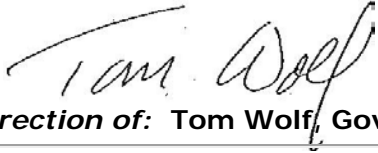


Executive Order

Commonwealth of Pennsylvania Governor's Office

Subject:
Equal Employment Opportunity

Number:
2016-04



By Direction of: Tom Wolf, Governor

Date: April 7, 2016

WHEREAS, it is the policy of the Commonwealth of Pennsylvania to treat all Pennsylvanians with dignity and respect, and to enhance the recognition, dignity, and protection of all Pennsylvanians; and

WHEREAS, the Commonwealth of Pennsylvania and its agencies should continue to be vigilant in assuring a continued commitment to treat all Pennsylvanians, including the Commonwealth's employees and officials, without regard to race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability; and

WHEREAS, this Administration believes that the employment practices of the Commonwealth of Pennsylvania must be nondiscriminatory in intent and effect to promote public confidence in the fairness and integrity of government; and

WHEREAS, past Governors of the Commonwealth have recognized a constitutional and legislative mandate to take affirmative steps to remedy employment discrimination and have issued Executive Orders promoting equal employment opportunity; and

WHEREAS, this Administration is committed to strengthening and developing equal employment opportunity programs in the Commonwealth.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania do hereby order and direct as follows:

1. Prohibition of Discrimination and Affirmation of Equal Employment Opportunity.

- a. No agency under the Governor's jurisdiction shall discriminate against any employee or applicant for employment on the basis of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability.

- b. Each agency under the Governor's jurisdiction shall ensure fair and equal employment opportunities exist at every level of government.
 - c. Sexual harassment or harassment based on any of the factors listed in paragraph 1.a. of this Executive Order is prohibited.
2. **Definitions.** The following words and phrases when used in this Executive Order shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:
- a. **"Sexual orientation"** means heterosexuality, homosexuality or bisexuality.
 - b. **"Gender identity or expression"** means the gender-related identity, appearance, mannerisms, expression or other gender-related characteristics of an individual regardless of the individual's designated sex at birth.
3. **Responsibility for Implementing Equal Employment Opportunity.**
- a. **The Secretary of Administration** shall supervise the development, implementation, and enforcement of the Commonwealth's equal employment opportunity programs through the **Bureau of Workforce Planning, Development, and Equal Employment Opportunity**, which shall in turn:
 - (1) Develop and promote steps designed to ensure a diverse workforce, equal employment opportunity, and fair treatment of the protected classes listed in paragraph 1.a. of this Executive Order at all levels of state government.
 - (2) Develop Commonwealth-wide equal employment opportunity policies, procedures, and training to ensure consistency and uniformity.
 - (3) Conduct or participate in periodic on-site reviews and audits of agency equal employment opportunity programs.
 - (4) Develop complaint investigation and resolution procedures for implementation by all agencies under the Governor's jurisdiction.
 - (5) Review complaint investigation reports at any stage of the complaint process.
 - (6) Develop and implement a standardized equal employment opportunity procedure to monitor personnel transactions in all Commonwealth agencies under the Governor's jurisdiction.
 - (7) Develop and issue guidelines for the conduct of agency equal employment opportunity programs and the review of equal employment opportunity plans prior to implementation.
 - (8) Design and implement monitoring and reporting systems to measure the effectiveness of agency equal employment opportunity programs.
 - (9) Consult with agency officials regarding personnel actions implicating equal employment opportunity, including recruitment, hiring, promotion, demotion, separation, transfer, performance standards and evaluation, and rate of pay.

- (10) Provide leadership to agencies in the design and implementation of innovative equal employment opportunity strategies that will further the Commonwealth's commitment to equal employment opportunity.
- (11) Examine in particular whether employees or applicants for employment experience workplace challenges due to sexual orientation and/or gender identity or expression and identify ways to minimize any such challenges.
- (12) Evaluate the Commonwealth's hiring and job retention practices to ensure compliance with this Executive Order.
- (13) Coordinate, as needed, with the **Bureau of Diversity, Inclusion and Small Business Opportunities** within the **Department of General Services** to ascertain how equal employment opportunity best practices can promote diversity, inclusion, and fairness in Commonwealth contracting.

b. Heads of Departments and Agencies under the Governor's jurisdiction shall:

- (1) Designate an Equal Opportunity Officer with the primary responsibility of developing and implementing the agency's equal employment opportunity program.
- (2) Ensure that the agency Equal Opportunity Officer reports directly to the individual who has overall responsibility for the agency's equal employment opportunity program.
- (3) Ensure that the agency's commitment to equal employment opportunity is clearly transmitted to all agency employees and that bureau directors and managers provide adequate support to the Equal Opportunity Manager or Specialist in the development and implementation of program plans designed to achieve the agency's equal employment opportunity objectives.
- (4) Seek input from the Director of the Bureau of Workforce Planning, Development, and Equal Employment Opportunity on personnel actions affecting equal employment opportunity professional staff.
- (5) Ensure that the agency develops and implements effective equal employment opportunity plans in addition to auditing and reporting mechanisms.
- (6) Ensure that all agency supervisory and management employees are rated on equal employment opportunity, diversity, and inclusiveness based in part upon criteria identified in the agency's equal employment opportunity plan.

4. Cooperation by Commonwealth Agencies. Agency heads and all agencies, boards and commissions under the Governor's jurisdiction shall work cooperatively with the Governor's Office of Administration and its Bureau of Workforce Planning, Development, and Equal Employment Opportunity to fulfill the demands of this Executive Order. Independent agencies, state-affiliated entities, and state-related agencies are strongly encouraged to join with the Governor's Office of Administration to adopt, refine, and implement similar practices and procedures to support greater diversity, inclusion, and fairness in employment opportunities within their workforce.

5. **General Provisions.** Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, or the head thereof. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
6. **Rescission.** *Executive Order 2003-10, Equal Employment Opportunity*, is hereby rescinded.
7. **Effective Date.** This Executive Order shall take effect immediately.