

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2003-10]

### Equal Employment Opportunity

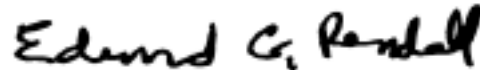
July 28, 2003

*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, Edward G. Rendell, 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:



*Governor*

**Fiscal Note:** GOV 03-11. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**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) An agency under the jurisdiction of the Governor may not discriminate against an employee or applicant for employment because 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) Positive steps shall be taken by each agency under the jurisdiction of the Governor to ensure fair and equal employment opportunity at every level of government.

(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 supervises 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 a diverse workforce, equal employment opportunity and fair treatment of the protected classes in

§ 1.161(a) (relating to prohibition of discrimination and affirmation of equal employment opportunity) 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 onsite reviews and audits of agency equal employment opportunity programs.

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

(5) Review complaint investigation reports at any time during the complaint process.

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

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

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

(9) Consult with agency officials regarding personnel actions affecting agency equal employment opportunity professional staff, 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 which will further the Commonwealth's fulfillment of the commitment to equal employment opportunity.

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

(1) Designate an equal opportunity officer with primary responsibility to develop and implement 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 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 and 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.

**§ 1.165. Rescission.**

Executive Order 2002-3, Equal Employment Opportunity, is rescinded.

[Pa.B. Doc. No. 03-1582. Filed for public inspection August 15, 2003, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[4 PA. CODE CH. 1]**  
**[EXECUTIVE ORDER NO. 2003-3]**

**Management and Productivity Improvement Initiative**

April 30, 2003

*Whereas*, improvement in the management and productivity of state government is fundamental both to the delivery of quality service and to the fulfillment of fiscal responsibility; and

*Whereas*, confidence in government rests in large measure in the value received for the resources invested; and

*Whereas*, to help improve the economy of the Commonwealth and the stewardship of scarce resources, and ensure that government operates efficiently and effectively, a detailed analysis and evaluation of the programs and functions of state government are necessary; and

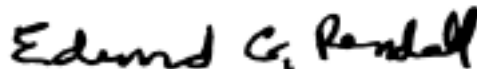
*Whereas*, the pressure for greater organizational efficiency and effectiveness is often generated under the competitive pressure of the marketplace; while the public sector historically has not been as proficient as possible in fine-tuning operations, improving cost efficiency and streamlining operations; and

*Whereas*, because the government of this Commonwealth has historically viewed operation and management concerns from the perspective of individual agencies and programs, little if any attention has been given to enterprise-wide management and productivity improvements or the elimination of redundancies across state government; and

*Whereas*, the Commonwealth must take the opportunity to redefine and restructure its government by seeking short-term opportunities to reduce cost and more effectively use scarce resources, as well as making longer-term structural changes in the way state government delivers services; and

*Whereas*, making state government more agile, more responsive, and more efficient will generate significant savings, eliminate waste and duplication, and improve customer service.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority invested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Pennsylvania Management and Productivity Improvement Initiative (hereinafter referred to as the "Initiative"), including creation of the Office of Management and Productivity (hereinafter referred to as the "Office") in the Governor's Office of Administration, and the Management and Productivity Improvement Council (hereinafter referred to as the "Council") and do order and direct as follows:



*Governor*

**Fiscal Note:** GOV 03-4. (1) General Fund; (2) Implementing Year 2002-03 is \$33,000; (3) 1st Succeeding Year 2003-04 is \$11,000; 2nd Succeeding Year 2004-05 is \$0; 3rd Succeeding Year 2005-06 is \$0; 4th Succeeding Year 2006-07 is \$0; 5th Succeeding Year 2007-08 is \$0; (4) 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; 1999-00 Program—\$N/A; (7) General Government Operations; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 1. AGENCY OPERATION AND ORGANIZATION**  
**Subchapter OO. MANAGEMENT AND PRODUCTIVITY**  
**IMPROVEMENT INITIATIVE**

Sec.	
1.491.	Goals.
1.492.	Office of Management and Productivity.
1.493.	Volunteers in service.
1.494.	Management and Productivity Improvement Council.
1.495.	Private Sector Task Force.
1.496.	Responsibilities of Commonwealth agencies.

**§ 1.491. Goals.**

The goals of the Management and Productivity Improvement Initiative are to:

- (1) Improve the efficiency and productivity of State government.
- (2) Improve the cost effectiveness of State government operations.
- (3) Identify ways to enhance revenues and use resources more effectively.
- (4) Identify ways to leverage scarce resources and improve interagency coordination.
- (5) Place a renewed emphasis on customer service.

**§ 1.492. Office of Management and Productivity.**

The Office of Management and Productivity (Office) is created within the Office of Administration. The Director of the Office reports to the Secretary of Administration. The Office of Administration provides all support services and staff for the Office. The purposes and goals of the Office are to:

- (1) Make recommendations to the Governor on management and productivity improvements and to advise the Governor of the results of those efforts.
- (2) Identify, implement and evaluate programs, systems and processes to improve management operations and efficiency and increase productivity within State government, including improvements in contracting, procurement, technology, management, organization, operations and facility and property management.
- (3) Identify opportunities to improve customer service and methods of assessing customer satisfaction.
- (4) Review collective bargaining agreements and employee work rules to identify areas with the potential for greater efficiency and productivity.
- (5) Assist agencies in management redesign efforts, program evaluation and performance evaluations.
- (6) Identify ways to enhance nontax revenues and generate additional funding mechanisms.
- (7) Solicit input from State employees on methods to improve management and productivity and develop the means to recognize individual employee contributions in reducing costs, improving efficiency and enhancing customer service.
- (8) Exercise other responsibilities and duties as directed by the Governor.

**§ 1.493. Volunteers in service.**

The Office of Management and Productivity (Office) shall create a program whereby volunteer and released time workers in private sector employment may assist the Office and the Management and Productivity Improvement Council in identifying and implementing strategies, processes and programs designed to improve State government management and productivity. The Office shall establish guidelines for this program.

**§ 1.494. Management and Productivity Improvement Council.**

(a) *Purposes.* The Management and Productivity Improvement Council (Council):

(1) Advises and assists the Governor and the Office of Management and Productivity (Office) in identifying opportunities to improve management, operations and programs in State government.

(2) Aids in the development and implementation of strategies for improving the management and productivity of State government.

(3) Assists in evaluating the efficacy of management and productivity improvements and results of those efforts.

(b) *Composition.* The Council consists of the following members:

(1) Secretary of Administration.

(2) Secretary of the Budget.

(3) Secretary of Banking.

(4) Secretary of Conservation and Natural Resources.

(5) Secretary of Education.

(6) Secretary of Environmental Protection.

(7) Secretary of General Services.

(8) Secretary of Public Welfare.

(9) Secretary of Revenue.

(10) Secretary of Transportation.

(11) Governor's Chief of Staff.

(c) *Officers.* The Secretary of Administration serves as Chairperson of the Council. The Director of the Office serves as Secretary of the Council.

(d) *Powers and duties.* The Council has the power and duty to:

(1) Identify opportunities for improving the management and productivity of State government.

(2) Develop and implement strategies for making the improvements, including developing and updating a work plan.

(3) Identify barriers to the implementation of management and productivity improvement efforts and recommend strategies for addressing these barriers.

(4) Evaluate the cost and programmatic impact of improvements to State government management and productivity efforts.

(5) Exercise all other powers and duties that the Governor delegates to the Council.

**§ 1.495. Private Sector Task Force.**

A Private Sector Task Force (Task Force) is created to assist the Management and Productivity Improvement Council. The Task Force is composed of up to five representatives from the private sector selected by the Governor. The Task Force is responsible for identifying:

(1) Best practices that might translate into opportunities for the Commonwealth to improve management and productivity.

(2) The resources within the public or private sector that might assist the Commonwealth in improving management and productivity.

**§ 1.496. Responsibilities of Commonwealth agencies.**

Commonwealth agencies under the direction of the Governor shall cooperate with the Office of Management and Productivity (Office) and the Management and Productivity Improvement Council (Council). Commonwealth agencies shall, at a minimum:

(1) Provide information, records and materials as might be necessary for the Office and the Council to carry out their responsibilities.

(2) Implement management and productivity improvements identified by the Office and approved by the Council.

(3) Evaluate the efficiency and effectiveness of management and productivity improvements.

(4) Recommend to the Office and the Council areas of investigation that might result in improvements to State government operations and customer service and achieve reduced costs or spending.

(5) Encourage and reward employees for recommending and implementing program efficiencies, cost savings and improvements in customer service.

[Pa.B. Doc. No. 03-1583. Filed for public inspection August 15, 2003, 9:00 a.m.]

## Proclamation of Disaster Emergency

August 6, 2003

*Whereas*, Investigations made at my direction have disclosed that localized and unusually high winds and heavy rains in parts of Crawford, Forest, Mercer, McKean, Potter, Tioga, Venango, and Warren Counties on July 21, 2003, and subsequent dates, have resulted in extensive damage to roads and streets, private homes, businesses, and caused other adverse impacts upon the general population of the counties; and

*Whereas*, as the storm waters receded, the extent of damage and loss to roads, bridges, essential community infrastructure, and other community resources was revealed; and

*Whereas*, the serious impact of this week-long series of storms on both the immediate and long-term economy of this region and the state represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery; and

*Whereas*, the emergency situation has been of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

*Now Therefore*, pursuant to the provisions of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Crawford, Forest, Mercer, McKean, Potter, Tioga, Venango, and Warren Counties, and in accordance with the State Emergency Operations Plans, I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm. In addition, I hereby waive any laws or regulations that would restrict the application and

use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of the Department of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner he deems necessary, to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the Department to respond immediately and effectively in repairing, maintaining, reconstructing, or replacing these damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction; and

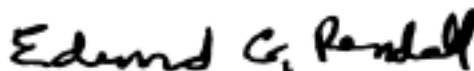
*Further*, I have directed that the emergency response and recovery aspects of all the Commonwealth departments and agencies and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency; and

*Further*, I have asked the Federal Emergency Management Agency to join with key state, county, and community officials to conduct a more detailed Preliminary Damage Assessment of the storm impact; and

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, at the city of Harrisburg, this sixth day of August in the year of our Lord, two thousand and three and of the Commonwealth, the two hundred and twenty-eighth.



*Governor*

[Pa.B. Doc. No. 03-1584. Filed for public inspection August 15, 2003, 9:00 a.m.]