

Executive Order 2008 – 22

STATE EQUAL OPPORTUNITY AND DIVERSITY COUNCIL DEPARTMENT OF CIVIL RIGHTS

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor transacts all necessary business with the officers of state government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices;

WHEREAS, the diversity of the people of the State of Michigan is one of this state's greatest strengths;

WHEREAS, when the State of Michigan embraces diversity and acts inclusively, the state benefits from the contribution and full participation of all Michiganders;

WHEREAS, the employment and purchasing practices of the State of Michigan should promote public confidence in the fairness and integrity of government, and should reflect a firm commitment to inclusion and equal employment opportunities in compliance with the Michigan Constitution of 1963;

WHEREAS, it is the policy of this administration to ensure equal access and opportunities in the recruitment, hiring, promotion, and retention of employees in the state's classified service without regard to religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, marital status, partisan considerations, genetic information, or a disability that is unrelated to the person's ability to perform the duties of a particular job or position;

WHEREAS, because today's smaller, more efficient state government depends upon recruiting and retaining highly-qualified employees, applicant pools for positions in the state classified service that do not include members of diverse segments of the population may not include the most qualified individuals;

WHEREAS, state employees that interact regularly with a diverse workforce are better able to relate and respond to the needs of the diverse communities and residents served by state government;

WHEREAS, a strong commitment to a diverse, inclusive, and equitable workplace coupled with recruitment, hiring, promotion, and retention policies and practices based on merit, efficiency, and fitness will enable Michigan to better serve its residents;

WHEREAS, state employment practices based on a commitment to a diverse, inclusive, and equitable workplace provide desirable models for the private sector and local governments and build upon successful policies and procedures of private and public sector employers;

WHEREAS, this administration is firmly committed to strengthening and developing diversity and equal opportunity in state employment;

WHEREAS, it is recognized that this state's ability to procure goods and services is funded by Michigan taxpayers;

WHEREAS, it is the policy of this administration to promote equal opportunity in and access to the state procurement process for all Michigan taxpayers;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

I. DEFINITIONS

As used in this Order:

- A. "Civil Rights Commission" means the commission established by Section 29 of Article V of the Michigan Constitution of 1963.
- B. "Civil Service Commission" means the Michigan Civil Service Commission created under Section 5 of Article XI of the Michigan Constitution of 1963.
- C. "Classified service" means the state classified service as provided for under Section 5 of Article XI of the Michigan Constitution of 1963.
- D. "Council" means the State Equal Opportunity and Diversity Council created within the Department of Civil Rights under Section II of this Order
- E. "Department of Civil Rights" or "Department" means the principal department of state government created by Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.
- F. "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, with duties including, but not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, and 2004-31.
- G. "State Personnel Director" means the administrative and principal executive officer of the Civil Service Commission provided for under Section 5 of Article XI of the Michigan Constitution of 1963.

II. CREATION OF THE STATE EQUAL OPPORTUNITY AND DIVERSITY COUNCIL

- A. The State Equal Opportunity and Diversity Council is established as an advisory body in the Department of Civil Rights.
- B. The Council shall consist of the following 6 members:
 - 1. The Director of the Department of Civil Rights.
 - 2. The Director of the Department of Energy, Labor, and Economic Growth or his or her designee from within the Department of Energy, Labor, and Economic Growth.
 - 3. The Director of the Department of Management and Budget or his or her designee from within the Department of Management and Budget.
 - 4. The Director of the Office of the State Employer or his or her designee from within the Office of the State Employer.
 - 5. The State Personnel Director.
 - 6. The state employee or officer within the executive branch of state government designated by the Governor under Executive Order 2004-31 as the State ADA Coordinator.
- C. The Director of the Department of Civil Rights shall serve as the Chairperson of the Council.

III. CHARGE TO THE COUNCIL

- A. The Council shall act in an advisory capacity to the Governor, the Civil Rights Commission, and the Civil Service Commission, and shall do all of the following:
 - 1. Recommend actions for all state departments and agencies intended to foster an environment in state government in which all of the following apply:
 - a. Employees are assured an equal opportunity to reach their full potential while pursuing organization objectives.
 - b. Workplace decisions are directed to ensure that a highly qualified workforce is able to provide Michigan's diverse communities and residents with high-quality services.
 - c. Equal opportunity and diversity are recognized as necessary to ensure fair representation and treatment of diverse employees, communities, and residents.
 - d. State employees understand and respect the heritage and culture of diverse communities and respond to the uniqueness of individuals.

- e. Employees are encouraged to reach beyond their own experience to appreciate and work effectively with different people.
2. Establish a department liaison group consisting of an equal employment opportunity officer designated by each principal department of state government. The liaison group shall assist the Council by studying best practices and providing recommendations to the Council on recruitment, hiring, promotion, and retention of employees in the state classified service and the use of personnel services contracts by state departments and agencies consistent with the Michigan Constitution of 1963 and applicable law.
 3. Review and recommend policies and procedures to assure compliance by state departments and agencies with equal employment opportunity requirements, equal contracting opportunity requirements, and related state and federal laws and regulations.
 4. Recommend a training program for state employees designed to educate, promote, and advance knowledge of and respect for diversity. At a minimum, the recommendation shall provide for mandatory training for all state employees every three years and training for new employees within the first six months of employment.
 5. Review and evaluate state personnel rules, policies, and procedures, recruitment and retention efforts, and career development programs affecting employees in the classified service to assure a commitment to equal opportunity and diversity.
 6. Review and evaluate department and agency efforts to develop and implement equal employment opportunity plans and procedures. The Civil Rights Commission shall continue to review equal employment opportunity plans and procedures submitted by departments and agencies to assure compliance with the Michigan Constitution of 1963, the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607, and the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804.
- B. In performing Council duties and functions, the Council may request information from state departments and agencies, including, but not limited to, all of the following:
1. Periodic updates on recruitment plans and strategies and their effectiveness.
 2. Identification of barriers and obstacles that interfere with successful recruitment, retention, career development, and related employment activities and strategies.
 3. Workforce analysis data.
 4. Equal employment opportunity plans filed with the Civil Rights Commission, the Civil Service Commission, or federal agencies.
- C. The Council shall recommend to the Governor, the Civil Rights Commission, and the Civil Service Commission actions to develop and implement programs and strategies throughout

state government focused on active internal and external recruitment of qualified, interested, and diverse job applicants to foster a classified service prepared to meet the present and future needs of Michigan residents.

- D. The Council shall recommend to the Governor actions necessary to develop and implement programs and strategies throughout state government to provide equal opportunity and diversity in the state procurement process while providing Michigan taxpayers with the best value for money spent by state departments and agencies.
- E. The Civil Service Commission shall continue to serve as a central location for workforce data collection and analysis and may collect and compile data as requested by the Council.

IV. OPERATIONS OF THE COUNCIL

- A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.
- B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.
- C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.
- D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.
- E. The Council may establish advisory workgroups composed of state officers, state employees, or members of the public who are not members of the Council. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.
- H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the

relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

- I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.
- J. All state departments and agencies shall cooperate with the Council in the performance of its duties and responsibilities under this Order. The Council may request, and state departments and agencies shall provide, information and assistance that the Council requires in the performance of its duties and responsibilities under this Order.
- K. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

- A. Executive Order 1996-13 is rescinded in its entirety.
- B. Nothing in this Order shall be construed to diminish or limit the power of the Civil Rights Commission to exercise authority granted to the Commission under Section 29 of Article V of the Michigan Constitution of 1963.
- C. Nothing in this Order shall be construed to diminish or limit the power of the Civil Service Commission to exercise authority granted to the Commission under Section 5 of Article XI of the Michigan Constitution of 1963.
- D. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.
- E. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.
- F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.
- G. This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 18th day of December,
in the year of our Lord, two thousand eight.

Jennifer M. Granholm
Governor

By The Governor:

Terri Lynn Land
Secretary of State