

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER 1996-9]

Equal Employment Opportunity

December 20, 1996

Whereas, this Administration believes that the employment practices of the Commonwealth of Pennsylvania should 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 firmly committed to strengthening and developing equal employment opportunity programs in the Commonwealth.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct as follows:

Annex A

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter M. EQUAL EMPLOYMENT OPPORTUNITY

§ 1.161. Prohibition of discrimination and affirmation of equal employment opportunity.

(a) No agency under the jurisdiction of the Governor may discriminate against any employe or applicant for employment because of race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, AIDS or HIV status or disability.

(b) Positive steps shall be taken by each agency under the jurisdiction of the Governor to ensure fair and equal employment at every level of government for African Americans, Hispanics, Asians, American Indians, Alaskans, Pacific Islanders, persons with a disability, persons of 40 years of age or older and women.

(c) Sexual harassment or harassment based on any of the factors listed in subsection (a) is prohibited.

§ 1.162. 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 Equal Employment Opportunity, which shall:

(1) Develop and promote steps designed to ensure employment and fair treatment of the protected classes at all levels of State government.

(2) Develop Commonwealth-wide equal employment opportunity policies and procedures to ensure consistency and uniformity.

(3) Conduct or participate in periodic onsite reviews and audits of agency equal employment opportunity programs.

(4) Develop complaint resolution procedures for implementation by all agencies under the jurisdiction of the Governor.

(5) Develop and implement a standardized equal employment opportunity procedure to monitor personnel transactions in Commonwealth agencies under the jurisdiction of the Governor.

(6) Develop and issue guidelines for the conduct of agency equal employment opportunity programs and review of equal employment opportunity plans prior to implementation.

(7) Design and implement monitoring and reporting systems to measure effectiveness of agency equal employment opportunity programs.

(8) Consult with agency officials regarding personnel actions affecting agency equal employment opportunity professional staffs, including recruitment, hiring, promotion, demotion, termination, transfer, performance standards and evaluation, and rate of pay.

(9) Provide leadership to agencies in the design and implementation of innovative equal employment opportunity strategies which will further the Commonwealth's fulfillment of the commitment to equal opportunity.

(b) Heads of departments and agencies under the jurisdiction of the Governor shall:

(1) Designate an equal opportunity manager or specialist with primary responsibility to develop and implement the agency's equal employment opportunity program.

(2) Ensure that the agency equal opportunity manager or specialist reports directly to the individual who has overall responsibility for the agency's equal 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 on personnel actions affecting equal opportunity professional personnel from the Director of the Bureau of Equal Employment Opportunity.

(5) Ensure that the agency develops and implements effective equal employment opportunity plans and auditing and reporting mechanisms.

(6) Ensure that all agency supervisory and management employees are rated on equal employment opportunity, based in part upon criteria identified in the agency's equal employment opportunity plan.

§ 1.163. (Reserved).

§ 1.164. (Reserved).

§ 1.165. Rescission.

Executive Order 1988-1 is rescinded.

§ 1.166. (Reserved).

§ 1.167. (Reserved).

Governor

Fiscal Note: GOV 97-2. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-247. Filed for public inspection February 21, 1997, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1990-7 REVISION NO. 1]

Interagency River Island Task Force

December 20, 1996

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby revise Executive Order 1990-7 by changing all references to "Department of Environmental Resources" to read "Department of Conservation and Natural Resources" and by changing all references to "Pennsylvania Fish Commission" to read "Pennsylvania Fish and Boat Commission."

The terms and conditions of this Executive Order shall take effect immediately.

(Editor's Note: The changes effected by this Executive Order will appear in Pennsylvania Code MTS 269 (April 1997), Chapter 5 Subchapter UU)

Governor

Fiscal Note: GOV 97-3. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-248. Filed for public inspection February 21, 1997, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1996-14]

Prohibition of Sexual Harassment in the Commonwealth

December 20, 1996

Whereas, all employers are increasingly aware that sexual harassment is a significant problem in the workplace and in society in general; and

Whereas, the Commonwealth of Pennsylvania, as Pennsylvania's largest employer, has an obligation to aggressively address sexual harassment issues in the workplace; and

Whereas, sexual harassment shall not be tolerated in Commonwealth workplaces under any circumstances; and

Whereas, this Administration is committed to providing a work environment where employees, applicants for employment or individuals receiving services from the Commonwealth shall not be subjected to sexual harassment; and

Whereas, to prevent sexual harassment in the workplace, all managers, supervisors and employees must be made aware of the Commonwealth's sexual harassment policy, the steps to take when concerns arise, and our commitment to address instances of sexual harassment aggressively and equitably; and

Whereas, sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reaffirm and direct as follows:

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter NN. PROHIBITION OF SEXUAL HARASSMENT IN THIS COMMONWEALTH

Sec.	
7.591.	Agency responsibility.
7.592.	Harassment policy.
7.593.	Education and agency response.
7.594.	Sanctions and complaints.
7.595.	Strategies to discourage and prevent sexual harassment.
7.596.	Issuance of regulations.
7.597.	Cooperation with Secretary of Administration.
7.598.	Rescission.

§ 7.591. Agency responsibility.

An agency, board and commission under the jurisdiction of the Governor will not tolerate sexual harassment by any Commonwealth employe against any other employe, applicant for employment, or client or other person receiving services from the Commonwealth.

§ 7.592. Harassment policy.

Each agency, board and commission under the jurisdiction of the Governor which has not already done so shall issue a sexual harassment policy consistent with the content and intent of this order and with policy guidance received from the Secretary of Administration through the Bureau of Equal Employment Opportunity.

§ 7.593. Education and agency response.

Agency heads shall create a workplace environment which encourages discussion of sexual harassment issues, where employes are educated about and sensitized to sexual harassment, and where individuals with sexual harassment questions or complaints are provided a response which is clear, impartial and timely.

§ 7.594. Sanctions and complaints.

The Secretary of Administration, through the Bureau of Equal Employment Opportunity, shall ensure that a systematic review of programs is in place to address issues of sexual harassment, including the steps to be taken and appropriate sanctions, when instances of sexual harassment are alleged and proven.

§ 7.595. Strategies to discourage and prevent sexual harassment.

The Secretary of Administration shall also ensure effective strategies to discourage and prevent sexual harassment through clearly drawn policies and education. In addition, the Secretary of Administration shall ensure that each agency has an effective complaint mechanism in place and that the Bureau of Equal Employment Opportunity, Office of Administration, provides appropriate oversight and resolution of the appeals.

§ 7.596. Issuance of regulations.

The Secretary of Administration shall have the authority to issue Management Directives and promulgate rules and regulations as may be necessary to carry out the mandates of this subchapter.

§ 7.597. Cooperation with Secretary of Administration.

Commonwealth agencies, boards and commissions under the jurisdiction of the Governor shall cooperate fully with the Secretary of Administration in the implementation of this subchapter.

§ 7.598. Rescission.

Executive Order 1993-1 is rescinded.

Governor

Fiscal Note: GOV 97-1. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-249. Filed for public inspection February 21, 1997, 9:00 a.m.]

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