

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### GOVERNOR'S OFFICE

#### [ 4 PA. CODE CH. 1 ]

#### Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 49 Pa.B. 3749 (July 20, 2019). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

MICHAEL NEWSOME,  
*Secretary of Administration*

*(Editor's Note: This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)*

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in *Management Directive 210.1, Directives Management System*.

The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2019 and June 30, 2020. Changes are indicated by marginal dots.

Individuals should subscribe at [oa.pa.gov/Policies/Pages/default.aspx](http://oa.pa.gov/Policies/Pages/default.aspx) to receive e-Alerts to receive notification of published issuances. For questions regarding the Directives Management System, contact OA, EB-DMS at [ra-eb-dms@state.pa.us](mailto:ra-eb-dms@state.pa.us).

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This manual replaces, in its entirety, Manual 210.3, dated July 2, 2019. This manual includes all new and amended issuances through June 30, 2020.

#### *How to Use Index:*

- Executive orders are by year of issuance.
- Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- All documents preceded by the letter "M" are manuals. All documents preceded by the letter "MD" are management directives.
- Documents that have been rescinded are indicated as rescinded.
- Amendments are presented as complete documents that incorporate all changes since the last issuance.
- Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore, the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

**Fiscal Note:** GOV-20-210.3. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of Issuances.

<i>Executive Orders</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
1973-09	Environmental Protection by State Agencies	7/13/1973	
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers	11/2/1978	
1975-05	Commitment Towards Equal Rights	9/19/1978	
1975-06	Preservation of Historic Resources	5/6/1975	
1977-05	Implementation of Act No. 1976-101	9/27/1977	
1978-04	Flood Plain Management	3/1/1978	
1978-09	Public Information Policies and Practices	5/23/1978	
1979-13	Governor's Office of Policy and Planning	9/18/1979	
1980-03	Life Cycle Costing	2/8/1980	

<i>Executive Orders</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>	
	1980-18	Code of Conduct	5/16/1984, 1 & 3 Amended	2,4 Rescinded
	1980-20	Pennsylvania Coastal Zone Management Program	9/22/1980	
	1981-03	Scheduling of Bond and Note Issue Sales	1/30/1981	
	1984-03	Accounting and Financial Reporting	10/11/1984	
	1986-01	Commonwealth Single Audit Coordinator	2/24/1986	
	1986-07	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	12/1/1986	
•	1987-07	State Inspector General	4/6/1987	Rescinded by EO 2020-01—1/2/2020
	1987-09	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986	4/22/1987	
	1987-10	Highway Safety	11/25/1992	
	1988-08	Pennsylvania State Data Center	7/12/1988	
	1989-03	Master Leasing Program	3/2/1989	
	1990-03	Contractor Responsibility Program	6/29/1990	
	1990-07	Interagency River Island Task Force	10/17/1990. . .1	
	1992-01	Records Management	1/8/1992	
	1993-02	Civil Disorder and Emergency	4/9/1993	
	1993-03	State Land Use Planning—Goals and Objectives for Commonwealth Agencies	8/31/1993	
	1993-04	State Center for Health Statistics and Research	10/13/1993	
	1994-01	State Commission on National and Community Service	1/28/1994	
•	1995-01	Judicial Appointments	2/27/1995	Rescinded by EO 2020-03—6/17/2020
	1995-04	Monitoring Supplies of Petroleum Products	7/10/1995	
	1996-01	Regulatory Review and Promulgation	2/6/1996	
	1996-10	State Employee Assistance Program	12/20/1996	
	1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace	12/20/1996	
	1997-02	Developmental Disabilities Council	5/30/1997	
	1997-05	Governor's Advisory Council on Physical Fitness and Sports	9/24/1997	
	1998-01	Governor's Green Government Council		Rescinded by EO 2019-1—1/8/2019
	1998-03	The Pennsylvania Greenways Partnership Commission	8/16/2001	
	1999-01	Land Use Planning	1/7/1999	
	2001-01	Directives Management System	2/13/2001	
	2001-02	State Employee Combined Appeal	2/14/2001	
	2002-04	Prohibition of Sexual Harassment in the Commonwealth	5/3/2002	
	2002-05	Disability-Related Policy	5/3/2002	
	2002-06	PA Open for Business	6/6/2002	
	2002-07	Integrating Mediation into State Government	6/14/2002	
	2002-13	Proposed Keystone Opportunity Improvement Sub-zones	12/31/2002	
	2003-02	Agricultural Land Preservation Policy	3/20/2003	
	2003-04	Workplace Policy for HIV/AIDS	5/5/2003	
	2003-05	Upper Delaware Federal Scenic River	6/22/2003	
	2004-01	Governor's Invasive Species Council		Rescinded by EO 2017-07—12/20/2017

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<i>Executive Orders</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
2004-02	Utilization of Commonwealth-Owned and Leased Space	2/18/2004	
2004-04	Anti-Sweatshop Procurement Policy	3/18/2004	
2004-05	Pennsylvania Energy Development Authority	4/8/2004	
2004-06	Minority and Women-Owned Business Opportunities	1/17/2011	
2004-12	Energy Management and Conservation in Commonwealth Facilities		Rescinded by EO 2019—1/8/2019
2005-04	Proposed Economic Development District	7/14/2005	
2005-08	Governor's Renewable Agricultural Energy Council	9/20/2005	
2006-08	Contractor Social Responsibility and Offshore Services	9/14/2006	
2006-09	Governor's Cabinet for People with Disabilities—Governor's Advisory Committee for People with Disabilities	11/21/2006	
2006-10	Strategic Development Areas	12/22/2006	
2007-01	Strategic Development Area, Butler County	4/24/2007	
2007-02	Strategic Development Area, Westmoreland County	4/30/2007	
2007-03	Commonwealth Automotive Fleet Efficiency Initiative	5/9/2007	
2007-04	Office of Health Equity	5/21/2007	
2007-06	Registered Family Child Care Providers	6/14/2007	
2007-07	Subsidized Child Care Providers Exempt from Certification or Regulation	6/14/2007	
2007-08	Strategic Development Area, Lehigh County	9/6/2007	
2007-09	Governor's Advisory Council on Rural Affairs	10/2/2007	
2008-06	Office of Diversity Management	4/15/2010	
2008-07	Early Learning Council	9/11/2008	
2010-03	Pennsylvania—Produced Agricultural Products Program	9/14/2010	
2011-03	Public Private Partnership		Rescinded by EO 2017-6—12/20/2017
2011-06	Commonwealth Licensee Tax Responsibility Program	9/15/2011	
2011-09	Small Business Procurement Initiative	11/21/2011	
2011-10	Veteran-Owned Small Business Procurement Initiative	12/7/2011	
2012-03	Pennsylvania Homeland Security	2/22/2012	
2012-05	Commonwealth Continuity of Government	4/30/2012	
2012-11	Permit Decision Guarantee for the Department of Environmental Protection	7/24/2012	
2012-12	Pennsylvania Military Community Protection Commission	9/17/2012	
2013-02	Rescission of Executive Order 1987-3 Transfer of Waynesburg Youth Development Center to the Department of Corrections	3/18/2013	
• 2013-03	Governor's Advisory Council on Veterans Services	11/11/2013	Amended 11/4/2019
2014-02	Pennsylvania Justice Network (JNET) Governance Structure	3/18/2014	
2014-04	Transition Period for the Pennsylvania Health Care Cost Containment Council	7/1/2014	
2014-05	Rescission of: Executive Order 2003-1, Executive Order 2010-2 As Amended, and Executive Order 2011-4	7/31/2014	
2015-01	Executive Branch Employee Gift Ban	1/20/2015	
2015-02	Competitive Process for Procurement of Legal Services	1/20/2015	
2015-03	Leasing of State Forest and State Park Land for Oil and Gas Development	1/29/2015	
2015-04	Governor's Office of Transformation, Innovation, Management and Efficiency ("GO TIME")	2/1/2018	
2015-05	Participant-Directed Home Care Services	2/27/2015	

<i>Executive Orders</i>			<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
	2015-06	State Emergency Operations Plan	4/16/2015	
	2015-07	Governor's Advisory Commission on African American Affairs	8/4/2015	
	2015-08	Governor's Advisory Commission on Latino Affairs	8/4/2015	
	2015-09	Pennsylvania Commission for Women		Rescinded by EO 2017-2—10/6/2017
	2015-10	Governor's Advisory Commission on Asian Pacific American Affairs	8/4/2015	
	2015-11	Diversity, Inclusion and Small Business Opportunities in Commonwealth Procurement and in Pennsylvania's Economy	9/23/2015	
	2015-12	Coordination of Food and Nutrition Programs: Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Governor's Food Security Partnership	9/29/2015	
	2015-13	Governor's Advisory Council for Hunting, Fishing and Conservation	11/24/2015	
	2016-02	Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts	6/27/2018	
	2016-03	Establishing "Employment First" Policy and Increasing Competitive Integrated Employment for Pennsylvanians with a Disability	3/10/2016	
	2016-04	Equal Employment Opportunity	4/7/2016	
	2016-05	Contract Compliance	6/18/2016	
	2016-06	Enterprise Information Technology Governance	4/18/2016	
•	2016-07	Open Data, Data Development, and Data Governance	4/18/2016	Amended 7/24/2019
	2016-08	Rescission of Executive Orders	12/5/2016	
	2017-01	Extension of Deadline for Objections to Nominations Petitions		Expired 3/17/2017
	2017-02	Pennsylvania Commission on Women	10/6/2017	
	2017-03	Review of State Professional and Occupational Licensure Board Requirements and Processes	10/24/2017	
	2017-04	Intergovernmental Affairs	12/20/2017	
	2017-05	Early Learning Investment Commission	12/20/2017	
	2017-06	Public Private Partnership	12/20/2017	
	2017-07	Governor's Invasive Species Council	12/20/2017	
	2018-01	Governor's Office for Performance through Excellence (OPE)	2/1/2018	
	2018-02	Extension of Deadline for Withdrawal of Nomination Petitions		Expired 3/26/2018
	2018-03	Equal Pay for Employees of the Commonwealth	6/6/2018	
	2018-04	Pennsylvania Workforce Investment Board	8/2/2018	
	2018-05	EO 2018-5—Governor's Census 2020 Complete Count Commission	9/10/2018	
	2018-06	Pennsylvania Commission on LGBTQ Affairs	8/6/2018	
	2018-07	Pennsylvania Redistricting		
	2018-08	PFAS Action Team	9/19/2018	
	2019-01	Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance	1/8/2019	
	2019-02	Keystone Economic Development and Workforce Command Center	2/19/2019	
	2019-03	Pennsylvania State Employee Military Service Recognition Campaign	6/14/2019	
•	2019-04	Establishing a "Citizen-First" Government and Promoting Customer Service Transformation	7/24/2019	
•	2019-05	Protection of Vulnerable Populations	7/31/2019	
•	2019-06	Reducing Gun Violence	8/16/2019	
•	2019-07	Commonwealth Leadership in Addressing Climate Change Through Electric Sector Emissions Reductions	10/3/2019	Amended 06/22/2020
•	2020-01	Office of Inspector General	01/02/2020	

<i>Executive Orders</i>			<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
•	2020-02	Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties	06/01/2020	
•	2020-03	Judicial Advisory Commission	06/17/2020	

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<b>BUDGET</b>			
<b>General</b>			
•	MD 105.01	Allocation and Allotment of Funds for ICS Transactions	9/20/2019
	MD 105.02	Contingent Commitments	Rescinded/Obsolete 10/11/2018
	MD 105.04	Allocation and Allotment of Funds for Non-ICS Transactions	Rescinded/Obsolete 10/11/2018
	MD 105.05	Use of the Determination of Tax-Exempt Category for Capital Projects From	9/12/1991
<b>Budget Preparation</b>			
•	M 110.01	2019-20 Budget Instructions	8/15/2019
	MD 110.02	Request for Approval of Federal Funds	1/14/1985
	MD 110.03	Budgeting and Accounting for Federal Appropriations	Rescinded/Obsolete 10/11/2018
<b>MANAGEMENT/ADMINISTRATIVE SUPPORT</b>			
<b>General</b>			
	MD 205.04	Delegation of Authority to Sign and Delegation to Authorize SAP Payments	5/11/2009
	MD 205.06	Defense of Suits Against Commonwealth Employees	9/30/1986
	MD 205.09	Code of Conduct Statement of Financial Interest—Filing	12/11/2013
	MD 205.10	Financial Disclosure Required by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113	12/11/2013
	MD 205.12	Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113	3/27/2014
	MD 205.14	Prohibition of Activities Not Specifically or Directly Connected with the Official Business of the Commonwealth on Commonwealth Property	11/21/2011
	MD 205.15	Membership in Associations, Organizations, or Societies	12/11/2017
	MD 205.16	Compliance with the Whistleblower Law, Act 1986-169, As Amended	9/17/2014
	MD 205.18	Ballot Question Advocacy by Executive Branch Employees, Appointees, and Officials	4/11/1988
	MD 205.21	Commonwealth Child Care Program	4/8/2013
	MD 205.22	Recycling, Waste Reduction and Procurement of Environmentally Preferable Products	9/19/2014
	MD 205.23	Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries	7/13/2012
	MD 205.24	Display of Flags on Commonwealth Buildings and Grounds	10/12/2011
	MD 205.25	Disability-Related Employment Policy	2/13/2009
	MD 205.26	The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services	7/22/1992
	MD 205.27	Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act	8/27/2015
	MD 205.31	Pro Bono Publico Legal Services	2/11/1999
	MD 205.32	Hiring/Contracting Sign Language Interpreters/Translitterators	9/12/2014
	MD 205.33	Workplace Violence	6/16/2014

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• MD 205.34	Commonwealth of Pennsylvania Information Technology Acceptable Use Policy	3/19/2020
MD 205.35	Information Reporting from the Commonwealth's Enterprise SAP Business Information Warehouse System	5/2/2011
MD 205.36	Right-to-Know Law Compliance	3/18/2010
MD 205.37	Role Assignment, Security, and Internal Control Maintenance	3/25/2013
MD 205.38	Emergency Evacuation and Safe Assembly	6/20/2019
MD 205.40	Commonwealth Branding	5/15/2012
MD 205.41	Commonwealth of Pennsylvania Continuity of Operations (COOP) Program	2/16/2011
MD 205.42	Social Media	2/6/2012
MD 205.43	Quality Assurance for Business Productivity Tools	6/25/2014
<b>Management Programs</b>		
MD 210.01	Directives Management System	5/2/2011
M 210.01	The Commonwealth of Pennsylvania Employee Records Management Manual	5/20/2010
• M 210.03	Index of Issuances	7/1/2019
MD 210.04	Central Microfilm Management	11/18/2002
M 210.04	Forms Management	8/16/1983. . .1-2
MD 210.05	The Commonwealth of Pennsylvania State Records Management Program	10/31/2017
M 210.05	Standard (STD) Forms Management	9/15/1998
MD 210.06	Selection, Acquisition and Use of Filing Equipment	Rescinded/Obsolete 7/6/2017
M 210.06	Publications Management	8/1/1984. . .1
M 210.07	State Records Management Manual	6/8/2004
MD 210.08	Micrographics Procedures to be Used in Conjunction with Central Microfilm Management	11/18/2002
M 210.08	Vital Records Disaster Planning	5/9/1995
M 210.09	The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule	5/15/2019
MD 210.11	Acceptance of Imaged Documents	6/16/1997
MD 210.12	Electronic Commerce Initiatives and Security	12/23/2010
<b>Contracts Management</b>		
M 215.03	Procurement Handbook	6/30/2017
MD 215.08	Contractor Integrity Provisions for Commonwealth Contracts	1/14/2015
• MD 215.09	Contractor Responsibility Program	11/18/2019
MD 215.12	Provisions Concerning The Americans with Disabilities Act	10/14/2011
MD 215.13	Contract Provisions for Donation of Excess Prepared Food	10/12/2011
MD 215.16	Contract Compliance Program	8/2/2018
<b>Central Services</b>		
MD 220.01	Commonwealth Media Services	9/1/2017
MD 220.09	Publication Services	11/25/2013
MD 220.11	Preservation of Commonwealth Deeds	3/7/2013
• M 230.01	Commonwealth Travel Procedures Manual	12/13/2019
MD 230.06	Travel Expenses of Job Applicants	11/1/2011
MD 230.07	Remittance of Witness Fees	8/6/2010
• MD 230.10	Commonwealth Travel Policy	12/13/2019

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<b>Information Technology Management</b>		
MD 240.07	Submission of Changes to the Commonwealth Telephone Directory	8/18/2008
MD 240.11	Commonwealth Wireless Communication Device Policy	4/11/2012
MD 240.12	Commonwealth of Pennsylvania Mobile Devices Security Policy	12/29/2008
MD 245.13	Strategic Direction for Information Technology Investments	2/8/2006
MD 245.15	Pennsylvania Statewide Radio Network	12/5/2016
MD 245.16	Pennsylvania Justice Network (JNET) Governance Structure	3/18/2014
MD 245.18	IT Administrator Acceptable Use, Auditing and Monitoring, Incident Notification, and Response Policies and Procedures	2/7/2006
MD 245.19	Enterprise Technology Security Council	8/17/2016
<b>Public Information Programs</b>		
MD 250.01	Notice of Public Meetings	4/25/2016
<b>Organization and Space Management</b>		
MD 260.01	Reorganization Requests	3/2/2017
M 260.01	Manual for Space Utilization	3/11/2004
<b>FINANCIAL MANAGEMENT</b>		
<b>General</b>		
MD 305.02	Standard Check Endorsement Procedure	5/22/2009
MD 305.03	Responsibilities of Comptroller Operations	12/15/2010
MD 305.04	Payments to Counties	10/3/2012
MD 305.05	Cash Management	5/22/2009
MD 305.06	Withholding Payments to Municipalities (Act No. 166 of 1978)	5/1/1997
MD 305.07	Interest Penalties for Late Payments	3/10/2014
MD 305.08	Commonwealth Bank Accounts and Special Banking Services	6/11/1997
MD 305.10	Receipt of Federal Funds by Wire Transfer	1/23/1989
MD 305.11	Depositing Checks, Money Orders and Cash	4/23/2012
MD 305.12	Accounting, Reporting, and Cash Management of Federal Grants and Contracts	1/25/1999
MD 305.15	Processing and Distributing Returned Checks	8/30/1989
MD 305.16	Lobbying Certification and Disclosure	7/3/2003
• MD 305.19	Identification of Boards, Commissions, Councils, Advisory Committees, and Authorities	11/18/2019
MD 305.20	Grant Administration	3/2/2018
MD 305.21	Federal Award Payments to Local Governments and Other Subrecipients	3/2/2018
MD 305.22	Commonwealth Licensee Tax Responsibility Program	11/14/2011
<b>Accounting</b>		
MD 310.01	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures	1/5/1983
M 310.01	Agency Operated Advancement Accounts	8/11/1999
M 310.02	Definitions of Major and Minor Objects of Expenditures	8/26/1998. . .1
MD 310.03	Encumbering and Lapsing of Appropriations	4/4/2018
• MD 310.09	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts	1/9/2020
MD 310.10	Collection, Referral, and Compromise, or Write-Off of Delinquent Claims	11/18/2011
MD 310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations	1/19/1982. . .1
MD 310.12	Refunding Fees and Charges Collected in Error	9/21/2017
MD 310.13	Responsibilities for Comprehensive Annual Financial Reporting	10/5/2016

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	MD 310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP	2/3/2003
	MD 310.15	Agency Federal ID Numbers	2/22/2016
	MD 310.19	Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant	10/27/2010
•	MD 310.20	Charging Equipment Expenditures to Federal Programs	Rescinded 1/6/2020
	MD 310.23	Commonwealth Purchasing Card Program	4/5/2013
	MD 310.24	Accepting Debit and Credit Cards for Commonwealth Revenues	11/18/2019
	MD 310.25	Transfers of Revenue or Expenses in SAP	1/10/2011
	MD 310.26	Vendor Data Management Unit (VDMU) for Agencies Using SAP	9/18/2009
	MD 310.27	Month-End Closing Processes	12/14/2005
	MD 310.28	Use of One-Time Vendor Records in SAP	3/6/2017
	MD 310.29	Using Value (Service) Date in SAP	6/10/2009
	MD 310.30	Pennsylvania Electronic Payment Program (PEPP)	5/22/2009
	MD 310.31	Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Process	5/11/2009
•	MD 310.32	Voyager Fleet Card Invoice Processing for Agencies Using SAP	2/12/2020
	MD 310.33	Processing Electronic Invoices in SAP	8/21/2009
•	MD 310.34	Use of Agency-Level Dun & Bradstreet Data Universal Numbering System (DUNS) Numbers in Applications for Federal Grants and Cooperative Agreements	12/18/2019
	MD 310.36	Identifying, Recording, and Reporting Computer Software as a Capital Asset	12/10/2009
	MD 310.37	Approving, Monitoring, and Accounting for New Information Technology Application Projects	7/20/2012
	MD 310.38	Commonwealth Loan Accounting, Financial Management, and Reporting	10/14/2016
<b>Payroll</b>			
	MD 315.01	Calculation and Payment of Statutory Salaries	1/3/2011
	MD 315.06	Employees' Requests for State or Federal Income Tax Withholding	5/24/2011
	MD 315.08	Restitution of Overpayments and Collections of Employee Debts	2/6/2019
	MD 315.09	Withholding of Delinquent Local Taxes from Employees' Paychecks	8/30/2011
	MD 315.13	Payment of Wages, Salary, Employee Benefits, and Travel Expenses Reimbursements Due Deceased Employees	2/12/2018
	MD 315.14	Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities	10/16/2013
	MD 315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay	8/30/2011
	MD 315.16	Payment of Annuitant Medical and Hospital Benefits	6/21/2013
	MD 315.17	Direct Deposit of Pay and Travel Reimbursement	2/11/2013
	MD 315.20	Taxability of the Use of State-Provided Vehicles	9/5/2018
	MD 315.22	Preparation and Filing of Federal Forms 1099 and 1096	1/3/1995
	MD 315.25	Pennsylvania Personal Income Tax	11/22/2011
	MD 315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers	1/24/1994. . .1
	MD 315.27	Recoupment of Conversion Pay Amounts	5/4/1992
	MD 315.28	Taxability of State-Provided Parking	2/1/2011
	MD 315.30	Local Services Tax	8/29/2016



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<b>Audits</b>		
MD 325.02	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments	12/17/2014
MD 325.03	Performance of Audit Responsibilities	1/10/2011
MD 325.05	State Level Single Audit Costs	8/17/2009
MD 325.06	Auditing Computer-Based System	1/10/2011
MD 325.07	Implementation of the Commonwealth's State-Level Single Audit	12/17/2014
MD 325.08	Remedies for Recipient Noncompliance with Audit Requirements	12/17/2014
MD 325.09	Processing Audits of Federal Pass-Through Funds	12/23/2014
MD 325.10	Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports	8/27/2009
MD 325.11	Evaluating Agency Internal Controls and Financial Risk through Self-Assessment	5/17/2012
MD 325.12	Standards for Internal Controls in Commonwealth Agencies	5/15/2018
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<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO)</b>		
<b>Equal Employment Opportunity Programs</b>		
M 410.03	Guidelines for Equal Employment Opportunity Plans and Programs	12/18/2007
MD 410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints	12/5/2012
MD 410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program	5/8/1997
<b>EMPLOYEE DEVELOPMENT AND UTILIZATION</b>		
<b>General</b>		
MD 505.01	Employee Furlough Policy	2/16/2006
MD 505.02	Salaried Complement Management and Control	8/7/2014
M 505.02	Personnel Management Review	7/9/1997
M 505.03	State Employee Assistance Program	3/13/2017
M 505.05	Commercial Driver License Drug and Alcohol Testing and Related Procedures	7/25/2013
M 505.06	An Agency Guide to Workplace Violence Prevention and Response	6/16/2014
MD 505.07	Personnel Rules	11/9/2010
MD 505.09	Standard Abbreviations for Use with the Compensation Plan and SAP R/3 System	3/11/2004
MD 505.11	Emergency Assignments of Employees During Emergencies	6/17/1998
MD 505.15	Employee Mobility Information Program	4/12/2012
MD 505.18	Maintenance, Access, and Release of Employee Information	9/23/2014
MD 505.20	Wage Complement Management and Control	12/27/2011
MD 505.21	Office Hours	7/19/2018
MD 505.22	State Employee Assistance Program	3/13/2017
MD 505.23	Employee Recognition Program	7/31/2012
MD 505.25	Substance Abuse in the Workplace	3/13/2017
MD 505.26	HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace	12/11/2013
MD 505.27	Worker and Community Right-to-Know Act	3/22/2017
MD 505.28	Family Care Account Program	8/22/2013
MD 505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings	6/19/2002. . .1
MD 505.32	Governor's Awards for Excellence	12/19/2018
MD 505.33	Working from Home During Emergencies Including a Pandemic Influenza Event	8/20/2007

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<i>Management Directives And Manuals</i>		<i>Date of Original or Amended Version</i>
MD 505.34	Commercial Driver License Drug and Alcohol Testing Requirements	7/25/2013
MD 505.35	Alternative Work Schedule	7/25/2018
<b>Employment</b>		
MD 515.02	Transfer of Employees from One Agency to Another	1/20/2016
MD 515.03	Classified Service Emergency Appointments	Rescinded 3/28/2019
MD 515.04	Seniority Rights of Commonwealth Employees	7/12/2006
MD 515.10	Selection and Appointment to Non-Civil Service Positions	2/16/2006
MD 515.12	Confidential Employees	9/28/2004
MD 515.15	Employment-Related Verification and Background Checks	3/6/2019
MD 515.16	Appointment to Senior Level Positions	2/28/2019
MD 515.18	Supplementary Employment	2/22/2016
MD 515.20	Reemployment of Commonwealth Annuitants	2/22/2016
MD 515.21	Commonwealth School-to-Work Program	2/14/2006
<b>Classification</b>		
MD 520.03	Unclassified Codes	7/10/2012
MD 520.04	Position Classification Post-Audits	11/21/2011
MD 520.05	Centralized Job Control System	3/25/2013
MD 520.06	Position Classification	4/15/2013
MD 520.07	Development and Validation of Job Standards	6/12/2012
MD 520.08	Pay Action Effective Dates for Changes to Position Classifications and the Commonwealth's Classification and Compensation Plan	11/2/2012
MD 520.09	Appointments Above the Minimum	1/23/2019
MD 520.10	Position Descriptions	10/23/2014
<b>Pay</b>		
MD 525.04	Temporary Assignment in Higher Classification	5/3/2013
MD 525.06	Payroll Advances	9/16/2013
MD 525.11	Dual Employment	2/10/1997
MD 525.12	Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension	8/9/2012
MD 525.15	Overtime	2/10/1997
MD 525.16	Physicians and Related Occupations Quality Assurance Program	2/14/2006
MD 525.17	Internal Revenue Service's Levies on Wages, Salary, and Other Income or Payments	6/28/1991
<b>Benefits</b>		
MD 530.01	Agency Benefit Coordinators	6/29/2015
M 530.02	Injury Leave Manual	2/2/2016
M 530.03	Group Life Insurance Program Manual	9/19/2013
M 530.07	Absence Program	4/23/2009
MD 530.08	Motor Vehicle Financial Responsibility Law	4/25/2014
MD 530.09	Social Security Records	1/12/2015
M 530.09	Unemployment Compensation Insurance	12/7/1998
MD 530.10	Administrative Leave to Complete in International and World Championships	7/20/2010
MD 530.11	Benefit Rights of Permanent and Temporary Employees	11/9/2016
M 530.15	Pennsylvania State Police Administrative Manual Health Benefits Program	10/22/2018
M 530.16	Temporary Clerical Pool Agency User Manual	10/1/1999
MD 530.17	Partial and Full Day Closings of State Offices	5/25/2010
M 530.17	Temporary Clerical Pool Employee Handbook	10/1/1999

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MD 530.18	Benefit Rights of Furloughed Employees	5/10/2016
MD 530.21	Paid Absence for Blood Donation	4/8/2010
M 530.21	State Employee Combined Appeal Procedures Manual	6/12/2017
MD 530.22	Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions"	11/20/1996
MD 530.23	State Employee Combined Appeal	6/12/2017
MD 530.24	Retired Employees Health Program	9/13/2016
MD 530.26	Absence for Military Duty	11/2/2017
MD 530.27	Leave Related Policies for Employees Excluded from Earning Leave and Leave Service Credit	2/7/1997
MD 530.29	Commuter Benefits Program	Rescinded/Obsolete 1/23/2017
MD 530.30	Sick, Parental and Family Care Absence, Military Exigency Absence and Military Caregiver Absence Policy	12/11/2013
MD 530.31	Workplace Safety and Health Program	1/2/2013
• MD 530.32	Group Life Insurance Program	11/18/2019
<b>Training</b>		
MD 535.01	Employee Training and Development	5/1/2015
MD 535.02	Physicians and Related Occupations Specialty Board Certification Payments	2/21/2006
MD 535.03	Out-Service Training	8/17/2016
MD 535.04	Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes	Rescinded 3/28/2019
MD 535.05	Use of Trainee Classes in the Classified Service	Rescinded 3/28/2019
MD 535.06	Commonwealth Management Development Program	
MD 535.07	Annual Agency Training Plan and Report	7/8/1999
MD 535.09	Physical and Information Security Awareness Training	10/3/2006
<b>Performance Evaluations</b>		
MD 540.07	Performance Management Program	5/2/2011
<b>Retirement</b>		
MD 570.01	Mandatory Membership in the State Employees' Retirement System	4/7/2014
MD 570.05	Employer Contributions Required on the Purchase of Previously Uncredited State Service	4/7/2014
MD 570.06	Optional Membership in State Employees' Retirement System	4/7/2014
MD 570.08	Reinstatement of Terminated Employees into the State Employees' Retirement System	4/7/2014
MD 570.09	Reinstatement of Furloughed or Otherwise Terminated and Reemployed Employees in the State Employees' Retirement System	4/7/2014
MD 570.11	Amending Data in Retirement and Personnel/Payroll System and Collecting Arrears Balances	4/7/2014
MD 570.12	Furloughed State Employees Retirement System Members' Right to Earn Interest on Member Contributions	4/7/2014
MD 570.13	State Employees' Retirement System, Regional Counseling Centers	4/7/2014
MD 570.14	Deferred Compensation Program	4/7/2014
MD 570.15	Reporting Potential Public Employee Pension Forfeiture Crimes to the State Employees' Retirement System	4/7/2014
MD 570.16	State Employees' Retirement System, Duties of Departments and Agencies	4/7/2014

<i>Management Directives And Manuals</i>		<i>Date of Original or Amended Version</i>
<b>Civil Service</b>		
MD 580.02	Civil Service Availability Survey/Interview Notice	Rescinded 3/28/2019
M 580.02	Furlough of Classified Service Employees Not Covered by Labor Agreements	Rescinded 3/28/2019
MD 580.06	Tabulation of Classified Service Employees	6/16/2006
MD 580.08	Classified Service Probationary Periods	Rescinded 3/28/2019
MD 580.10	Conducting Interviews for Classified Service Positions	Rescinded 3/28/2019
MD 580.11	Documentation of Classified Service Personnel Actions	Rescinded 3/28/2019
MD 580.12	Recruitment for Classified Service Positions	Rescinded 3/28/2019
MD 580.13	Report of Personnel Transactions for Non-State Employees	Rescinded 3/28/2019
MD 580.15	Selective Certification of Classified Service Eligible	Rescinded 3/28/2019
MD 580.16	Provisional Employment in the Classified Service	Rescinded 3/28/2019
MD 580.18	Pennsylvania Residency Requirements for the Classified Service	Rescinded 3/28/2019
MD 580.19	Promotion in the Classified Service Without Examination	Rescinded 3/28/2019
MD 580.21	Veterans' Preference on Classified Service Employment Certifications	Rescinded 5/8/2019
MD 580.23	Resignation from and Reinstatement to the Classified Service	Rescinded 3/28/2019
MD 580.24	Promotion of Employees in Unskilled Positions into the Classified Service	Rescinded 3/28/2019
MD 580.25	Political Activities of Classified Service Employees	Rescinded 3/28/2019
MD 580.26	Transfer or Reassignment of Classified Service Employees	Rescinded 3/28/2019
MD 580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act	10/28/2009
MD 580.28	Reallocation to a Lower Class in the Classified Service	Rescinded 3/28/2019
MD 580.30	Civil Service Leave of Absence and Return Rights	Rescinded 3/28/2019
MD 580.31	Classified Service Temporary Appointments	Rescinded 3/28/2019
MD 580.32	Substitute Employment in the Classified Service	Rescinded 3/28/2019
MD 580.33	Reproductions of Documents for Classified Service Personnel Actions	Rescinded 3/28/2019
MD 580.34	Removal of Eligible for Certification or Appointment in the Classified Service	Rescinded 3/28/2019
MD 580.35	Employees Placed in the Classified Service by Position Reallocation	Rescinded 3/28/2019
MD 580.37	Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service	Rescinded 3/28/2019
MD 580.38	Use of Intern Job Titles in the Classified Service	Rescinded 3/28/2019
<b>Labor Relations</b>		
MD 590.01	Labor Relations	6/27/2018
MD 590.02	Confidential Positions and Employees	3/8/2006
MD 590.03	Deduction of Union Dues	6/27/2018
MD 590.05	Guidelines to be Followed During Legal or Illegal Strikes	5/25/2006
MD 590.07	Labor Relations—Grievance Administration	6/8/2006
MD 590.08	Classification Grievance Processing	7/9/2012
<b>SUPPLIES, SERVICES, AND EQUIPMENT</b>		
Supplies and Equipment Acquisition/Disposition		
<b>Automotive Services</b>		
MD 615.01	Commonwealth Temporary Transportation Vehicles	2/27/2013
M 615.03	Commonwealth Fleet Procedures Manual	11/10/2011
MD 615.15	Vehicle Parking License Agreements	10/26/2006
MD 615.16	Commonwealth Fleet Policy	11/10/2011

<i>Management Directives And Manuals</i>		<i>Date of Original or Amended Version</i>
<b>Commodity Standards</b>		
MD 620.01	Coal Sampling and Reporting	10/4/2005
<b>Buildings, Property, and Real Estate</b>		
MD 625.01	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services	10/4/2004
MD 625.02	Inventory of Commonwealth Real Property	9/16/2008
MD 625.03	Moving Employee Household Goods	4/30/2018
MD 625.04	Enforcement of Fire and Panic Regulations	3/27/1991
MD 625.05	Reporting Surplus Real Property	5/6/1996
MD 625.06	Leasehold Improvements	5/1/2009
MD 625.07	Use of Form STD—291, Request for Lease Action and Budget Approval	Rescinded/Obsolete 8/23/2017
MD 625.08	Contracting for Bargaining Unit Work	2/25/1994
MD 625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings	6/2/2014
<b>Bonds and Insurance</b>		
MD 630.02	Reporting of Employee Liability Self Insurance Program Claims	7/10/2018
<b>COMMONWEALTH PROGRAMS</b>		
<b>Protection and Safety</b>		
MD 720.02	Wage Standards Picketing	2/3/1977
MD 720.05	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings	7/25/2008
MD 720.06	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls	4/25/2016
MD 720.07	Bomb Threats and Suspicious Packages	7/29/2010

[Pa.B. Doc. No. 20-938. Filed for public inspection July 17, 2020, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 69 ]

[ M-2020-3018089 ]

#### Amended Policy Statement on Diversity at Major Jurisdictional Utilities

Public Meeting held  
May 21, 2020

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

*Amended Policy Statement on Diversity at Major Jurisdictional Utilities; M-2020-3018089*

#### Proposed Policy Statement and Order

*By the Commission:*

On February 6, 2020, the Pennsylvania Public Utility Commission (Commission) directed that the Policy Statement on Diversity at Major Jurisdictional Utility Companies at 52 Pa. Code §§ 69.801—69.809 (Policy Statement) be amended to update the Commission's efforts to promote and implement effective diversity programs at major

jurisdictional utility companies.<sup>1</sup> The Policy Statement encourages utilities to file a diversity report annually with the Commission, and provides guidelines identifying the information utilities should report to describe their efforts to employ and contract with members of diverse groups. The Commission further directed that the Commission's Policy Statement be updated to reflect the Commonwealth's diverse citizenship. Accordingly, by this order, the Commission proposes to amend its Policy Statement by updating the definition of diversity to now include veterans and people who are lesbian, gay, bisexual, transgender, queer or questioning their sexuality (LGBTQ).

#### *Summary of Proposed Amendments*

The Commission proposes the following amendments to the Policy Statement as set forth in Annex A to this Order.

#### *§ 69.802. Definitions.*

Specifically, we will add the following definitions to Section 69.802: disabled person, LGBTQ and veteran. We propose defining "LGBTQ" as it is currently defined in Black's Law Dictionary 11th Edition.<sup>2</sup> In defining the term "veteran," we propose adopting the definition from 51 Pa.C.S. § 9601 which defines "veteran" in the context

<sup>1</sup> The Policy Statement has been in effect since its publication in the *Pennsylvania Bulletin* on March 25, 1995. 25 Pa.B. 1084.

<sup>2</sup> The acronym "LGBTQ" is not expressly defined in any other Pennsylvania or federal statutes. As such, the definition of "LGBTQ" in Black's Law Dictionary is proposed.

of business ownership. Using this definition ensures uniformity of the term “veteran.” The term “disabled person” was not previously defined, yet it is used throughout the Policy Statement. We propose adopting the Americans with Disabilities Act’s (ADA), 42 U.S.C.A. § 12102, definition and citing directly to the ADA in order for the definition of “disabled person” to stay current in the future.

We also propose to update the definition of “diversity” by explicitly identifying the following groups: minorities, women, persons with disabilities, LGBTQ and veterans. Additionally, we propose to amend the definition of “Minority-Owned Business Enterprise” by specifically including Subcontinent Asian-Americans and Asian Pacific-Americans in the list of minority groups. Finally, the acronyms of Women-Owned Business Enterprise (WBE) and Minority-Owned Business Enterprise (MBE) will be removed since these acronyms are not used anywhere in the Commission’s policy statement on diversity.

§ 69.809. *Filings.*

The Commission’s staff has found the detail and type of information reported in the major jurisdictional utility companies’ diversity reports to be inconsistent. In order to solicit the appropriate information, we propose revising the recommended reporting elements in Section 69.809 in their entirety. Section 69.809 will request the following elements from major jurisdictional utility companies that opt to report on their diversity programs:

- (1) A copy of any corporate policy committed to improving diversity in the workplace and in the procurement process;
- (2) a description of any training implemented on diversity initiatives in employment and in the contract of goods and services;
- (3) a standardized format to account for diverse employee numbers;
- (4) a description of any diversity recruiting strategies;
- (5) a description of any diversity promotion efforts;
- (6) a description of any diversity retention efforts;
- (7) a brief description of any involvement with organizations promoting diversity.

Among these new reporting elements will be a new standardized form that major jurisdictional utility companies can use to report their diverse workforce demographics, included as Attachment A. We propose using a form modeled after the Security and Exchange Commission’s Diversity Assessment Report for Entities Regulated by the SEC.

We also propose updating Section 69.809 to remove outdated references. The Commission no longer has a Bureau of Public Liaison, so major jurisdictional utility companies will be instructed to submit their reports to

the Secretary of the Commission. Further, as the Policy Statement has been in effect since 1995, the initial reporting year is no longer necessary. Consequently, we propose removing this language in subsection (a). Additionally, the subsection letters in Section 69.809 are revised to address the omission of subsection (b).<sup>3</sup>

*Business Ownership Groups*

Throughout the Policy Statement, there are references to businesses owned by minorities, women and persons with disabilities. We propose to revise these references to also include LGBTQ and veterans when referring to businesses owned by minorities, women and persons with disabilities.

With this Order, the Commission is proposing guidance for the revisions to its policy statement on diversity. The Commission welcomes comments on this proposed policy statement; *Therefore,*

*It Is Ordered:*

1. That the proposed policy statement set forth in Annex A is issued for comment.
2. That the Law Bureau shall submit this Order and Annex A to the Governor’s Budget Office for review for fiscal impact.
3. That the Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
4. That interested parties may submit written comments referencing Docket M-2020-3018089 within 45 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Comments may also be filed electronically through the Commission’s eFiling System. Filing instructions may be found on the Commission’s website at: [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx).
5. That the Secretary shall post and make available electronically the Order and Annex A on the Commission’s website. A copy may also be obtained by calling the Secretary’s Bureau at (717) 772-7777 or the Law Bureau at (717) 787-5000.
6. The contact persons for this matter are Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau (717) 787-5558, [jcardinale@pa.gov](mailto:jcardinale@pa.gov); and Rhonda L. Daviston, Assistant Counsel, Law Bureau, (717) 787-6166, [rdaviston@pa.gov](mailto:rdaviston@pa.gov). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Laura Griffin, Regulatory Review Assistant, Law Bureau, (717) 772-4597, [laurgriffi@pa.gov](mailto:laurgriffi@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-329. No fiscal impact; (8) recommends adoption.

<sup>3</sup> We note that the current Section 69.809 has a subsection (a) and subsection (c).

**Attachment A**  
**Demographic Composition of Workforce of Major Jurisdictional Utility Companies**

Total Number of Employees: \_\_\_\_\_

Job Categories	Gender		Demographics of Workforce by Percentage							Persons with Disabilities (%)	Veteran (%)
	Male (%)	Female (%)	Race and Ethnicity								
			Hispanic American (%)	White (%)	African American (%)	Asian Pacific American (%)	Subcontinent Asian American (%)	Native American (%)	Two or more races (%)		
Executive/Senior Level Officials and Managers											
First/Mid-Level Officials and Managers											
Professionals											
Technicians											
Administrative Support Workers											
All others											

## Annex A

## TITLE 52. PUBLIC UTILITIES

## PART I. PUBLIC UTILITY COMMISSION

## Subpart C. FIXED SERVICE UTILITIES

## CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

## DIVERSITY AT MAJOR JURISDICTIONAL UTILITY COMPANIES—STATEMENT OF POLICY

## § 69.801. General.

From a business perspective, diversity should be associated with a company's business objectives and strategies. The Commission strongly believes that diversity is an economic reality that corporate entities must include in their corporate strategies now and in the future. The Commission intends to take the next step by encouraging major jurisdictional utility companies operating in this Commonwealth to incorporate diversity in their business strategy in connection with the procurement of goods and services.

## § 69.802. Definitions.

The following words and terms, when used in §§ 69.801 and 69.803—69.809, have the following meanings, unless the context clearly indicates otherwise:

*African-Americans*—United States citizens or legal aliens with permanent residence status in the United States who have origins in any racial groups of Africa.

*Asian Pacific-Americans*—United States citizens or legal aliens with permanent residence status in the United States who have origins in Asia, including persons from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territory of the Pacific Islands (Republic of Palau), the Northern Mariana Islands, Laos, Kampuchea (Cambodia), Taiwan, Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands and the Federated States of Micronesia.

*Control*—The exercise of the power to make policy decisions.

*Diversity*—The attainment of organizational objectives by maximizing the contributions of individuals from every segment of the population **including minorities, women, persons with disabilities, LGBTQ and veterans**.

*Exempt procurement*—A product or service which may be removed from the dollar base used to establish minimum improvement levels, because of the demonstrated unavailability of a minority/women/people with **[ disabilities-owned ] disabilities/LGBTQ/veteran-owned** business currently capable of supplying a product or service. The term may also include one or more of the following situations:

- (i) The vendor is the original equipment manufacturer.
- (ii) The vendor is the only known source of the product or service.
- (iii) A plant emergency situation dictates use of a specific vendor.
- (iv) Purchases from affiliates, corporate parents and their subsidiaries.

*Hispanic-Americans*—United States citizens or legal aliens with permanent residence status in the United

States who have origins in Mexico, Puerto Rico, Cuba, South America, Central America and the Caribbean.

**LGBTQ—Lesbian, gay, bisexual, transgender, queer, and questioning.**

*Long-term plan*—A plan applicable to a period of 5 years.

**[ MBE— ]***Minority-Owned Business Enterprise*—A business enterprise that is at least 51% owned by a minority individual or group or individuals; or a publicly-owned business that has at least 51% of its stock owned by one or more minority individuals, and whose management and daily business operations are controlled by these individuals. "Minority" may include African-Americans, Hispanic-Americans, Native Americans, **Subcontinent Asian-Americans** and **[ Asian Americans ] Asian Pacific-Americans**, as well as other groups found to be disadvantaged under section 8(a) of the Small Business Act (15 U.S.C.A. § 637(d)).

*MIL—Minimum Improvement Level*—A level or goal which, when achieved, indicates progress in a preferred direction. An MIL is neither a requirement nor a quota, and no specific participation levels are intended.

*Major jurisdictional utility company*—Electric, gas, water and telephone utilities whose net plant in service is valued at \$10 million or more. The term includes major telephone companies, defined as companies exceeding 50,000 access lines.

*Midterm plan*—A plan applicable to a period of 3 years.

*Native-Americans*—United States citizens or legal aliens with permanent residence status in the United States who have origins in any of the original peoples of North America or Hawaiian Islands, in particular, American Indians, Eskimos, Aleutes and Native Hawaiians.

*Operate*—Active involvement in the day-to-day management. The term involves more than acting as officers or directors.

**Person with disabilities—An individual who has a disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C.A. § 12102.**

*Short-term plan*—A plan applicable to a period of 1 year.

*Subcontinent Asian-Americans*—United States citizens or legal aliens with permanent residence status in the United States who have origins in India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal.

*Subcontract*—An agreement or arrangement between a contractor and a party or person—in which the parties do not stand in the relationship of an employer and an employee—for the furnishing of supplies or services for the use of real or personal property, including lease arrangements, which in whole or in part, is necessary to the performance of any one or more contracts.

*Substantial objectives*—Objectives which are realistic and clearly demonstrate a utility's commitment to increase minority/women/persons with **[ disabilities-owned ] disabilities/LGBTQ/veteran-owned** business share of the utility's purchases and contracts.

**Veteran—An individual who served in the United States Armed Forces, including a reserve component or the National Guard, and who was discharged or released from service under conditions other than dishonorable.**



[ **WBE**— ] *Women-Owned Business Enterprise*—A business enterprise that is at least 51% owned by a woman or women who are United States citizens or legal aliens with permanent residence status in the United States; or a publicly owned business that has at least 51% of its stock owned by one or more women, and whose management and daily business operations are controlled by one or more women who are United States citizens or legal aliens with permanent residence status in the United States.

[ **W/MBE**—A **WBE** or an **MBE**. ]

§ 69.803. **Guidelines for diversity development.**

The Commission encourages major jurisdictional utility companies to implement diversity programs. This effort may include the following:

- (1) The articulation of a corporate policy by the senior executives of the major jurisdictional utility company committing the utility to improving its level of diversity in the workplace and within its procurement process.
- (2) The development and implementation of a corporate-wide diversity program with specified goals and objectives for each year.
- (3) The appointment of utility managers to be responsible for the success of the program.
- (4) The training of managers regarding implementing diversity initiatives in the areas of employment and contracting for goods and services.
- (5) The location of qualified minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business contractors and mentoring, partnering and training qualified women/minority/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses contractors to serve the needs of the major jurisdiction utility company.

§ 69.804. **Contracting recommendations.**

The Commission recommends that major jurisdictional utility companies strive to take maximum efforts to provide that minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses have an equal opportunity to compete for the purchase of equipment, supplies, services, fuels, materials, construction, professional services advertising and the like. The Commission encourages major jurisdictional utility companies to develop a diversity program which is designed to provide that a fair proportion of products and services contracts are offered to minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses. It is recommended that the major jurisdictional utility companies adopt the general guidelines in §§ 69.805—69.808 in the development or enhancement of their diversity program relative to contracting for goods and services.

§ 69.805. **Program development.**

The major jurisdictional utility companies are encouraged to have an appropriate executive accountable for providing overall direction and guidance to the minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business program. Each major jurisdictional utility company is invited to maintain a staff to implement program requirements concerning the women/minority/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses. It may not be necessary for the major jurisdictional utility

company to increase its staff or to reassign existing staff to minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business program responsibilities if the major jurisdictional utility company can implement its program effectively through its current resource commitment and management structure.

§ 69.806. **Minimum improvement levels.**

By March 1 of each year, each major jurisdictional utility company is encouraged to annually set substantial and verifiable short-term, midterm and long-term plans for the utilization of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses. Minimum improvement levels should be set annually for each major product and services category which provides opportunities for procurement.

(1) The major jurisdictional utility companies may consider the following factors in setting their minimum improvement levels:

(i) The total utility purchasing or contracting projections, or both, including fees to financial (for example, financial institutions and the like), advertising, legal and professional services.

(ii) Availability of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses in the major jurisdictional utility company's service area and surrounding communities.

(iii) Market dynamics based on historical data and trends.

(iv) Other appropriate factors which would increase the minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses share of utility business.

(2) Program objectives should be established for both minority-owned, non-minority women-owned, [ **and** ] persons with disabilities-owned, **LGBTQ-owned and veteran-owned** business enterprises.

(3) A major jurisdictional utility company may exclude a specific product or service when it is clearly evident the minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses do not provide a specific product or service, or that exempt procurement is the only available procurement method for obtaining that specific product or service. Each utility should demonstrate the unavailability of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses capable of supplying these products and services on a case by case basis. Because there may in the future be minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses capable of supplying products or services currently being supplied by an exempt procurement provider, the major jurisdictional utility company should explain in its annual report the continued use of any exempt procurement provider.

(4) A major jurisdictional utility company which is presently purchasing products or services from affiliates may subtract the dollars paid to affiliates for these products or services from the total dollars used as the basis for establishing minimum improvement levels for purchases from minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses if the major jurisdiction utility company requires the affiliate to establish an appropriate subcontracting

program for minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses where the affiliates employ subcontractors. A major jurisdictional utility company which takes advantage of this section should report to the Commission, in its annual report, whether the affiliates have established a subcontracting program and describe the results of the program.

(5) Overall program levels should be expressed as a percentage of total dollars awarded to outside suppliers and contractors other than products and services which fall within an exempt procurement category established by the major jurisdictional utility company.

(6) Payments for fuel, purchased power and franchise tax fees need not be included in the procurement dollar base used to establish minimum improvement levels.

(7) Each major jurisdictional utility company is encouraged to make special efforts to increase utilization of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses, in conjunction with its established minimum improvement levels, in areas that are considered to be technical in nature, and where there has been low utilization, such as consultants, legal and financial services.

(8) Each major jurisdictional utility company is invited to consider the utilization of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses when outsourcing noncore business functions and report these contracts as part of the annual report.

#### § 69.807. Subcontracting program.

Each major jurisdictional utility company is encouraged to establish and maintain a subcontracting program for its prime contractors to utilize minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business subcontractors. The subcontracting program will serve as an enhancement to and not a replacement for the utility's minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business program.

(1) The major jurisdictional utility company should incorporate in purchase orders, requests for bid proposals and other appropriate procurement documents related to procurement efforts subject to its subcontracting program, a statement such as follows:

"It is the policy of this utility that businesses owned by minorities, women, [ **and** ] persons with disabilities, **LGBTQ and veterans** should have an equal opportunity to compete for subcontracts. The contractor agrees to use its best efforts to carry out this policy to the fullest extent consistent with the efficient performance of this contract."

(2) The major jurisdictional utility company is encouraged to assist its prime contractors in developing plans to increase the opportunities for participation by minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business subcontractors. Prime contractors will be encouraged to submit these plans and the results to the utility.

(3) The subcontracting program should apply to purchases/contracts exceeding \$500,000 for products and services, and for construction contracts over \$1 million. The subcontracting program need not be applied to the procurement of products and services in excluded categories.

(4) Each major jurisdictional utility company is encouraged to inform suppliers of products and services that subcontracting with businesses owned by [ **minority/women/persons with disabilities** ] **minority/women/persons with disabilities/LGBTQ/veterans** is a factor that may be considered in the bid evaluation process.

(5) Each major jurisdictional utility company should include awards to verified minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business subcontractors in each report to the Commission.

#### § 69.808. External outreach.

Each major jurisdictional utility company should implement an outreach program to inform, to recruit and to expand procurement activities to qualified and qualifiable businesses owned by [ **minority/women/persons with disabilities** ] **minority/women/persons with disabilities/LGBTQ/veterans**. Outreach activities may vary for each utility depending on its size, service territory and specific lines of business. Each major jurisdictional utility company should, at a minimum, consider implementation of the following:

(1) Actively seek out opportunities to identify business contractors and suppliers that are owned by [ **minority/women/persons with disabilities** ] **minority/women/persons with disabilities/LGBTQ/veterans** and to expand source pools.

(2) Actively support the efforts of organizations experienced in promoting the interest of minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses.

(3) Initiate business development partnerships (long-term), joint ventures or venture capital projects with minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** businesses such as outsourcing agreements of noncore utility business functions when applicable to allow business expansion within the minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business community. Provide technical/management support (short-term) to ensure the success of this initiative.

(4) Work with minority/women/persons with [ **disabilities-owned** ] **disabilities/LGBTQ/veteran-owned** business contractors to facilitate contracting relationships by explaining utility qualification requirements, bidding and contracting procedures, materials requirements, invoicing and payment schedules and other procurement practices and procedures.

#### § 69.809. Filings.

(a) The major jurisdictional utility companies are encouraged to file with the Secretary of the Commission [ **and the Bureau of Public Liaison** ] by March 1 of each year [ , **beginning in 1995,** ] an annual report describing their diversity program activity for the prior year. The annual report should contain [ **at least** ] the following elements:

(1) [ **A description of minority/women/persons with disabilities-owned business program activities engaged in during the previous calendar year. This description includes both internal and external activities.** ] **A copy of any corporate policy committed to improving diversity in the workplace and in the procurement process.**

(2) [ A description of progress in meeting or exceeding the proposed levels and an explanation of circumstances that may have caused the utility to fall short of its established minimum improvement levels. ] A description of any training implemented on diversity initiatives in employment and in the contract of goods and services.

(3) [ A description of innovative approaches to encourage minority/women/persons with disabilities-owned business development, partnering, subcontracting, joint-venturing and venture capital projects. ] The demographic composition of the utility's workforce, reporting the number of employees by gender, race and ethnicity, persons with disabilities, and veterans on a form provided by the Commission.

(4) [ A summary of prime contractors which report utilization of minority/women/persons with disabilities-owned business subcontractors indicating the number of disability-owned business subcontractors and the associated dollars. ] A description of any diversity recruiting strategies.

(5) [ An explanation for the continued classification of exempt procurement for products or services which have been used to set minimum levels of improvement because of the established unavailability of minority/women/persons with disabilities-

owned business suppliers. ] A description of any diversity promotion efforts.

(6) [ Sections 69.801—69.808 and this section permit utilities to break specific categories down further than presently suggested—for example, reporting contracts awarded to Filipino Americans separately from those awarded to Asian Pacific-Americans, or reporting male and female results within minority owned classifications. Data reported for nonminority women, may be reported separately from data reported for minority business enterprises. ] A description of any diversity retention efforts.

(7) A brief description of any involvement with organizations promoting diversity.

(8) A brief summary of diverse-owned businesses the company contracts with for goods and services. Include percentage of dollars spent with diverse-owned businesses versus non-diverse businesses.

[ (c) ] (b) Information that is otherwise unobtainable to the major jurisdictional utility company, for example, prime contractor utilization of minority/women/persons with [ disabilities-owned ] disabilities/LGBTQ/veteran-owned businesses as subcontractors, should be reported in the annual filings.

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