (d) individuals contacted.

* Information is self-identified.

INTERVIEW INFORMATION

(Please complete for all persons interviewed for this position.)

Interviewer: _____

Person Interviewed: _____

Referral Source: _____

Date Interviewed: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Rejection Rationale: _____

* * * * *

Interviewer: _____

Person Interviewed: _____

Referral Source: _____

Date Interviewed: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Rejection Rationale: _____

* * * * *

Interviewer: _____

Person Interviewed: _____

Referral Source: _____

Date Interviewed: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Rejection Rationale: _____

INTERVIEW INFORMATION

Interviewer: _____

Person Interviewed: _____

Referral Source: _____

Date Interviewed: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Rejection Rationale: _____

Interviewer: _____

Person Interviewed: _____

Referral Source: _____

Date Interviewed: _____

Ethnic Background: _____ Sex: _____

Vietnam Era Veteran*: _____ Handicapped*: _____

Rejection Rationale: _____

OFFICE DIRECTOR

DATE

HUMAN RESOURCE DEVELOPMENT MANAGER

DATE

AFFIRMATIVE ACTION AND RECRUITMENT MANAGER

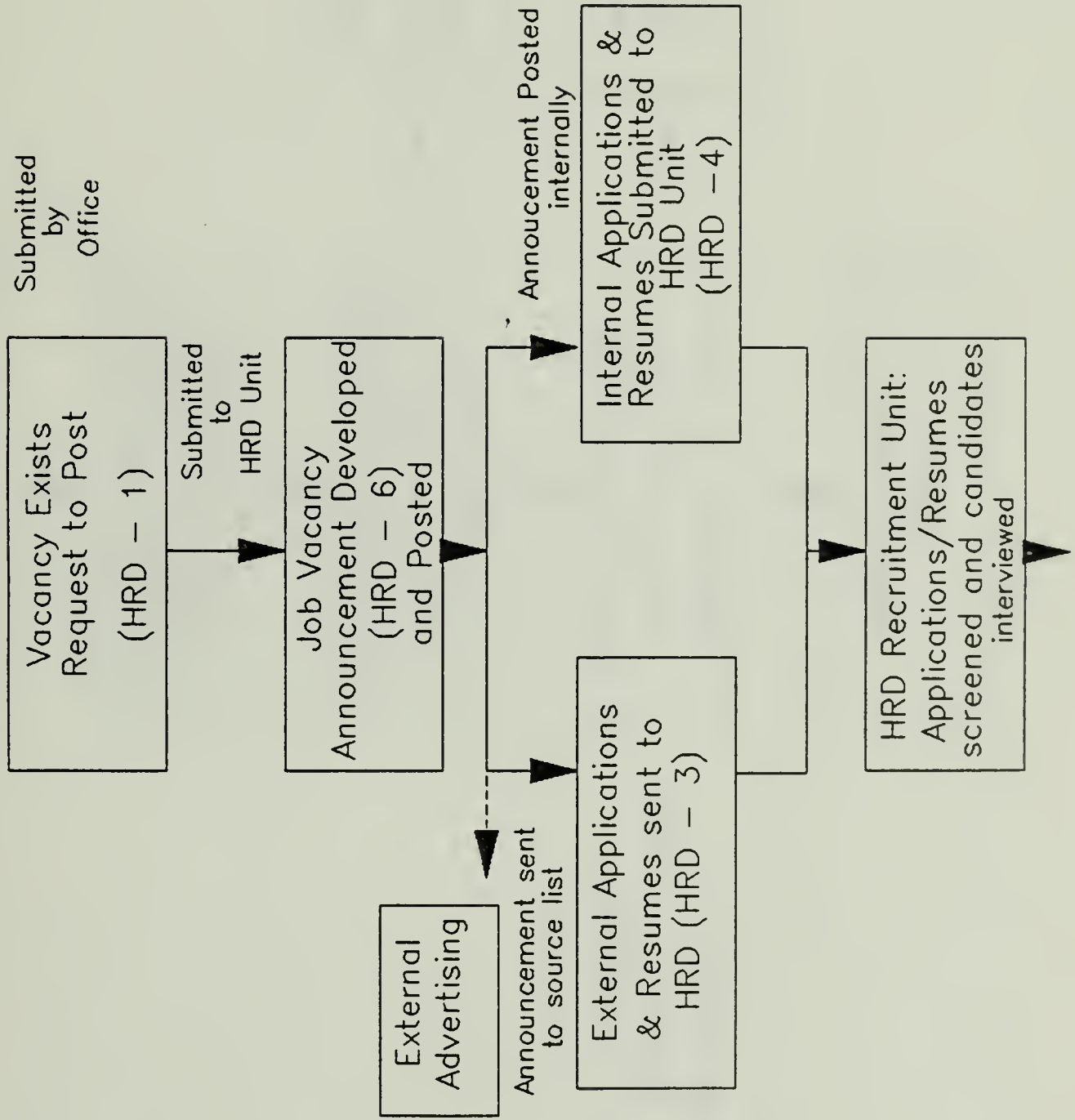
DATE

* Information is self-identified.

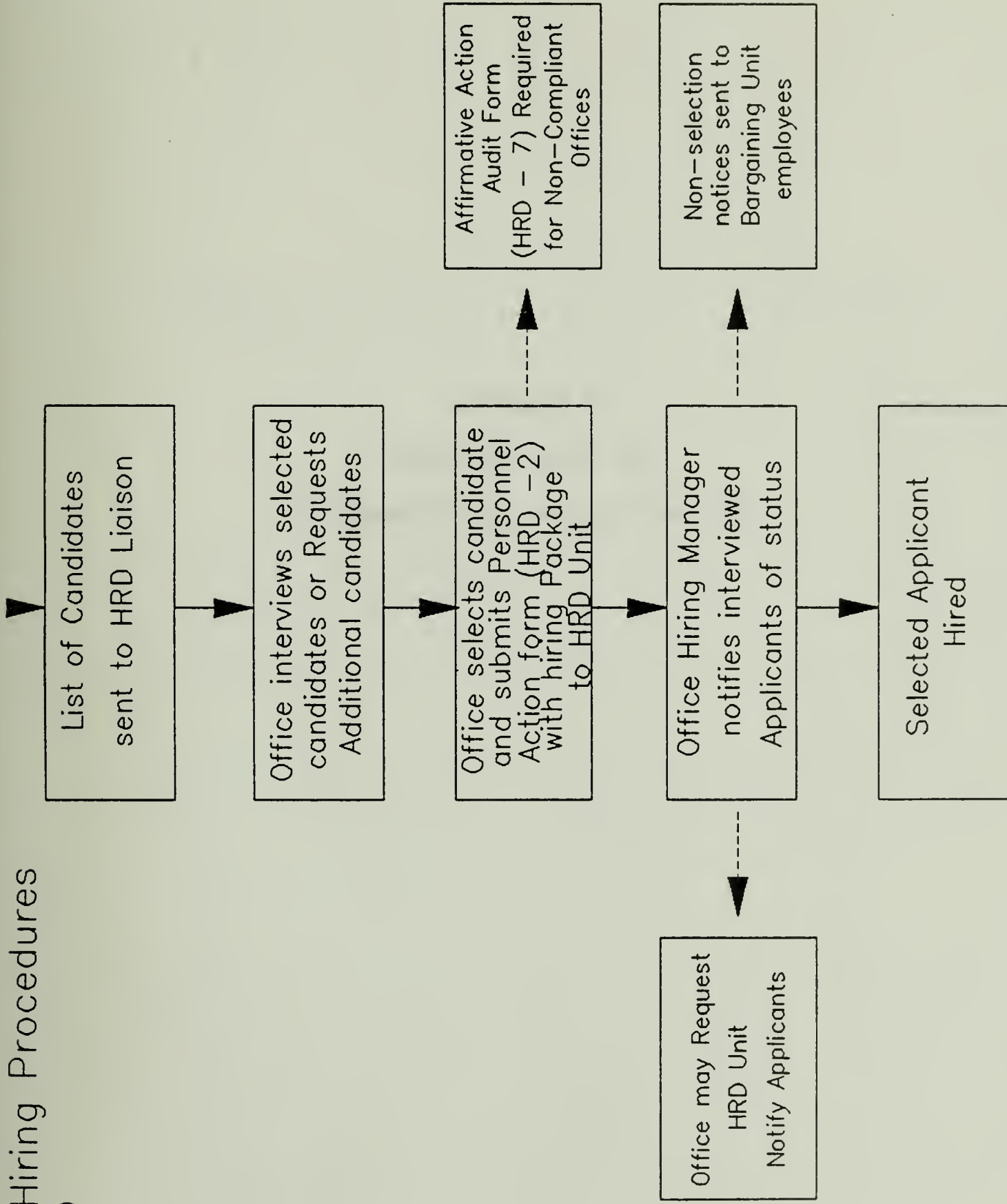
Division of Capital Planning & Operations

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Hiring Procedures Flow Chart



DCPO Hiring Procedures (Page 2)



APPENDIX D
EXECUTIVE ORDER 227
(GOVERNOR'S CODE OF FAIR PRACTICE)



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

By His Excellency

MICHAEL S. DUKAKIS
GOVERNOR

EXECUTIVE ORDER NO. 227
GOVERNOR'S CODE OF FAIR PRACTICES, AMENDING, AND
REVISING EXECUTIVE ORDER NO. 74, AS AMENDED BY
EXECUTIVE ORDERS NO. 116 AND NO. 117

FEB 25 3 05 PM '83

Preamble

The Commonwealth of Massachusetts has led this nation, since its birth, in protecting the rights and privileges of individuals. The Massachusetts Constitution of 1780, which has been a model for other states, is based on a belief in freedom and equality for all mankind, and in the duty of government to safeguard and foster, for its people, the enjoyment of these rights.

Our continued commitment to this principle is demonstrated by our strong laws prohibiting discrimination because of race, color, religion, creed, ancestry, national origin, military status, sex, age, and handicap in the areas of employment, education, private and public housing units, commercial property and public accommodations.

But, in spite of these accomplishments, much remains to be done. Many families presently suffer from inadequate income, sub-standard and overcrowded housing, and inferior education because discrimination and de facto segregation bar them from the better jobs, dwellings and schools. We recognize that any such effects of any illegal past or present discriminatory practices by state agencies and appointing authorities must be affirmatively remedied, and that the ratio of racial and sexual makeup of the state work force should, at all levels, reflect the ratio of racial and sexual makeup of the population where the jobs exist.

We have made a beginning, but, if we are to finish the job we have begun, all branches of our state government must take the lead in the struggle for human rights, and must exert their authority and exercise their talents for the enforcement of our anti-discrimination laws and the promotion of equal opportunities for all persons through affirmative action.

In order to meet this obligation, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution and by the statutes of the Commonwealth, do hereby adopt the following Governor's Code of Fair Practices, and do hereby order and direct that the said Code be the governing and guiding policy of the Executive Branch of the Government of the Commonwealth of Massachusetts.

Article I Declaration of Policy

1.1 Nondiscrimination and equal opportunity are the policy of the Executive Department of the Commonwealth of Massachusetts in all of its decisions, programs and activities. To that end, each executive officer serving under the Governor, and all state employees shall rigorously take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the Commonwealth. Each agency, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity.

1.2 Affirmative action requires more than vigilance in the elimination of discriminatory barriers to employment on the grounds of race, color, religion, creed, ancestry, national origin, age, sex, and handicap. It requires positive and aggressive measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, inservice or apprenticeship training programs, and all terms and conditions of employment. Affirmative action shall include efforts required to remedy the effects of present and past discriminatory patterns and practices, and any action necessary to guarantee equal employment opportunity for all people.

1.3 All agencies and appointing authorities of the Commonwealth shall initiate affirmative action programs designed to conform with this policy. All such affirmative action programs shall be subject to review by the Executive Office of Administration and Finance ("Commissioner"), the Massachusetts Commission Against Discrimination ("MCAD"), and the State Office of Affirmative Action ("SOAA").

1.4 All powers, functions, and duties granted to the Governor, the Commissioner of Administration and Finance, the Massachusetts Commission Against Discrimination, and the State Office of Affirmative Action, under any provision of law, shall

apply also to this Code, and shall be construed liberally for the accomplishment of the purposes hereof.

Article II Employment Policies of State Agencies

2.1 State officials and supervisory employees shall appoint, assign, train, evaluate, compensate, and promote state personnel on the basis of merit and fitness, without regard to race, color, creed, religion, national origin, ancestry, language, sex, age, or handicap unless a preference, limitation or specification based upon sex, age, language, military service, or otherwise, is required by law, or unless, in the case of a handicapped person, said person is unable to perform the bona fide responsibilities of the position, as determined by either the Division of Personnel Administration or the State Office of Affirmative Action, or unless sex or proficiency in the English language is deemed by the Massachusetts Commission Against Discrimination to be a bona fide occupational qualification for employment.

2.2 The Commissioner of Administration and Finance shall have overall responsibility for ensuring equal opportunity and affirmative action for women and minorities in the Commonwealth, and shall be assisted by a Director of the State Office of Affirmative Action who he/she shall appoint.

2.3 The Director of the State Office of Affirmative Action ("State Director") shall be the chief Affirmative Action Officer for internal employment for the Commonwealth, and shall carry out the Commonwealth's policy on nondiscrimination, equal opportunity, and affirmative action.

The State Director shall:

- (1) recommend appropriate standards and procedures governing the preparation, submission, and review of affirmative action plans by all agencies.
- (2) give final approval or disapproval of all affirmative action plans prepared by such agencies and appointing authorities as submitted by the Secretariat.
- (3) conduct an ongoing review of affirmative action plans and their implementation to assure that they comply with such plans and the intent of this Executive Order.

- (4) establish a uniform grievance procedure which shall be available to any person subject to this Executive Order, including applicants, as well as employees, to determine any and all issues arising from this Executive Order and related to affirmative action plans. However, such procedures need not conform to Massachusetts General Law Chapter 30A.
- (5) monitor the approval of all personnel requisitions and appointment forms submitted to the Personnel Administrator by appointing authorities within state government after approval by the Secretariat Affirmative Action Officer. If the State Director determines that an agency has not been in compliance with its hiring or promotion goals, he/she may impose, after written notice, a hiring freeze on any or all positions of the agency until such time as a determination has been made by the Equal Employment Panel, as described in Section 2.12 below, that the agency is in compliance.
- (6) report, from time to time, but at least every three months, to the Governor and the Commissioner of Administration and Finance on the progress being made by secretaries and all other appointing authorities in administering their affirmative action plans.
- (7) ensure that the state personnel system is operated in ways which provide assistance to appointing authorities in meeting the affirmative action goals.
- (8) require Affirmative Action Officers to submit information on the status of their affirmative action plans on at least a quarterly basis, and whenever deemed necessary by the State Director.
- (9) have any additional powers that are necessary to carry out the Commonwealth's policy of nondiscrimination and equal employment.

2.4 Effective immediately, the Secretary of each Executive Office shall:

(1) have an approved affirmative action plan, and cause each agency or appointing authority under his/her control to have such a plan, setting forth goals and timetables. These plans shall require each agency or appointing authority to employ all reasonable measures to eliminate the effects of any past or present discriminatory employment practice. The timetable for achieving the goals set forth in affirmative action plans shall be closely reviewed by the State Director to ensure that they are reasonable. The State Director shall also ensure that said plans will, within a reasonable period of time, lead to the goal of parity with the city or the standard metropolitan statistical area population, which the State Director determines is appropriate.

(2) appoint a highly placed person, who shall report directly to the Secretary of the Executive Office and who shall be designated the Secretariat Affirmative Action Officer, to supervise enforcement and development of affirmative action plans by agencies and appointing authorities within each Secretariat, including the Executive Office. Each Secretariat Affirmative Action Officer shall, whenever possible, be exempt from Civil Service.

(3) consider its existing staffing patterns when preparing its affirmative action plan, and when such patterns indicate a pattern of staffing of racial minorities and women that is not fairly reflective of the percentage of minorities and women where the jobs exist, shall state in the affirmative action plan the remedial measures the Secretary of the Executive Office intends to employ to correct the disparity.

2.5 Each Secretariat Affirmative Action Officer shall:

(1) review affirmative action plans within his/her Secretariat and Executive Office to ensure that they meet the guidelines of the State Office of Affirmative Action.

(2) submit Secretariat affirmative action plans to the State Director for approval.

(3) recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions.

- (4) report all disapprovals to the State Director, as defined in paragraph 2.3 of this Article.
- (5) report to the State Director any problems that they experience in enforcing and administering the affirmative action plan or plans within their Secretariat, as defined in 2.3(2).
- (6) require agency Affirmative Action Officers to submit to the Secretariat information on the status of their plans on a quarterly basis and whenever necessary as determined by the State Director.

2.6 Effective immediately, the chief executive of each agency or appointing authority shall:

- (1) appoint a highly placed person, who shall report directly to the chief executive, to administer and enforce the affirmative action plan of such agency or appointing authority. Each such person, who shall be designated as the agency Affirmative Action Officer, shall, whenever possible, be exempt from Civil Service.
- (2) issue clear, written directives for each agency, commission, department or other subdivision within his/her authority, and to each person in a decision-making position with respect to employment, layoffs, terminations, promotions, or job responsibilities, to carry out the approved affirmative action plan.

2.7 Each agency Affirmative Action Officer shall:

- (1) write and design affirmative action plans within his/her office which are to be sent to the Secretariat Affirmative Action Officer for further review.
- (2) in preparing an affirmative action plan, conduct a utilization analysis, and when such analysis indicates a pattern of staffing of racial minorities and women that is not fairly reflective of the percentage of minorities and women where the jobs exist, take appropriate, remedial action.

- (3) recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions which are to be reported to the Secretariat Affirmative Action Officers for their Secretaries.

2.8 If any agency or appointing authority does not have an approved affirmative action plan within 60 days after the effective date of the Executive Order, the State Director shall establish such employment plan for such agency or authority.

2.9 Each agency and appointing authority shall be required to file with the State Office of Affirmative Action, an annual report through the appropriate secretary, by July 30th of each year for the period ending June 30th, on actions taken during the preceding fiscal year to implement its affirmative action plan.

Notwithstanding the foregoing, the Chairman of the Massachusetts Commission Against Discrimination and the State Director may, at any time, request, and shall receive, such information they deem appropriate for purposes of monitoring compliance.

2.10 The Civil Service Commission and the Department of Personnel Administration, in conjunction with the State Director, shall employ systematic efforts to ensure that the procedure for appointing persons to state service, including the development and administration of written and oral examinations, job specifications and employment qualifications, are free from either deliberate or inadvertent bias, and have been examined to eliminate any discriminatory effect on minorities or women. All examinations for entry or promotional appointments shall be designed clearly and demonstrably to test an applicant's actual ability to discharge the duties of the position for which the person seeks appointment.

2.11 The State Director shall investigate instances of noncompliance with an approved affirmative action plan. Whenever he/she determines, after investigation, that any party, either partly or wholly responsible for the implementation of an affirmative action plan, is in noncompliance, he/she shall, where appropriate, assume sign-off powers over all personnel actions and requisitions until there is satisfactory compliance.

The State Director shall refer to the Massachusetts Commission Against Discrimination any information which he/she believes may constitute a violation of the laws. The Commission shall initiate complaints against those agencies or persons who it has reason to believe are in violation of the laws.

2.12 Any secretary who objects to the determination of the State Director may appeal to a panel consisting of the Commissioner of Administration and Finance or his/her designee who shall be the Chairperson, and the Chairman of MCAD or his/her designee, and a third individual selected jointly by these two officials. This panel shall be called the Equal Employment Panel, and shall have authority to take whatever action it deems appropriate and consistent with the policy of this Executive Order.

2.13 Nothing in this Article shall be deemed to diminish the powers, duties, or jurisdiction of the Massachusetts Commission Against Discrimination including, but not limited to, its powers to act with respect to complaints against any agency or person.

2.14 The State Director shall refer all instances of possible violation of MGL 151B to the MCAD for appropriate action.

2.15 Every appointing authority shall post in a conspicuous place a notice to be prepared or approved by the Commissioner of Administration and Finance or the Director of the State Office of Affirmative Action which shall set forth excerpts of this order, and such other information which the Commissioner of Administration and Finance or the Director of the State Office of Affirmative Action deems necessary to explain this Executive Order.

Article III State Services and Facilities

3.1 All services of every state agency shall be performed without discrimination based on race, color, religion, creed, national origin, ancestry, age, sex, or handicap unless otherwise provided by law. No state facility shall be used in the furtherance of any discriminatory pattern or practice, nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning such patterns or practices.

3.2 Each appointing authority shall, at the request of the MCAD or of the State Director, critically analyze all of its operations to ascertain possible instances of noncompliance with this policy, and shall, as soon as possible, implement sustained, comprehensive programs based on MCAD (or, in the case of the handicapped, SOAA) guidelines to remedy any defects found to exist.

Article IV Contracts

4.1 Every state or state-assisted contract for public buildings and public works, or for goods or services shall contain an article prohibiting discriminatory employment practices by contractors, subcontractors, and suppliers of goods or services based on race, color, religion, creed, national origin, ancestry, age, sex, or handicap. The nondiscrimination article shall:

- (1) Include provisions requiring contractors and suppliers of goods and services to give written notice of their commitments under this article to any labor union, association or brotherhood with which they have a collective bargaining or other agreement.
- (2) Give such notice to minority and women contractors, and to minority contractor associations.

4.2 It is the policy of the Commonwealth of Massachusetts to require that every state contract or state-assisted contract for public buildings and public works, and for goods and services which total \$50,000 shall contain an article requiring the contractor, and his/her subcontractors, to undertake, through every possible measure, such affirmative action programs as may be required by the Secretary of the Executive Office within which the contracting or assisting agency is located (or, if such agency is not located within an executive office, then such secretary as shall be designated by the Commissioner of Administration and Finance).

4.3 The Secretary of each Executive Office shall require that the contracting or assisting agency include, as part of state or state-assisted contracts for public buildings and public works, a version of the Commonwealth's Supplemental Equal Employment Opportunity, Anti-discrimination and Affirmative Action Program, appropriately adapted by the MCAD.

4.4 The objective of such affirmative action shall be:

- (1) to eliminate all past and present effects of discrimination in employment because of race, color, religion, sex, age, handicap, or national origin;
- (2) to promote the full realization of equal employment opportunity for minorities and women; and

- (3) to promote business opportunities in the Commonwealth for minority and women contractors through positive and continuing programs.

4.5 Such contractual provisions shall be fully and effectively enforced, and any breach of them shall be regarded as a material breach of the contract subject to appropriate sanctions. The Massachusetts Commission Against Discrimination shall be responsible for determining compliance with nondiscrimination and affirmative action sections of state contracts. In the event of a finding of noncompliance with these provisions, the contracting agency shall impose such contract sanctions, consistent with the law and contractual agreements, as it may deem appropriate to attain full and effective enforcement.

4.6 In implementing this policy of nondiscrimination and affirmative action, all contracting and assisting agencies shall cooperate with, and utilize, the expertise of the Massachusetts Commission Against Discrimination. As part of its annual report, each state agency and appointing authority shall submit to the MCAD documentation of its actions and programs to ensure compliance with these provisions by all contractors, subcontractors and suppliers of goods and services.

Article V State Employment Services

5.1 All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers shall accept job orders, refer for employment, test, classify, counsel, and train only on a nondiscriminatory basis. Said agencies shall refuse to fill any job order which has the effect of excluding any class of persons because of race, color, religion, creed, national origin, ancestry, language, age, handicap, or sex, unless a preference, limitation, or specification based upon age, sex or language is deemed, by the Massachusetts Commission Against Discrimination, to be a bona fide occupational qualification for employment, or, in the case of handicap, an individual is unable to perform the bona fide responsibilities of the position.

5.2 All state agencies shall advise the MCAD promptly of any employers, employment agencies, or unions which said agencies have reason to believe are practicing unlawful discrimination.

5.3 State agencies shall assist public and private employers, unions, or other persons who, pursuant to a remedial affirmative action program, seek to broaden their recruitment programs by requesting the referral of qualified minority and female applicants. Each executive office, including, but not limited to, the Executive Office of Economic Affairs, shall direct agencies under their jurisdiction to fully utilize their expertise to the end that the agencies shall cause all persons (as defined in Chapter 151B of the Massachusetts General Laws) within their jurisdiction to initiate action to eliminate any practice or program which has an illegal discriminatory effect on minority or female persons within the population due to their race, sex, religion, creed, color, handicap, age, or national origin.

Article VI Massachusetts Commission Against Discrimination

6.1 In the performance of its responsibilities under this Executive Order, the Massachusetts Commission Against Discrimination shall have the full cooperation of all state agencies and appointing authorities. Said agencies and appointing authorities shall comply with the MCAD's requests for information concerning practices inconsistent with the state policy of nondiscrimination and affirmative action, and said agencies shall follow its lawful directives for giving effect to that policy.

6.2 Where appropriate, the MCAD shall promulgate guidelines, rules, and regulations aiding the implementation and enforcement of this Executive Order.

Article VII State Education, Counselling and Training Programs

7.1 All educational, counselling and vocational guidance programs, and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, creed, national origin, age, sex, handicap, or ancestry. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons.

7.2 Those state agencies responsible for educational counselling and training programs shall take positive steps to ensure that all such programs are free from unlawful bias.

7.3 Expansion of the training opportunities under these programs 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.

Article VIII Health Care

All private health care facilities, licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes and clinics, shall be required to comply with the state policy of nondiscrimination in their patient admissions and in health care service as a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or to be eligible to receive any form of assistance.

Article IX Private Educational Institutions

All private educational institutions, licensed or chartered by the state, including professional, business and vocational training schools, shall, at the request of the MCAD, be required to show compliance with the state policy of nondiscrimination in their student admissions and other practices as a condition of continued participation in any state program or eligibility to receive any form of state assistance. However, these institutions may pursue their own otherwise lawful practices to promote diversity in their student admissions.

Article X State Licensing and Regulatory Agencies

10.1 State Agencies shall not discriminate by considering race, sex, color, religion, creed, national origin, handicap, or ancestry in granting, denying or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against, or segregate, any person on such grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according equal treatment and access to their services to all persons.

10.2 Any licensee of a charter holder who fails to comply with this policy shall be subject to such disciplinary action as is consistent with law, and the legal authority and rules and regulations of the regulatory agency. State agencies which have the authority to grant, deny or revoke licenses or charters must actively utilize their authority to prevent any person, corporation or business firm from discriminating because of race, color, religion, creed, national origin, sex,

age, handicap, or ancestry, or from participating in any practice which may have an illegal, discriminatory effect on women and minority persons within the population. The Massachusetts Commission Against Discrimination shall review and approve all procedures, rules and regulations used to implement this policy.

Article XI Housing Accommodation

11.1 No person, corporation or firm which is licensed or chartered by the state to engage in the business of selling, leasing, renting, financing, building or developing housing accommodations shall discriminate against any prospective buyer, lessee, or tenant because of race, color, religion, creed, national origin, ancestry, language, receipt of public assistance, membership in the armed forces, sex, age, marital status, children, handicap, or veterans status, nor shall any licensee or charter holder seek to promote the sale or lease of any residential property on the grounds that a person of particular racial, religious or ethnic background has established, or will establish, residence in the neighborhood.

11.2 Any real estate broker or salesman, corporate owner, lending institution, homebuilder, or developer who fails to comply with this policy shall be subject to such disciplinary action as is consistent with the legal authority, and rules and regulations of the appropriate licensing or regulatory agency, and of state statute.

11.3 There shall be no segregation or discrimination in any publicly assisted housing based upon race, color, sex, religion, creed, handicap, military or veterans status, language, or national origin. The prevention and elimination of racial, ethnic and religious segregation shall be an objective in all decisions involving the selection of new, publicly assisted housing sites, the development and execution of urban renewal plans, and the management and placement of tenants in public housing. The Department of Community Affairs, Massachusetts Housing Finance Agency, and the Massachusetts Commission Against Discrimination shall assist local authorities in promoting integrated housing in state supported or state supervised projects.

11.4 In dispersing financial assistance, including, but not limited to, loans and grants, the Executive Office of Communities and Development shall require grant recipients to undertake affirmative action designed to eliminate patterns and practices of discrimination in employment and housing, due to race, color, sex, ancestry, national origin, marital status, children, religion, and creed. At the request of the MCAD, the

Executive Office of Communities and Development, prior to approving such grants, shall develop, subject to the review and revision by MCAD, rules, regulations and procedures necessary to implement and attain the goal of nondiscrimination and affirmative action by grant recipients.

Article XII Public Schools

12.1 By law, it is the policy of the Commonwealth of Massachusetts to require all school committees to adopt, as educational objectives, the promotion of equal and integrated education, and the correction of existing racial imbalance in the public schools. The prevention or elimination of racial imbalance shall be an objective in all decisions involving the drawing or altering of school attendance lines, and the selection of new school sites. The Department of Education shall also pursue a program of promoting fair employment practices for certified teachers, and shall periodically examine its publications and educational materials to assure that they are a realistic representation of the world's peoples and their contributions to history and culture.

12.2 The Board of Education shall develop and cause to be implemented rules and regulations designed to effectuate Chapter 622 of the Acts of 1971 (Massachusetts General Laws c. 76, Sec. 5), and shall ensure that the School Building Assistance Bureau requires that all new school buildings and facilities are designed so as to assure that male and female students are provided equal physical facilities.

12.3 The Massachusetts Commission Against Discrimination may intervene and act to develop affirmative action programs in order to remedy existing patterns or practices of discrimination which may have a disparate effect on the education of women and minority groups, as defined by the MCAD.

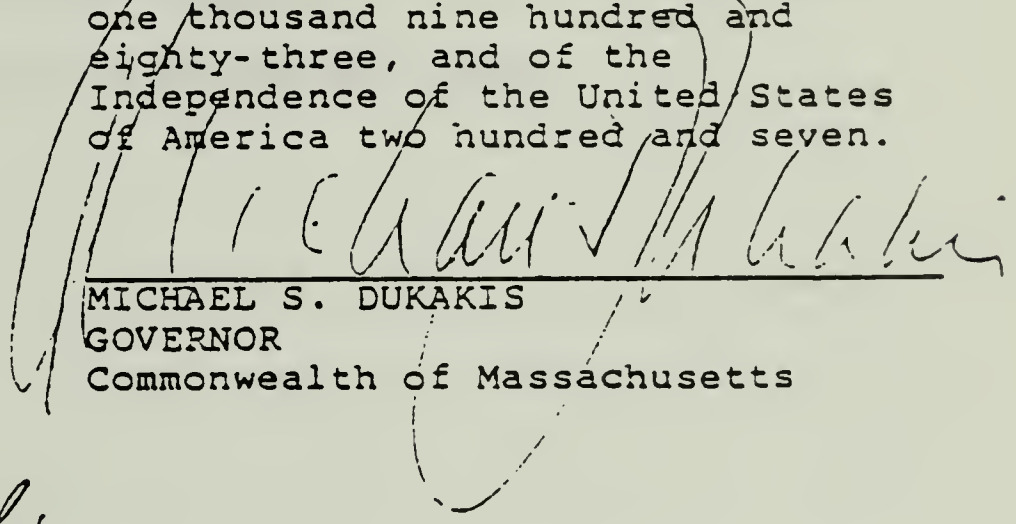
Article XIII State Financial Assistance

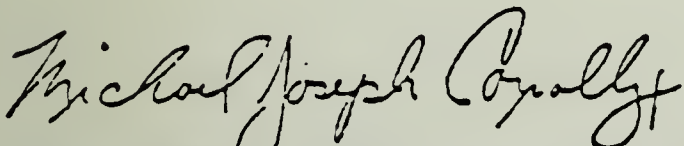
State agencies disbursing financial assistance, including, but not limited to, loans and grants, shall require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination due to race, color, sex, or national origin, subject to the approval of the Massachusetts Commission Against Discrimination, for nonstate agency recipients, and the State Office of Affirmative Action for state agency recipients. At the request of the Massachusetts Commission Against Discrimination, state agencies disbursing such assistance shall develop, subject to review and revision by the MCAD, rules, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action.

Article XIV State Forms

All state agencies shall exclude from forms of request for information any item or inquiry expressing any limitation or specification as to race, color, creed, religion, national origin, sex, age, or handicap, unless the item or inquiry is expressly required by statute, is deemed by the Massachusetts Commission Against Discrimination to be a bona fide occupational qualification, or, in the case of handicap, is deemed, by the Department of Personnel Administration and/or State Office of Affirmative Action, to be a bona fide qualification. However, if such an item or inquiry is required in good faith for a proper purpose, and prior written permission for its use has been given to the agency or appointing authority by the MCAD, then such practice may be allowed.

Given at the Executive Chamber in Boston this twenty-fifth day of February in the year of our Lord one thousand nine hundred and eighty-three, and of the Independence of the United States of America two hundred and seven.


MICHAEL S. DUKAKIS
GOVERNOR
Commonwealth of Massachusetts


SECRETARY OF THE COMMONWEALTH

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

APPENDIX E
EXECUTIVE ORDER 246
(AFFIRMATIVE ACTION FOR THE HANDICAPPED)



MICHAEL S. DUKAKIS
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

COMMONWEALTH OF MASSACHUSETTS

By His Excellency

Michael S. Dukakis

Governor

EXECUTIVE ORDER 246

REVOKING AND SUPERSEDING EXECUTIVE ORDER NUMBERS 143 AND 150

Preamble

The Commonwealth of Massachusetts has led the nation, since its birth, in protecting the rights and privileges of individuals. The Massachusetts Constitution of 1780, which has been a model for other states, is based on a belief in freedom and equality for all individuals and in the duty of the government to safeguard and foster, for its people, the enjoyment of these rights.

This commitment to the rights and liberties of all its citizens, which has distinguished the Commonwealth from its inception, was reaffirmed by the adoption of Article 114 to the State Constitution in 1980 which protects the Commonwealth's handicapped populace from discrimination on the basis of their handicap. In recognition of safeguarding these individual's ability to participate fully within society, the Commonwealth has also enacted statutes prohibiting discrimination because of an individual's handicap in the areas of employment, education, and in places of public accomodation.

In spite of these many endeavors and accomplishments, much remains to be done. Handicapped individuals presently suffer from the lowest income levels of any segment of society, they are still incapable of finding adequate and accessible housing, and inferior education as well as societal misconceptions and discriminatory attitudes bar them from better jobs, dwellings and schools. We recognize that any such effects of any illegal past or present discriminatory practices by state agencies and appointing authorities must be affirmatively remedied, and that the ratio of handicapped individuals in the makeup of the state work force should, at all levels reflect the ratio of the handicapped population within the Commonwealth where the jobs exist.

In order to meet this obligation, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution and by the statutes of the Commonwealth, do hereby adopt the following Governor's code of Fair Practices, and do hereby order and direct that the said Code be the governing and guiding policy of the Executive Branch of the Government of the Commonwealth of Massachusetts.

DEFINITIONS

- a. "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.
- b. For purposes of affirmative action, certain disabilities shall be targeted for special attention in accordance with the methodology established in the Equal Employment Opportunity Commission's Standard Form 256.

- c. "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- d. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- e. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- f. "Is regarded, as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but that is treated by an employer or potential employer as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in paragraph (b) of this section but is treated by an employer or potential employer as having such an impairment.
- g. "Qualified handicapped person" means a handicapped person who, with reasonable accommodation:
- (i) can perform the essential functions of the job in question with respect to employment, or
 - (ii) can meet the essential eligibility requirements for the receipt of services, benefits or other opportunity.

h. "Reasonable accommodation" means any accommodation which has not been shown to impose an undue hardship upon the program or activity making the accommodation. In determining whether an accommodation would impose a hardship, the nature and cost of the accommodation shall be considered in light of the overall size of the State agency, or other program or activity making the accommodation, including the number of employees, number and type of facilities and size of budget. The determination of what is a reasonable accommodation shall be made initially by the employing agency. If the handicapped individual is aggrieved by the agency's determination then he/she shall have a right to appeal to the State Office of Affirmative Action or the Massachusetts Commission Against Discrimination, whichever is appropriate.

i. A person who identifies themselves as a handicapped individual for purposes of affirmative action under this Executive Order must, upon request, provide appropriate verifications or documentation to SOAA to substantiate they fall within the defined class of handicapped individuals covered by this Order.

If a person disagrees with an agency's determination that he/she is not handicapped for affirmative action purposes under this Order, then that person shall have a right to appeal the agency's determination to the State Office of Affirmative Action in accordance with Section 2.3(4)

Article I Declaration of Policy

1.1 Nondiscrimination and equal opportunity are the policy of the Executive Department of the Commonwealth of Massachusetts in all of its decisions, programs and activities. To that end, each executive officer serving under the Governor, and all state employees shall rigorously take affirmative steps to ensure equality of opportunity for handicapped

individuals in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the Commonwealth. Each agency, in discharging its decisions, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity for handicapped individuals.

1.2 Affirmative action requires more than vigilance in the elimination of discriminatory barriers in employment, housing, education, public accommodations, and state or state assisted services on the basis of handicap. It requires positive and aggressive measures to ensure equal opportunity through affirmative remedy in the areas of employment, including hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and assuring equal access to housing, educational programs, services and places of public accommodation. Affirmative action shall include all efforts required to remedy the effects of present and past discriminatory patterns and practices, and any action necessary to affirmatively guarantee equal opportunity for all persons.

1.3 All agencies and appointing authorities of the Commonwealth shall initiate affirmative action programs designed to conform with this policy. All such affirmative action programs shall be subject to review pursuant to the authority granted in this Executive Order, by the Executive Office for Administration and Finance ("Secretary"), the Massachusetts Commission Against Discrimination ("MCAD") and the State Office of Affirmative Action ("SOAA"). SOAA shall upon request provide the Office of Handicapped Affairs (OHA) with information relating to the affirmative action programs initiated pursuant to this Executive Order.

1.4 All powers, functions, and duties granted to the Governor, the Secretary of Administration and Finance, the Massachusetts Commission Against Discrimination, the State Office of Affirmative Action and the State Office of Handicapped Affairs, under any provision of law, shall apply also to this Order.

1.5 The Office of Handicapped Affairs has the responsibility, pursuant to M.G.L. c.6 s.187 and 188, for promoting the advancement of the legal rights of handicapped individuals as well as for promoting and securing the maximum possible opportunities, supportive services, accommodations and accessibility toward the end of full and equal participation of the Commonwealth's handicapped citizenry in all aspects of life within the Commonwealth. In accordance with this mandate, the Office of Handicapped Affairs shall cooperate with the State Office of Affirmative Action in fulfilling the objectives of this Order. Furthermore, CHA shall have responsibility for overseeing state compliance with Section 504 of the Rehabilitation Act of 1973. CHA shall provide the coordination of technical assistance by and for state agencies and their appointing authorities for compliance with the nondiscrimination aspects of this Order and for state compliance with Section 504.

1.6 The State Office of Affirmative Action shall have the overall responsibility to monitor, in a systematic manner, all affirmative action plans for internal employment for the Commonwealth to ensure said plans comply with this Order. SOAA shall also provide the coordination of technical assistance by and for state agencies and their appointing authorities for the affirmative state employment obligations under this Order.

Article II Employment Policies of State Agencies

2.1 State officials and supervisory employees shall appoint, assign, train, evaluate, compensate, and promote state personnel without discrimination on the basis of an individual's handicap. A qualified handicapped individual shall be entitled to reasonable accommodation, which may include job restructuring, modified work schedules, provision of readers or interpreters or making the workplace accessible to or usable by handicapped individuals.

2.2 The Secretary of Administration and Finance shall have overall responsibility for ensuring equal opportunity and affirmative action for handicapped individuals in the Commonwealth, and shall be assisted by the Director of the State Office of Affirmative Action who he/she shall appoint.

2.3 The Director of the State Office of Affirmative Action ("SOAA") as the chief Affirmative Action Officer for internal employment for the Commonwealth, shall carry out the Commonwealth's policy on affirmative action and equal opportunity.

The Director of SOAA shall:

- (1) recommend appropriate standards and procedures governing the preparation, submission and review of affirmative action plans by all agencies.
- (2) give final approval or disapproval of all affirmative action plans prepared by such agencies and appointing authorities as submitted by the Secretariat.
- (3) conduct an ongoing review of affirmative action plans and the intent of this Executive Order.
- (4) establish a uniform grievance procedure which shall be available to any person subject to this Executive Order,

including applicants, as well as employees, to determine any and all issues arising from this Executive Order and related to affirmative action plans. However, such procedures need not conform to Massachusetts General Law Chapter 30A.

- (5) monitor the approval of all personnel requisitions and appointment forms submitted to the Personnel Administrator by appointing authorities within state government after approval by the Secretariat Affirmative Action Officer. If the Director of SQAA determines that an agency has not been in compliance with its hiring or promotion goals, he/she may impose, after written notice, a hiring freeze on any or all positions of the agency until such time as a determination has been made by the Equal Employment Panel, as described in Section 2.12 below, that the agency is in compliance.
- (6) report, from time to time, but at least every three months, to the Governor and the Secretary of Administration and Finance on the progress being made by secretaries and all other appointing authorities in administering their affirmative action plans.
- (7) ensure that the state personnel system is operated in ways which provide assistance to appointing authorities in meeting the affirmative action goals.
- (8) require Affirmative Action Officers to submit information on the status of their affirmative action plans on at least a quarterly basis, and whenever deemed necessary by the Director of SQAA.

(9) have any additional powers that are necessary to carry out the Commonwealth's policy of affirmative action and equal employment.

2.4 (1) Within a specified time frame, as agreed to by SOAA and CHA, a methodology will be developed to determine statistics specific to the Commonwealth's population of handicapped individuals for affirmative action purposes.

(2) Upon agreement to the methodology by SOAA and CHA, the appropriate authority as signified by the methodology, shall immediately begin to identify the population of handicapped individuals within the Commonwealth for affirmative action purposes. Once these statistics are developed then SOAA in consultation with CHA shall set the parity goal.

(3) Within 60 days of the issuance of this Order, SOAA shall promulgate guidelines for determining the current employee mix of handicapped individuals within each agency and appointing authority.

2.5 Effective immediately, the Secretary of each Executive Office shall:

(1) cause each agency or appointing authority to employ all reasonable measures to eliminate the effects of any past or present discriminatory employment practice. The timetable for achieving the goals set forth in affirmative action plans shall be closely reviewed by the Director of SOAA to ensure that they are reasonable.

(2) instruct the Secretariat Affirmative Action Officer to supervise enforcement and development of affirmative action plans for handicapped individuals by agencies and

appointing authorities within each Secretariat, including the Executive Office in accordance with this Order. Each Secretariat Affirmative Action Officer shall be knowledgeable in disability rights and issues. Training and technical assistance to this end shall be provided by SOAA to the Affirmative Action Officers.

- (3) Within 150 days of the issuance of the guidelines by SOAA for determining the employee mix of handicapped individuals, each Secretariat shall have completed its utilization review in accordance with the guidelines promulgated under section 2.4(3).
- (4) after completing its utilization review the Secretariat should consider its existing staffing patterns when preparing its affirmative action plan, and when such patterns indicate a pattern that is not fairly reflective of the percentage of handicapped persons as established by 2.4(2), shall state in the affirmative action plan the remedial measures the Secretary of the Executive Office intends to employ to correct the disparity.

2.6 Each Secretariat Affirmative Action Officer shall:

- (1) review affirmative action plans within his/her Secretariat and Executive Office to ensure that they meet the requirements of this Order and any guidelines established by the State Office of Affirmative Action.
- (2) submit Secretariat Affirmative Action plans to the Director of SOAA for review and approval.
- (3) recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions.

- (4) report all disapprovals to the Director of SOAA.
- (5) report to the Director of SOAA any problems experienced in enforcing and administering the affirmative action plan or plans with their Secretariat, as defined in 2.3(2).
- (6) require agency Affirmative Action Officers to submit to the Secretariat information on the status of their plans on a quarterly basis and whenever necessary as determined by the Director of SOAA.

2.7 Effective immediately, the chief executive of each agency or appointing authority shall:

- (1) instruct its Affirmative Action Officer to administer and enforce the affirmative action plan of such agency or appointing authority in accordance with this Order.

Each Affirmative Action Officer shall be knowledgeable in disability rights and issues. Training and technical assistance to this end shall be provided by SOAA to the Affirmative Action Officers.

- (2) issue clear, written directives for each agency, commission, department or other subdivision within his/her authority, and to each person in a decision-making position with respect to employment, layoffs, terminations, promotions, or job responsibilities, to carry out the approved affirmative action plan.

2.8 Each agency Affirmative Action Officer shall:

- (1) write and design affirmative action plans within his/her office which are to be sent to the Secretariat Affirmative Action Office for further review.
- (2) in preparing an affirmative action plan, conduct a utilization analysis in accordance with the guidelines established

pursuant to Section 2.4(3), and complete said analysis within 150 days of the promulgation of the guidelines. When such analysis indicates a pattern of staffing of handicapped individuals that is not fairly reflective of the percentage established by Section 2.4 (2) take appropriate remedial action.

- (3) recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions which are to be reported to the Secretariat Affirmative Action Officers for their Secretaries.

2.9 Each agency and authority shall be required to file with the State Office of Affirmative Action, an annual report through the appropriate secretary, by July 30th of each year for the period ending June 30th, on actions taken during the preceding fiscal year to implement its affirmative action plan.

Notwithstanding the foregoing, the Chairman of the Massachusetts Commission Against Discrimination and the Director of the State Office of Affirmative Action may, at any time, request, and shall receive, such information they deem appropriate for purposes of monitoring compliance pursuant to the authority referenced in this Executive Order.

2.10 The Civil Service Commission and the Department of Personnel Administration, in conjunction with the Director of SOAA, shall employ systematic efforts to ensure that the procedure for appointing persons to state service, including the development and administration of written and oral examinations, job specifications and employment qualifications, and all examinations and employment standards, are free from either deliberate or inadvertent bias, and have been examined to eliminate any discriminatory effect on handicapped individuals. All

presently fully accessible to and usable by handicapped persons, then the state agencies shall be required to affirmatively act to assure equal access to the facilities and services provided therein.

3.4 Each state agency shall, at the request of OHA critically analyze all its operations to ascertain possible instances of noncompliance with this policy, and shall as soon as possible, implement sustained, comprehensive programs based on OHA's recommendations to remedy any defects found to exist.

OHA may require an appointing authority to prepare a written plan for self-evaluation and correction pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations for purposes of complying with this Article. The OHA Director shall monitor compliance with said plan of self-evaluation and shall take such steps as he/she deems appropriate to correct any non-compliance with said plan. Such steps shall include, but not be limited to, notifying the SOAA Director or the Chairman of MCAD of instances of non-compliance and requesting that the SOAA Director or the Chairman of MCAD take appropriate steps under this Order to correct said non-compliance.

Article IV - Contracts

4.1 Every state or state-assisted contract for public buildings and public works, or goods or services shall contain an article prohibiting discriminatory employment practices by contractors, subcontractors, and suppliers of goods or services based on handicap. The nondiscrimination article shall:

- (1) Include provisions requiring contractors and suppliers of goods and services to give written notice of their commitments under this article to any labor union,

association or brotherhood with which they have a collective bargaining or other agreement.

- (2) Give such notice to handicap contractors, and to handicapped contractor associations.

4.2 It is the policy of the Commonwealth of Massachusetts to require that every state contract or state-assisted contract for public buildings and public works, and for goods and services which total \$50,000 or more shall contain an article requiring the contractor, and his/her subcontractors, to undertake, through every possible measure, such affirmative action programs as may be required by the Secretary of the Executive Office within which the contracting or assisting agency is located (or, if such agency is not located within an executive office, then such secretary as shall be designated by the Commissioner of Administration and Finance).

4.3 The Secretary of each Executive Office shall require that the contracting or assisting agency include, as part of state or state-assisted contracts for public buildings and public works, a version of the Commonwealth's Supplemental Equal Employment Opportunity, Anti-discrimination and Affirmative Action Program appropriately adapted by the MCAD.

4.4 The objective of such affirmative action shall be:

- (1) to eliminate all past and present effects of discrimination in employment because of handicap,
- (2) to promote the full realization of equal employment opportunity for handicapped individuals, and
- (3) to promote business opportunities in the Commonwealth for handicap contractors through positive and continuing programs.

examinations for entry or promotional appointments shall be designed clearly and demonstrably to test an applicant's actual ability to discharge the duties of the position for which the person seeks appointment with reasonable accommodation to the individual's handicap.

2.11 The Director of SOAA shall investigate instances of noncompliance with an approved affirmative action plan. Whenever he/she determines, after investigation, that any party, either partly or wholly responsible for the implementation of an affirmative action plan, is in noncompliance, he/she shall, where appropriate, assume sign-off powers over all personnel actions and requisitions until there is satisfactory compliance.

The Director of SOAA shall refer to the Massachusetts Commission Against Discrimination any information which he/she believes may constitute a violation of the laws. The Commission shall initiate complaints against those agencies or persons who it has reason to believe are in violation of the laws. The Director of SOAA shall notify the CHA Director of any instance of non-compliance with this Article or violation of the laws where the non-compliance or violation relates to handicapped individuals.

2.12 Any secretary who objects to the determination of the Director of SOAA may appeal to a panel consisting of the Secretary of Administration and Finance or his/her designee who shall be the Chairperson, and the Chairman of MCAD or his/her designee, and the Director of the Office of Handicapped Affairs or his/her designee. In the event that the Office of Handicapped Affairs had previous advocacy involvement in the case pending before the panel, then a third member of the panel shall be selected jointly by the other panel members in lieu of the CHA Director. The selected panel member shall have a background

in and be knowledgeable about disability rights and issues. This panel shall be called the Equal Employment Panel, and shall have authority to take whatever action it deems appropriate and consistent with the policy of this Executive Order.

2.13 Nothing in this Article shall be deemed to diminish the powers, duties, or jurisdiction of the Massachusetts Commission Against Discrimination including, but not limited to, its powers to act with respect to complaints against any agency or person.

2.14 The Director of SOAA shall refer all instances of possible violation of MGL 151B to the MCAD for appropriate action.

2.15 Every appointing authority shall post in a conspicuous place a notice to be prepared or approved by the Secretary of Administration and Finance or the Director of the State Office of Affirmative Action which shall set forth excerpts of this Order, and such other information which the Secretary of Administration and Finance or the Director of the State Office of Affirmative Action deems necessary to explain this Executive Order.

Article III State Services and Facilities

3.1 All services of every state agency shall be performed without discrimination based on handicap and consistent with all applicable state and federal law. Said services shall be provided in a manner which does not discriminate, adversely impact upon or create an undue hardship on handicapped persons in the use of such services.

3.2 Any agreement, arrangement, or plan to which the state agency is a party shall be consistent with the requirements of Section 3.1.

3.3 All state facilities shall be accessible to and usable by handicapped persons. However, to the extent any state facility is not

4.5 Such contractual provisions shall be fully and effectively enforced, and any breach of them shall be regarded as a material breach of the contract subject to appropriate sanctions. The Massachusetts Commission Against Discrimination shall be responsible for determining compliance with nondiscrimination and affirmative action sections of state contracts. In the event of a finding of noncompliance with these provisions, the contracting agency shall impose such contract sanctions, consistent with the law and contractual agreements, as it may deem appropriate to attain full and effective enforcement.

4.6 In implementing this policy of nondiscrimination and affirmative action, all contracting and assisting agencies shall cooperate with, and utilize, the expertise of the Massachusetts Commission Against Discrimination and the Office of Handicapped Affairs. As part of its annual report, each state agency and appointing authority shall submit to the MCAD documentation of its actions and programs to ensure compliance with these provisions by all contractors.

Article V State Employment Services

5.1 All state agencies, including educational institutions, which provide employment shall accept job orders, refer for employment, test, classify, counsel, and train only on a non-discriminatory basis. Said agencies shall refuse to fill any job order which has the effect of excluding any class of persons because of their handicap unless said individual is unable to perform the essential functions of the position with reasonable accommodation as described in the Definitional Section and Section 2.1.

5.2 All state agencies shall advise the MCAD and/or CHA promptly of any employers, employment agencies, or unions which said agencies have reason to believe are practicing unlawful discrimination.

5.3 State agencies shall assist public and private employers, unions, or other persons who, pursuant to a remedial affirmative action program, seek to broaden their recruitment programs by requesting the referral of qualified handicapped applicants. Each executive office, including, but not limited to, the Executive Office of Economic Affairs, shall direct agencies under their jurisdiction to fully utilize their expertise to the end that the agencies shall cause all persons (as defined in Chapter 151B of the Massachusetts General Laws) within their jurisdiction to initiate action to eliminate any practice or program which has an illegal discriminatory effect on handicapped individuals due to their handicap.

Article VI Massachusetts Commission Against Discrimination

6.1 In the performance of its responsibilities under this Executive Order, the Massachusetts Commission Against Discrimination shall have the full cooperation of all state agencies and appointing authorities. Said agencies and appointing authorities shall comply with the MCAD's requests for information concerning practices inconsistent with the state policy of nondiscrimination and affirmative action, and said agencies shall follow its lawful directives for giving effect to that policy.

6.2 Where appropriate, the MCAD shall promulgate guidelines, rules, and regulations aiding the implementation and enforcement of this Executive Order.

Article VII State Education, Counseling and Training Programs

7.1 All educational, counseling and vocational guidance programs, and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall not discriminate

and shall provide equal opportunity to handicapped individuals. Such programs shall be conducted to encourage the fullest development of interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of physically and/or educationally handicapped.

7.2 Those state agencies responsible for educational counseling and training programs shall take positive steps to ensure that all such programs are free from unlawful bias.

7.3 Expansion of the training opportunities under these programs shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the needs for upgrading levels of skill is greatest.

Article VIII Health Care

All private health care facilities, licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes and clinics, shall be required to comply with the state policy of nondiscrimination in their patient admissions and in health care service as a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or to be eligible to receive any form of assistance.

Article IX Private Educational Institutions

All private educational institutions, licensed or chartered by the state, including professional, business and vocational training schools, shall, at the request of the MCAD or the CHA Director be required to show compliance with the state policy of nondiscrimination in their student admissions and other practices as a condition of continued participation in any state program or eligibility to receive any form of state

assistance. However, these institutions may pursue their own otherwise lawful practices to promote diversity in their student admissions.

Article X State Licensing and Regulatory Agencies

10.1 State Agencies shall not discriminate on the basis of handicap in granting, denying, or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against, or segregate, any person on such grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according equal treatment and access to their services to all persons.

10.2 Any licensee or a charter holder who fails to comply with this policy shall be subject to such disciplinary action as is consistent with law, and the legal authority and rules and regulations of the regulatory agency. State agencies which have the authority to grant, deny or revoke licenses or charters must actively utilize their authority to prevent any person, corporation or business firm from discriminating because of an individual's handicap, or from participating in any practice which may have an illegal, discriminatory effect on handicapped individuals within the population. The Massachusetts Commission Against Discrimination shall review and approve all procedures, rules and regulations used to implement this policy.

Article XI Housing Accomodation

11.1 No person, corporation or firm which is licensed or chartered by the state to engage in the business of selling, leasing, renting, financing, building or developing housing accomodations shall unlawfully discriminate against any prospective buyer, lessee, or tenant because of an individual's handicap, nor shall any licensee or charter holder seek

to promote the sale or lease of any residential property on the grounds that a person with a handicapping condition has established, or will establish, residence in the neighborhood.

11.2 Any real estate broker or salesman, corporate owner, lending institution, homebuilder, or developer who fails to comply with this policy shall be subject to such disciplinary action as is consistent with the legal authority, and rules and regulations of the appropriate licensing or regulatory agency, and of state statute.

11.3 There shall be no segregation or discrimination in any publicly assisted housing based upon an individual's handicap. The prevention and elimination of segregation on the basis of handicap shall be an objective in all decisions involving the selection of new, publicly assisted housing sites, the development and execution of urban renewal plans, and the management and placement of tenants in public housing. The Executive Office of Communities and Development, Massachusetts Housing Finance Agency, the Massachusetts Commission Against Discrimination and the Office of Handicapped Affairs shall assist local authorities in promoting integrated housing in state supported or state supervised projects.

11.4 In dispersing financial assistance, including, but not limited to, loans and grants, the Executive Office of Communities and Development shall require grant recipients to undertake affirmative action designed to eliminate patterns and practices of discrimination in employment and housing, due to an individual's handicap. At the request of the MCAD, the Executive Office of Communities and Development, prior to approving such grants, shall develop, subject to the review and revision by MCAD, rules, regulations and procedures necessary to

implement and attain the goal of nondiscrimination and affirmative action by grant recipients.

Article XII Public Schools

12.1 By law, it is the policy of the Commonwealth of Massachusetts to require all school committees to adopt, as educational objectives, the promotion of equal and integrated education objectives and the correction of segregating handicapped individuals in the public schools. The mainstreaming of handicapped individuals in the public schools shall be an objective in all decisions. The Department of Education shall also pursue a program of promoting fair employment practices for certified teachers.

12.2 In accordance with Chapter 766 of the Acts of 1972 (Massachusetts General Laws C.71B et seq.) the Executive Branch is hereby committed to working cooperatively with the Board of Education to ensure architectural and program accessibility to handicapped individuals consistent with all applicable state and federal laws.

12.3 The Massachusetts Commission Against Discrimination may intervene and act to develop affirmative action programs in order to remedy existing patterns or practices of discrimination which may have a disparate effect on the education of handicapped individuals.

Article XIII 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 due to an individual's handicap subject to the approval of the Massachusetts Commission Against Discrimination, for nonstate agency recipients, and the State Office of Affirmative Action for state agency recipients. At the request of the

Massachusetts Commission Against Discrimination, state agencies disbursing such assistance shall develop, subject to review and revision by the MCAD, rules, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action.

Article XIV Boards and Divisions and Commissions

Each board, division, or commission of the Commonwealth within the Executive Branch shall ensure that all sums appropriated by the State legislature are expended in a manner reflecting and encouraging a policy of non-discrimination and equal opportunity for handicapped individuals. All officials and employees of any board, division or commission within the Executive Branch of the Commonwealth receiving monies appropriated by the State Legislature shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public.

Each board, division, or commission within the Executive Branch of the Commonwealth in spending sums appropriated by the state legislature and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, inservice or apprenticeship training programs, and all terms and conditions of employment. Such affirmative action programs shall include efforts required to remedy the effects of present and past discriminatory patterns and practices and any action necessary to guarantee equal opportunity and, affirmative action for handicapped individuals.

The Secretary of Administration and Finance through the SQAA, shall conduct an ongoing review of affirmative action steps taken by the

various boards, divisions, or commissions to determine whether such entities are complying with the intent of this article. Whenever such noncompliance is determined the board, division or commission may appeal said determination to the Equal Employment Panel in accordance with Section 2.12.

Article XV State Forms

All state agencies shall exclude from forms of request for information any item or inquiry expressing any limitation or specification as to a handicapping condition unless the item is deemed by the Massachusetts Commission Against Discrimination to be a bona fide occupational qualification. However, if such an item or inquiry is required in good faith for a proper purpose, and prior written permission for its use has been given to the agency or appointing authority by MCAD, then such practice may be allowed.

Notwithstanding anything to the contrary, an employer may not make a preemployment inquiry of an applicant as to whether the applicant is a handicapped individual or as to the nature or severity of the handicap, except that an employer may condition an offer of employment on the results of a medical examination conducted solely for the purpose of determining whether the employee, with reasonable accommodation, is capable of performing the essential functions of the job, and an employer may invite applicants to voluntarily disclose their handicap for the purposes of assisting the employer in its affirmative action efforts.

Article XVI Severability Clause

If any section, sub-section, sentence, clause, phrase or portion of this Order is for any reason held invalid or unconstitutional by any

court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining Order.

Given at the Executive Chamber in Boston this *Frid* day of *November* in the year of our Lord one thousand nine hundred and eighty-four, and of the Independence of the United States of America two hundred and nine.

[Handwritten Signature]

Michael S. Dukakis
Governor
Commonwealth of Massachusetts

[Handwritten Signature]

Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



APPENDIX F
EXECUTIVE ORDER 253
(AFFIRMATIVE ACTION FOR VIETNAM-ERA VETERANS)



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

By His Excellency

MICHAEL S. DUKAKIS
GOVERNOR

- EXECUTIVE ORDER NO. 235

Revising and Amending Executive Orders 74, 224 and 227

WHEREAS, veterans are deserving of full employment opportunities in recognition of their service to this nation; and

WHEREAS, veterans of the Vietnam War have never received just recognition of their service to this nation; and

WHEREAS, the Director of the State Office of Affirmative Action is the chief affirmative action officer for internal employment for the Commonwealth and is charged with the responsibility of carrying out the Commonwealth's policy on nondiscrimination, equal opportunity, and affirmative action; and

WHEREAS, our Commonwealth already expresses employment preference for members of other groupings in an effort to promote employment among disadvantaged groups; and

WHEREAS, Executive Order No. 224 purported to revise and amend Executive Orders 114, 116 and 117; and

WHEREAS, Executive Order No. 114 had previously been revoked by Executive Order No. 223; and

WHEREAS, Executive Order No. 74, as amended by Executive Orders 116, 117 and 227, is the Governor's Code of Fair Practices relating the Commonwealth's policy of affirmative action;

NOW THEREFOFE, Executive Order No. 74, as most recently amended by Executive Order No. 227, is hereby further amended by adding at the end the following paragraph:-

Article XV. Within 60 days of the date of this Executive Order, the State Office of Affirmative Action shall issue guidelines for the revision of the current affirmative action plans of state agencies. These guidelines shall provide for the development of affirmative action strategies for the employment of Vietnam Era Veterans and persons disabled as a result of participating in the Vietnam conflict.

This Order shall take effect immediately.

Given at the Executive Chamber in Boston this 17th day of November in the year of our Lord one thousand nine hundred and eighty-three, and of the Independence of the United States of America two hundred and eight.

[Handwritten Signature]
MICHAEL S. DUKAKIS
GOVERNOR
Commonwealth of Massachusetts



[Handwritten Signature]
SECRETARY OF THE COMMONWEALTH

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

By His Excellency

MICHAEL S. DUKAKIS
GOVERNOR

EXECUTIVE ORDER No. 253

Vietnam Era Veteran's Affirmative Action Program
(Amending Executive Orders Nos. 227 and 235)

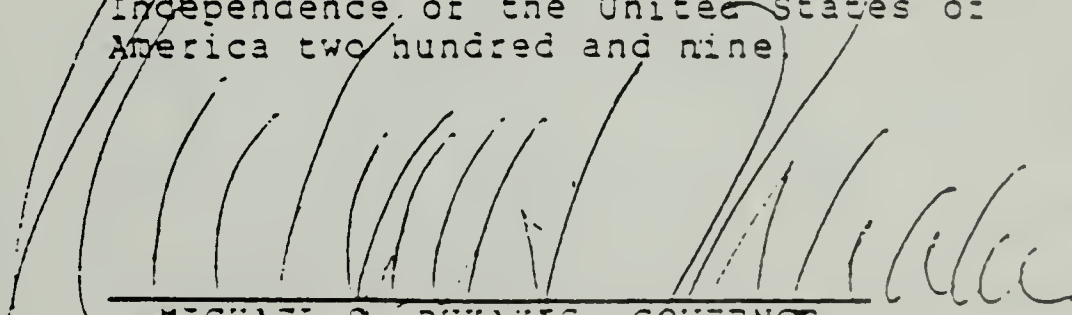
WHEREAS, the intent of Executive Order No. 235 is to ensure that veterans of the Vietnam Conflict fully participate in and have equal access to employment opportunities within the government of the Commonwealth, and

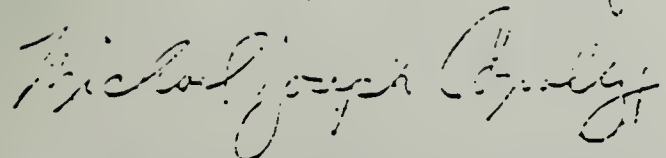
WHEREAS, persons seeking employment with the Commonwealth who are disabled are ensured equal access to such employment opportunities by Executive Order No. 246, and

WHEREAS, the reference in Executive Order No. 235 to disabled persons is unnecessary,

Now Therefore, I, Michael S. Dukakis, by the authority vested in me as Supreme Executive Magistrate, do hereby order that Executive Order No. 235 be amended by deleting the language "and all persons disabled as a result of participating in the Vietnam conflict" now contained in the last sentence of that executive order.

Given at the Executive Chamber in Boston this 12th day of April in the year of our Lord one thousand nine hundred and eighty-five, and of the Independence of the United States of America two hundred and nine


MICHAEL S. DUKAKIS, GOVERNOR
Commonwealth of Massachusetts


SECRETARY OF THE COMMONWEALTH

