

Code of Fair Practices

EXECUTIVE ORDER

Preamble

The Constitutions of the United States of America and of the State of Nebraska call for political liberty and equality and afford the equal protection of the laws for all persons. Racial, religious, and ethnic discriminatory practices betray the vision of the founding fathers and threaten the orderly procedures of democratic government.

The Legislature of Nebraska in 1963 enacted a Public Accommodations Law and in 1965 a Fair Employment Practices Law. The clear intent of these laws is the assurance that the rights to equal treatment of the people of Nebraska shall not be abridged.

Fair and equal treatment of all persons, guaranteed by Constitution, affirmed by the Legislature, promoted by the Executive, is the public policy of the State of Nebraska.

In recognition of the obligation of the State and to the limit of the authority vested in me by the Constitution and Laws of Nebraska, I hereby proclaim the following CODE OF FAIR PRACTICES to be the official policy of the Executive Branch of the State of Nebraska.

Article I STATEMENT OF POLICY

The State of Nebraska has a special obligation to have its operations serve as a model for business, industry, labor, and education. No state official who is responsible to the Governor shall, therefore, in policy or in practice, discriminate on the basis of race, color, religion, national origin, or ancestry.

Article II APPOINTMENT, ASSIGNMENT, AND ADVANCEMENT OF EXECUTIVE PERSONNEL

State officials who are responsible to the Governor shall appoint, assign, and advance employees solely on the basis of merit and fitness. Each state agency responsible to the Governor shall promulgate a clear and unambiguous written policy of nondiscrimination in employment. Each such agency shall also regularly review its personnel practices and procedures with a view to correcting any which may contribute to discrimination in appointment, assignment, or advancement. In all programs of orientation and training, emphasis shall be placed upon fair practices in employment. The employment conditions of the Executive Branch must be in strict conformity to the provisions of the Nebraska Fair Employment Practices Law and must assure equal protection of the laws as guaranteed by the 14th Amendment of the Constitution of the United States.

Article III STATE EMPLOYMENT SERVICES

All state agencies responsible to the Governor which provide placement or referral services for public or private employers shall refuse to fill any

job order which specifies race, color, religion, national origin, or ancestry as a condition of employment, assignment, or advancement. They shall, moreover, advise any employer who makes such specification of the Nebraska Fair Employment Practices Law. They shall, finally, advise the Governor's office of employers or labor unions which persist in restrictive employment practices.

Article IV PUBLIC SCHOOL TEACHERS

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States and the provisions of the Nebraska Fair Employment Practices Law, the State Commissioner of Education shall use every lawful means in the promoting of fair employment practices for duly certificated teachers.

Article V STATE EDUCATIONAL, COUNSELING, AND TRAINING PROGRAMS

All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies responsible to the Governor shall be administered without regard to the race, color, religion, national origin, or ancestry of those who benefit from them.

Article VI STATE SERVICES AND FACILITIES

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States, equal treatment shall be guaranteed by all state agencies responsible to the Governor in performing their services to the public, and equal treatment shall be guaranteed in the use of state facilities. Those in charge of the various state facilities shall take especial care that no state facility is used in the furtherance of any discriminatory practices.

Article VII STATE LICENSING AGENCIES

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States of America, all state licensing agencies shall insure that no license is granted, denied, or revoked on the basis of race, color, religion, national origin, or ancestry. Where a duly constituted state authority, in an official and lawful proceeding, determines that a licensee has, in his capacity as such, engaged in unlawful discriminatory practices under the Nebraska Public Accommodations Law or under the Nebraska Fair Employment Practices Law, any licensing authority responsible to the Governor shall institute such disciplinary action, including revocation of license, as may be provided by statute or other regulation.

Article VIII STATE CONTRACTS AND SUBCONTRACTS

To insure compliance with the provisions of the Nebraska Fair Employment Practices Law, every state official who is responsible to the Governor and who is authorized to make contracts or subcontracts for public works or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices as forbidden by the Nebraska Fair Employment Practices Law. These contractual provisions shall be fully enforced; any breach of them shall be regarded as a material breach of contract.

Article IX COMPLIANCE AND REPORTING

All state agencies responsible to the Governor shall cooperate fully with the Governor's Commission on Human Rights and such other persons as the Governor may authorize in effecting this CODE OF FAIR PRACTICES. Each state agency shall report annually to the Governor, between December 15 and January 1, all programs undertaken to affect this Code.

Article X PUBLICATION OF THIS CODE

Copies of this CODE OF FAIR PRACTICES shall be distributed to all state officials and appointing authorities.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Nebraska to be affixed. Done at Lincoln this 10th day of August in the year of our Lord one thousand nine hundred sixty-five.

Governor

Attest:


Secretary of State

