

EXECUTIVE ORDER

FILED

WHEREAS, the Constitutions of the United States and the State of Nebraska afford to all persons the equal protection of the law; and FEB 27 1984

SECRETARY OF STATE  
By *Jane Harshbarger* DEPUTY

WHEREAS, the Congress of the United States and the General Assembly of the State of Nebraska have enacted legislation prohibiting discrimination in public accommodations and housing on the basis of the race, color, sex, religion, creed, national origin, or ancestry of any individual and prohibiting discrimination in employment on the basis of the race, color, religion, national origin, age, sex, marital status, or physical or mental disability (which bases of discrimination are hereafter to as "affected groups"); and

WHEREAS, personnel practices and procedures within the Executive Branch of State Government should not reflect a disparate or discriminatory impact upon any affect group in violation of any federal or state civil rights statute, executive order, rule, regulation, or judicial decision; and

WHEREAS, any practice of impermissible discrimination is incompatible with the principles of democratic government; and

WHEREAS, it is desirable that the employment operations of the State of Nebraska and the operation of its services and facilities should serve as a model for business, industry, and labor; and

WHEREAS, this Order shall be implemented on a priority basis within all agencies of the Executive Branch that are termed Departments and the Office of Administrative Services; and

WHEREAS, this Executive Order shall serve as the Affirmative Action/ Equal Opportunity Plan for the Executive Branch of State Government, and shall supercede and supplant previous Orders pertaining to the same subject,

NOW, THEREFORE, I ROBERT KERREY, GOVERNOR OF THE STATE OF NEBRASKA, in recognition of the obligations of the State of Nebraska and by virtue of the authority vested in me by the Constitution and laws of the State of Nebraska, do hereby promulgate the following Code of Fair Practices for the Executive Branch of State Government.

## ARTICLE I

### Purpose

The Executive Branch of State Government shall insure that all citizens are given fair and equal opportunities for employment and advancement regardless of race, color, religion, national origin, age, sex, marital status, political affiliation or physical or mental disability.

## ARTICLE II

### State Affirmative Action Officer

There shall be designated by the Governor a State Affirmative Action Officer who shall exercise the discretion herein set forth with the consent and concurrence of the Governor. The State Affirmative Action Officer shall coordinate affirmative action efforts among the Departments of the Executive Branch.

The responsibility for developing an Affirmative Action Plan of Implementation, as described in Article V, rests with each Department Director. The Affirmative Action Plan of Implementation for each Department shall be submitted to the State Affirmative Action Officer who shall review the plan to ensure compliance of this Order. If any plan submitted is determined not to be in compliance, the State Affirmative Action Officer may require such revisions as are necessary to accomplish the purposes of this order.

The State Affirmative Action Officer shall review progress reports of the Departments and shall meet at least annually with each Department Director to evaluate Departmental results and determine the course of future action implementation and planning.

The State Affirmative Action Officer shall be provided, by the Director of Personnel, with such facilities, staff, resources, equipment, and supplies as are necessary effectively to carry out his or her duties as set forth herein.

### ARTICLE III

#### Affirmative Action Council

Each Department Director within the Executive Branch which initiates, administers or contracts to second or third parties external to State Government will designate an individual to serve on the Affirmative Action Council, hereinafter referred to as the Council. The Council shall meet at least quarterly and shall be chaired by the State Affirmative Action Officer. The Council shall make such recommendations as it believes necessary to the State Affirmative Action Officer to assist in the implementation of this Order.

### ARTICLE IV

#### Affirmative Action Plan of Implementation

Not later than sixty (60) days after the effective date of this Order, each Department shall file an addendum to their existing Affirmative Action plans with the State Affirmative Action Officer its proposed Affirmative Action Plan of Implementation for the Internal/External contract compliance Program. The State Affirmative Action Officer shall review each such proposed plan and shall approve the same if it complies with the provisions and purposes of this Order. Subsequent amendments to any plan may be required if the State Affirmative Action Office determines that it is no longer in compliance with this Order.

Each such plan shall be designed to address any past or present discriminatory barriers in the Contract Compliance Program and to prevent such practices in the future. In addition, each such plan shall facilitate the promotion and enhancement of Economic opportunities for all disadvantaged businesses and members thereof.

The State Affirmative Action Officer shall coordinate and provide technical assistance to Departments in the development and implementation of their respective Contract Compliance Programs.

#### ARTICLE V

##### State Services and Facilities

Every Department shall offer its services to the public without discrimination based upon the affected group status of any person. No State facility shall be used to promote any discriminatory practice, nor shall any Department become a party to any agreement which permits any discriminatory practice intended to be prohibited by this Order.

#### ARTICLE VI

##### Public Education

All applicable State institutions receiving federal block-grant funding shall promote non-discrimination in the provision of services and fairness in employment practices, and shall encourage participation in human relations training for administrators, faculty and staff.

#### ARTICLE VII

##### Financial Assistance

Affected group status shall not be considered as a limiting factor in State-administered programs involving grants, loans, and other distribution of funds to applicants for benefits authorized by law.

#### ARTICLE VIII

##### Health Care Services

All health care facilities licensed by the State shall comply with Title VI of the Civil Rights Act of 1964 and with State laws of non-discrimination in public accommodations including patient admissions and health care services as a condition of continued participation in any State program or eligibility for any form of State assistance or licensure. The State Affirmative Action Officer shall review said agencies for compliance with this Article.

## ARTICLE IX

### Training and Job Opportunities

All educational and vocational counseling, apprenticeship and training programs involving State participation shall encourage the development of an individual's fullest potential, without regard to affected group status.

## ARTICLE X

### State Licensing and Regulatory Agencies

No Department, Board, Commission, or Agency shall grant, deny, or revoke any license or charter on the basis of affected group status unless otherwise provided by law. Any test administered as a prerequisite to licensure by any Board, Licensing or Regulatory Agency shall be designed to preclude any impermissible discrimination against any affected group.

## ARTICLE XI

### Contracts and Subcontracts

Every State contract for goods or services or for public works, including construction and repair of buildings, roads, bridges, and highways, shall contain a clause prohibiting discriminatory practices based on affected group status unless, with respect to sex, age, or handicapped status, such restrictions relate to a bona fide occupational qualification.

Said non-discrimination clause in State contracts shall specifically obligate contractors and subcontractors:

1. Not to discriminate against recipients of services on the basis of race, color, religion, national origin, sex, handicap, or age.

2. Not to discriminate against any employee or applicant for employment on the basis of race, color, religion, national origin, sex, or otherwise qualified handicapped status.

## ARTICLE XII

### Employee Organizations

Employee organizations that exist in whole or in part for the purpose of dealing with employers in the Executive Branch of State Government concerning employee grievances, labor disputes, or terms of employment shall not: (1) exclude or expel from membership or otherwise discriminate against any individual because of affected group status; (2) limit, segregate, or classify members or applicants for membership in any way which would deprive or tend to deprive any individual of any benefit, advantage, or privilege on the basis of affected group status; or (3) directly or indirectly create any condition which adversely affects the status of any employee based upon affected group status.

## ARTICLE XIII

### Publication and Posting

Policies, procedures, and communications relating to this Order shall be distributed to all Departments for posting in a conspicuous place in all of its offices and facilities. Each Department shall make a copy of the Affirmative Action Plan of Implementation accessible to employees at all offices and facilities.

## ARTICLE XIV

### Other Governmental Bodies

All local governments and instrumentalities of government in Nebraska are encouraged to cooperate with this endeavor to prevent discrimination within this State.

## ARTICLE XV

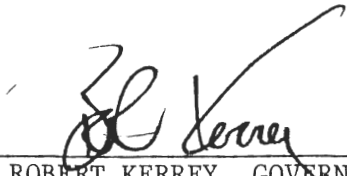
### Records and Reports

Not later than December thirty-first of each calendar year, the State Affirmative Action Officer shall provide a report to the Governor which summarizes the activities of each Department pursuant to this Order and which contains recommendations for additional programs to accomplish the purposes of this Order.

ARTICLE XVI

This order shall take effect immediately and shall supercede all previous Executive Orders on the same subject.

Dated at Lincoln, Nebraska this 6th day of February, 1984

  
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ROBERT KERREY, GOVERNOR

Filed this        day of        , 1984

  
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SECRETARY OF STATE

