

EXECUTIVE ORDER NO. 9

WHEREAS, the State of Wisconsin is responsible for insuring equality of employment opportunity within state government for minority persons, women and people with physical and mental disabilities; and

WHEREAS, the state is required to comply with Title VII of the Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972, Presidential Orders 11246 and 11375, federal guidelines found in Part 60-2 of Chapter 60 (Revised Order Number 4) of Title 41 of the Code of Federal Regulations as amended, and the Rehabilitation Act of 1973 (Section 503); and

WHEREAS, recent court decisions and federal agency rulings have struck down statutes, practices or procedures which are discriminatory, without regard as to whether such discrimination was intended; and

WHEREAS, there is increasing evidence that minority persons, women and handicapped persons are not accorded their full rights of citizenship, and are under-utilized in the current work force of Wisconsin state government; and

WHEREAS, there is a growing awareness of the need to take affirmative steps to assure equal rights for minority persons, women and handicapped persons in the state work force; and

WHEREAS, affirmative action is not merely passive non-discrimination, but requires positive efforts to recruit, retain and promote qualified minority persons, women and handicapped persons, within the requirements specified by federal and state law;

NOW, THEREFORE, I, PATRICK J. LUCEY, Governor of the State of Wisconsin, do herein order an Affirmative Action Program to correct deficiencies and to increase materially the utilization of minorities, women and handicapped persons in all segments of the state work force.

1. The head of each department, board, commission and educational institution of state government shall establish and maintain an Affirmative Action Program to insure equality of opportunity for all its employees and for all applicants seeking employment within its jurisdiction. Equal employment opportunity includes, but is not necessarily limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation and fringe benefits. It includes policies, procedures and programs for recruitment, employment, training, promotion and retention of minority persons, women and handicapped persons. Agency heads are encouraged to explore and implement innovative personnel policies in order to enhance these efforts. Each state agency head shall be responsible to the Governor for affirmative action results.

2. There is hereby created an Affirmative Action Executive Commission which shall evaluate the progress of affirmative action programs throughout state service, seek compliance with state and federal regulations and recommend improvements in the state's affirmative action efforts. It shall advise and report to the Governor. In carrying out its responsibilities, the Commission may recommend legislation, consult with state agency personnel and other interested persons, conduct hearings and take other appropriate actions to effect the intent of this order. The Commission shall consist of 15 persons, appointed by the Governor, 9 of whom shall be public members and six of whom shall be the following state agency heads or their designated representatives: the Lieutenant Governor, the President of the University of Wisconsin System, the Secretary of the Department of Administration, the Director of the State Manpower Planning Council, the Director of the Bureau of Personnel, and a representative of the state employees union with the largest number of members. Minority persons (Black, Native American, Latino, Oriental), women and persons with disabilities shall constitute a majority of the commission members, and shall be appointed with consideration to appropriate representation of each group.

3. The State Affirmative Action Office, headed by the Affirmative Action Coordinator, shall be directly responsible to the Secretary of the Department of Administration and the Executive Commission. The office shall be responsible for the following, in accordance with guidelines and standards promulgated by the federal Equal Employment Opportunity Commission: to seek agency compliance with federal and state laws, regulations and this order in all areas relating to equal employment opportunity, and correction of discriminatory practices and procedures; to regularly review the affirmative action plans of all state agencies, including goals and timetables; to coordinate assistance; to conduct compliance reviews; to review state personnel policies and procedures, inclusive of recruitment, certification process, selection, test validation, review of job qualifications, classification series, career ladders, compensation and fringe benefits; to convene agency affirmative action officers regularly as necessary; to receive, analyze and transmit to the Executive Commission periodic progress reports of affirmative action in all state agencies; to act as liaison with federal, state and local enforcement agencies; to recommend any necessary legislation and to perform other actions deemed necessary by the Executive Commission and the Secretary of the Department of Administration.

4. In each agency, the affirmative action officer shall report directly to the agency head for affirmative action purposes. Each agency shall submit an affirmative action plan complete with goals and timetables, plus quarterly and annual affirmative action reports to the State Coordinator. The Coordinator, together with the Executive Commission, shall be responsible for insuring that each agency program complies with federal and state guidelines. Agencies shall report annually by June 15 on all efforts undertaken during the preceding year to implement the Affirmative Action Program including all relevant activities

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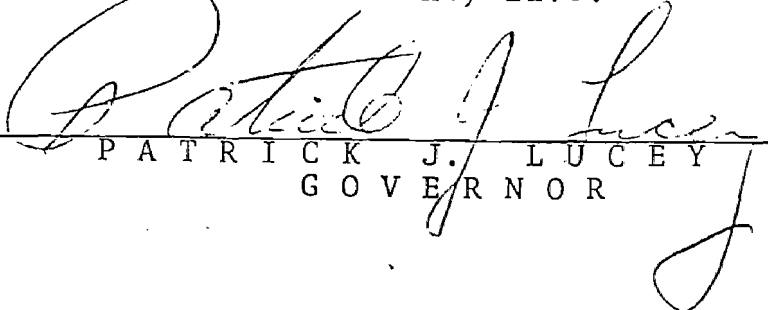
within the agency, as well as those relating to persons and groups outside the agency. The agency reports and fiscal year plans shall be submitted with the agency budget requests to the Legislature's Joint Finance Committee in odd-numbered years, and as part of the annual budget review in even-numbered years. Agencies shall be responsible for thorough dissemination of affirmative action policy within their departments, and to all recruitment sources and prospective employees; dissemination of information about grievance procedures; and the appointment of minority persons, women and handicapped persons to examining boards, committees and advisory boards, to effectuate representation similar to that being urged for the state work force. The head of each state department, board, commission, and educational institution shall examine and assess those statutes over which s/he has administrative responsibility to determine whether those statutes, or the procedures and practices by which they are administered, discriminate in any way against minority persons, women and handicapped persons and take appropriate remedial action.

5. The head of each state agency shall be responsible for achieving and maintaining agency compliance in the Affirmative Action Program. The agency shall be in compliance if it meets its goals and timetables, or if it makes good faith efforts to meet those goals. In the event of failure to achieve them, or to demonstrate good faith effort, appropriate sanctions and penalties may be applied, in accordance with federal and state regulations, at the recommendation of the Executive Commission. The burden of proof for results and good faith effort rests with each agency. Agencies which achieve outstanding affirmative action results shall be publicly recognized for their efforts.


6. In order to insure maximum effectiveness of this order I am hereby directing the affirmative action staff to prepare procedural recommendations for the full implementation of the provisions of this order as soon as possible.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this twenty-third day of April in the year of our Lord one thousand nine hundred and seventy-five.

  
PATRICK J. LUCEY  
GOVERNOR

By the Governor:

  
DOUGLAS LAFOLLETTE  
SECRETARY OF STATE