

APPENDIX II

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION EXECUTIVE ORDER NO. 6

It is the policy of the State of New York that equal opportunity be assured in the State's personnel system and affirmative action provided in its administration, in accordance with the requirements of the State's Human Rights Law and the mandates of Title VII of the Federal Civil Rights Act, as amended. Accordingly, it is the responsibility of the State's Department of Civil Service to enforce the State's policy of ensuring full and equal opportunity for minorities, women, disabled persons and Vietnam era veterans at all occupational levels of State government.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, I, Mario M. Cuomo, Governor of the State of New York, do hereby order as follows:

A. RESPONSIBILITIES OF THE PRESIDENT OF THE CIVIL SERVICE COMMISSION

1. The President of the Civil Service Commission shall issue guidelines for the preparation of annual affirmative action plans and statewide goals and objectives for the employment of minorities, women, disabled persons and Vietnam Era Veterans. The Department of Civil Service shall also provide the staff work for the development of comprehensive statewide affirmative action policies, goals, objectives and implementation strategies.
2. The President of the Civil Service Commission, in consultation with the Governor's Executive Committee for Affirmative Action (the "Executive Committee") established pursuant to Article B of this Order, shall be responsible for monitoring the implementation of the written affirmative action plans of State agencies on a continuing basis, including the need for revising or amending such plans, and shall provide quarterly reports on progress to the Governor, incorporating recommendations for improving and strengthening such efforts.
3. Upon finding by the President of the Civil Service Commission of substantial non-compliance by a State agency or department with the requirements or terms of this Order, the President of the Civil Service Commission shall notify the agency or department of such finding and propose a remedial plan of action. The agency or department shall have thirty days from the receipt of such notice to accept the remedial plan or submit an alternative remedial plan acceptable to the President. Should the agency or department fail to act within such period, the President of the Civil Service Commission is authorized to assume responsibility for the implementation of the plan until (s)he is satisfied that the agency or department will implement the plan in compliance with the provisions of this Order.

The President of the Civil Service Commission shall prepare annually a report of the composition of the work force of each State agency and department by sex and ethnic identity for all job categories, salary grades and civil service classifications. The President of the Civil Service Commission shall also conduct studies to identify and resolve problems in eliminating underrepresentation and underutilization of minorities, women, disabled persons and Vietnam Era Veterans and shall amend or repeal such rule and regulations within the scope of his/her authority which may adversely affect employment opportunities of minorities, women, disabled persons and Vietnam Era Veterans and shall make recommendations to the Governor and the Executive Committee concerning the adoption or amendment of other laws, rules and regulations for the same purpose.

4. The President of the Civil Service Commission, in consultation with the Executive Committee, shall review existing and proposed procedures for the abolition of positions and reduction of the State's workforce and make recommendations designed to minimize the effect of such procedures on women, minorities, disabled persons and Vietnam Era Veterans.

B. RESPONSIBILITIES OF THE GOVERNOR'S EXECUTIVE COMMITTEE FOR AFFIRMATIVE ACTION

1. The Governor's Executive Committee for Affirmative Action is hereby established and its membership shall hereafter consist of the following: the President of the Civil Service Commission who shall serve as chairperson, the Commissioner of the Division of Human Rights who shall serve as vice chairperson, the Secretary to the Governor, the Appointments Officer to the Governor, the Secretary of State, the Director of the Budget, the Commissioner of Labor, the Director of Employee Relations, the Director of the Women's Division, the Advocate for the Disabled, and the New York State Director of Veterans' Affairs. The vice chairperson shall perform the duties of chairperson in the chairperson's absence and at such times as the chairperson may direct.

2. The Committee shall advise the Governor and assist the President of the Civil Service Commission in the formulation and coordination of plans, policies and programs relating to affirmative action in all State departments and agencies and in assuring effective implementation of such policies, plans and programs by such agencies.

3. Upon the request of the Executive Committee, the head of each State agency, or the agency's principal deputy, shall meet with the Committee and report in person to such Committee on the agency's affirmative action program. It shall be the Executive Committee's responsibility to schedule such meetings, and it shall be the duty of every agency head to comply with such requests for data or other information or reports as the Executive Committee may deem appropriate for analysis and review in advance of such meeting.

C. DEVELOPMENT AND IMPLEMENTATION OF AFFIRMATIVE ACTION PROGRAMS BY STATE AGENCIES

1. Each State agency or department shall develop a revised written affirmative action program, where necessary, including the development of specific goals and timetables for the prompt achievement of full and equal employment opportunity for minorities, women, disabled persons and Vietnam Era Veterans. The plan shall include an analysis of previous agency action to increase employment opportunities for members of these groups. The plan shall be submitted to the President of the Civil Service Commission by every state agency or department no later than June 1, 1983. The President of the Civil Service Commission shall review and evaluate these plans on an agency-by-agency basis and, where necessary, assist the agencies in improving and implementing their programs. The President shall also review the reports submitted by State agencies prior to January 1, 1983, and report to the Governor within one hundred and twenty days of their receipt on the status of the agency programs and make recommendations for improving and strengthening them.

2. The head of each State agency or department shall designate an employee as the agency's full-time affirmative action officer and report such designation to the President of the Civil Service Commission and the Executive Committee. The affirmative action officer shall report directly to the agency head and shall have such supportive staff as may be appropriate to accomplish his or her duties. The numbers and levels of such staff shall be based on such factors as agency size, complexity, need for affirmative action, and the amount of State and federal funds administered.

3. By March 1 of each year, beginning in 1984, each State agency or department shall submit an annual report on affirmative action to the Executive Committee. Such submission shall include, in a format and pursuant to standards issued by the president of the Civil Service Commission, a report on the agency's employment actions with respect to minorities, women, disabled persons and Vietnam Era Veterans, and shall identify the agency's achievements, deficiencies, proposed solutions to problems, the need for external assistance and such other matters as may be appropriate or requested. Each agency shall submit a copy of this annual report on affirmative action to the Department of Civil Service.

4. Each State agency or department shall cooperate with the President of the Civil Service Commission and the Executive Committee to provide any information, data and reports as may be deemed necessary.

5. The Women's Division, the Division of Veterans' Affairs, the Advocate for the Disabled and any other agency, committee, commission or other entity specifically designated by the Governor shall assist the President of the Civil Service Commission and State agencies in the implementation of this Executive Order, by providing expertise and guidance in their areas of special sensitivity and concern.

D. THE AFFIRMATIVE ACTION ADVISORY COUNCIL

1. There is hereby established the State Affirmative Action Advisory Council (the "Advisory Council"). It shall consist of the Affirmative Action Officers of each agency designated pursuant to Article C, paragraph two of this Order. The business of the Advisory Council shall be conducted pursuant to by-laws adopted by the members and subject to the approval of the President of the Civil Service Commission.
2. It shall be the responsibility of the Advisory Council to advise the President of the Civil Service Commission on all existing and proposed policies, procedures, practices and programs relating to or affecting affirmative action.
3. The Advisory Council shall submit a quarterly report of its activities to the President of the Civil Service Commission. It shall also provide assistance to the Executive Committee when necessary and appropriate.

E. REVOCATION OF PREVIOUS EXECUTIVE ORDER AND EFFECTIVE DATE

Executive Order Number 40, dated September 15, 1976, and amended by Executive Order Number 40. 1, dated April 8, 1980, is revoked and superseded by this Executive Order.

GIVEN under my hand and Privy Seal of the State in the City of New York this eighteenth day of February in the year one thousand nine hundred eighty-three.

BY THE GOVERNOR

/s/ Mario M. Cuomo

Michael Del Guidice

Secretary to the Governor