

EXECUTIVE ORDER NO. 5
EQUAL EMPLOYMENT OPPORTUNITY

WHEREAS, the State of North Carolina is committed to providing equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, creed, national origin, sex, age or disability; and

WHEREAS, the State recognizes that effective and efficient government requires the talents, skills, and abilities of all available human resources; and

WHEREAS, the State acknowledges the need to strive for diversity in all occupational categories; and

WHEREAS, this administration endorses taking positive approaches to ensure equal employment opportunity; and

WHEREAS, this administration believes that the personnel practices of state government should be nondiscriminatory and promote public confidence in the fairness and integrity of government; and

WHEREAS, fair and impartial treatment of all employees in all terms and conditions of employment is in the best interest of the State; and

WHEREAS, positive and aggressive steps by management are necessary in preventing discrimination, promoting fairness, and supporting a work environment where employees are

valued for their strengths and encouraged to achieve their fullest potential; and

WHEREAS, citizens of North Carolina should contribute to the equal employment opportunity efforts of our State; and

WHEREAS, the State Personnel Commission has established policies and programs for state government to achieve these goals.

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of North Carolina, IT IS ORDERED:

Section 1. Equal Employment Policies and Programs.

The policies and programs that have been adopted by the State Personnel Commission and approved by the Governor represent the commitment of this State and must be strictly followed and fully complied with by every state agency, department and university.

Section 2. Administration.

Each agency, department head and university chancellor is responsible for the successful implementation of these policies, programs and this Order, and shall:

- (1) Designate an official at the deputy secretary or assistant secretary level to assume responsibility for the operation and implementation of their equal opportunity plan and program;
- (2) Designate the appropriate number of full-time equal employment opportunity (EEO) officers to perform the full range of EEO responsibilities for every 500-1500 employees to ensure the development and implementation of an effective EEO plan and program which achieve the EEO objectives. The Office of State Personnel is authorized to review and approve the appropriateness of the number of designated EEO Officers considering organizational size, structure and

geographical dispersion. Agencies, departments or universities with 1-499 employees shall designate a part-time EEO Officer who shall have direct access to the agency, department or university head or their designee as indicated in subsection (1) above;

(3) Ensure that the EEO Officers report directly to the agency, department head, university chancellor, designated deputy or assistant secretary on EEO matters;

(4) Ensure that the agency's, department's or university's commitment to equal employment opportunity is clearly transmitted to all employees;

(5) Provide adequate resources and support to the EEO Officers in the development and implementation of the EEO plan and program designed to achieve the equal opportunity goals;

(6) Ensure that personnel policies are administered fairly and personnel practices are nondiscriminatory;

(7) Ensure that each supervisory and management employee has, as a part of their performance management work plan, responsibility to comply with EEO laws and policies; and,

(8) Provide reasonable accommodations for otherwise qualified individuals with disabilities who can perform the essential functions of the job in question if such accommodations are made. These accommodations shall be in accordance with the Americans with Disabilities Act (ADA) Title I rules and regulations.

Section 3. Office of State Personnel

The State Personnel Director shall:

(1) Provide technical assistance, resource/support programs, monitoring and evaluation to assist agencies, departments, and universities in achieving their equal employment opportunity goals;

(2) Review and approve all EEO plans;

(3) Develop systems to review, analyze, and evaluate trends and make recommendations to the Governor regarding all personnel policies and practices which affect all terms, conditions, and benefits of employment;

(4) Design and implement monitoring and reporting systems to measure the effectiveness of agency, department and university EEO programs and personnel practices;

(5) Provide EEO training to managers, supervisors and employees;

(6) Develop, with the approval of the Governor and the State Personnel Commission, state government-wide EEO policies, programs and procedures;

(7) Develop and promote programs and practices to encourage fair treatment of all state employees;

(8) Compile, analyze, and submit reports to the Governor which demonstrate the State's EEO progress;

(9) Establish procedures for determining reasonable accommodations which result in an uniform and fair process for applicants and employees with disabilities; and, develop an EEO plan for state government.

Section 4. Reports and Records.

The State Personnel Director shall submit quarterly reports to the Governor on each agency's, department's and university's progress to ensure that its workforce is representative of the citizens of North Carolina and that all terms and conditions of employment are fair and non-

discriminatory.

Section 5. Citizen Contribution.

The North Carolina Human Relations Commission shall provide oversight and review of state government's implementation of the EEO program and goals, thereby assuring citizen contributions to the program. The Commission shall advise the Governor and the State Personnel Director on the progress and make recommendations for their consideration.

Section 6. Veterans' Preference.

Nothing in this order shall be construed to repeal or modify any federal, state or local laws, rules or regulations creating special rights or preferences for veterans.

Section 7. Effect of other Executive Orders.

Executive Order 22 of the Hunt Administration, issued on August 13, 1993, is hereby rescinded.

This Executive Order shall be effective immediately and shall remain in effect until rescinded. Done in the Capital City of Raleigh, North Carolina, this the 8th day of March 2001.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State