


Vermont State Government
Equal Employment Opportunity Plan
Fiscal Year 2021



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Equal Employment Opportunity Plan

Fiscal Year 2021



Philip B. Scott
Governor

7/8/20

Date

Susanne R.
Young

Susanne Young
Secretary of Administration

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Beth Fastiggi

M. Beth Fastiggi
Commissioner of Human Resources

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STATE GOVERNMENT WORKFORCE MISSION

An Equal Employment Opportunity (“EEO”) Plan is a blueprint to help build a strong and diverse workforce by taking advantage of the skills and education of all segments of Vermont's population. This statewide plan is an umbrella document for use by State of Vermont (“State”) agencies and departments in developing their own EEO plans. It also provides a way to assess the impact of the State’s human resources practices.

A diverse workforce reflects all segments of society, incorporates new ideas and a variety of work and leadership styles, and promotes inclusion and support for the work of government. An EEO Plan can help an employer successfully retain a workforce that provides the best service to the people of our state. Incorporation of all groups in the State's workforce will improve the workforce and its ability to best serve the entire population. Having a good EEO Plan in place is an important first step toward achieving this goal.

The State of Vermont is committed to taking positive steps toward ensuring that employment barriers do not exist within state government. This EEO Plan is designed to encourage all State agencies and departments to ensure that all eligible applicants and employees have equal opportunity in all areas of state employment—including compensation, recruitment, hiring, retention, training, promotion, working conditions, and benefits. To the extent possible, the State will strive to employ a workforce reflective of Vermont's civilian workforce population. Providing equal employment opportunities throughout state government is an important goal and implementing an EEO Program is a means of attaining that goal.

On December 31, 2013, the Governor signed Executive Order, No. 10-13, which re-established the Governor's Workforce Equity and Diversity Council (“GWEDC”). That executive order directed the GWEDC to consult with and advise the Commissioner of Human Resources and the Secretary of Administration regarding the development, implementation, and maintenance of an EEO Program for the State. A copy of the executive order is attached as Appendix A. Additionally, the Disability Employment Working Group was established by Executive Order in 2016, No. 02-16, to be part of the GWEDC in order to make recommendations regarding hiring practices to increase access to State employment for individuals with disabilities. The Commissioner of Human Resources has the responsibility of developing, implementing, and monitoring the State’s EEO Program.

This EEO Plan represents the commitment of the State to guarantee equal employment opportunities for all employees and applicants, and to promote a diverse workforce. In furtherance of this EEO Plan, the State and its various agencies and departments shall take positive measures toward ensuring that equal opportunity is incorporated into all personnel policies and practices. To that end, all personnel policies, practices, and programs shall be administered and implemented in a non-discriminatory manner by all State agencies, departments and boards. Furthermore, this EEO Plan and any related policies and programs adopted by the State Department of Human Resources shall be implemented by every State agency and department.

EEO STATEMENT AND POLICY

It is the policy and practice of the State of Vermont to assure that no person will be discriminated against—or be denied the benefit of—any activity, program, or employment process, in any area of employment, including but not limited to: recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. The State of Vermont is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, place of birth, age, or disabling condition. It is the policy of the State to provide a workplace that is free of harassment for being a member of a protected class, and the State prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.

1. The State shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, place of birth, age, or disability.
2. All recruitment advertisements will include the State's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and updated as appropriate to properly identify job-related requirements.
3. Required workplace EEO posters shall be placed and maintained in conspicuous locations.
4. Advancement to positions of greater responsibility shall be based on an individual's demonstrated performance.
5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identity, place of birth, age, or disability.
6. Executive, management and supervisory level employees are responsible for implementing this policy and ensuring conformance by subordinates.
7. Any State employee who engages in discrimination of a member of a protected class, or unlawful harassment, may be subject to appropriate discipline.
8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

The State is committed to its Equal Employment Opportunity Policy, and as part of the Equal Employment Opportunity Plan will:

1. Recruit, hire, train, upgrade, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identification, place of birth, age, or disability;
2. Consider the principles of Equal Employment Opportunity and the intent to further the State's commitment to workplace diversity when making employment decisions;
3. Ensure that all other personnel actions such as compensation, benefits, discipline, State-sponsored training, educational tuition assistance, and social and recreational programs are administered without regard to race, color, religion, ancestry, national origin, sex, sexual orientation, gender, gender identification, place of birth, age, or disability;
4. Provide reasonable accommodations for qualified applicants and/or employees with disabilities that will enable them to perform essential job functions;
5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, retaliation, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any unlawful act or practice;
6. Investigate claims of discrimination and unlawful harassment in the workplace; and
7. Promote inclusion and diversity in all levels of the workforce.

EXECUTIVE BRANCH ORGANIZATION AND RESPONSIBILITIES

The offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor of Accounts, and Attorney General constitute the Executive Branch of state government. The large majority of State of Vermont agencies, departments, boards, councils, and commissions are overseen by the Governor.

Agencies—managed by secretaries appointed by the Governor—consist of departments (with commissioner appointments approved by the Governor) that generally are comprised of divisions. Both secretary and commissioner appointments must be confirmed by the State Senate. Some departments are independent — not part of any agency — with commissioners who report directly to the Governor. A small number of appointed officials do not report directly to the Governor or an agency secretary.

The Department of Human Resources (“DHR”) is within the Agency of Administration. It implements and monitors the State’s EEO Plan, provides administrative assistance to the GWEDC, and assists agencies and departments in developing their individual EEO Plans. DHR’s Recruitment Division ensures reasonable accommodations for all job applicants. Examples include American Sign Language interpretation, readers, accessible facilities, TTY (text telephone device) or relay service, and large print materials. DHR’s Center for Achievement in Public Service provides a supervisory training program to all supervisors in the State that incorporates the subject of cultural competence and diversity in the workplace. DHR’s Labor Relations Division keeps a record of grievance proceedings from Step III that allege discrimination, including the nature of the grievances, and the resolution of the grievances. DHR’s Operations Division is responsible for maintaining employee statistics on race, sex, national origin, disability status, and age by EEO-4 job category, pay grade, and step to the extent that accurate information is available. The Vermont Department of Labor provides data and interpretation to DHR regarding Vermont’s civilian labor force and applicant pools.

The GWEDC was created by a 2002 Executive Order, and re-affirmed in a 2013 Executive Order, to consult with and advise the Commissioner of Human Resources and the Secretary of Administration regarding the development, implementation, and maintenance of an EEO Program for the State of Vermont. The foundation for the GWEDC’s work, and the basis for EEO programs across the country, is a series of federal laws and regulations that prohibit discriminatory behavior by employers against members of protected classes. Vermont laws and the State’s personnel policies and labor contracts with the State employees represented by the Vermont State Employees Association, Inc. (“VSEA”) and the Vermont Troopers’ Association (“VTA”) reflect the same objectives.

A. State Personnel Policies and Procedures

The Agency of Administration and Department of Human Resources issue policies and procedures for personnel administration directly relevant to equal employment opportunities, which apply to: (1) all classified, exempt, appointed and temporary employees of the Executive Branch; and (2) all applicants for employment with the Executive Branch.

Personnel Policy 3.0—Equal Employment Opportunity, prohibits discrimination in all State employment practices, including recruitment, hiring, promotion, demotion, transfer, layoff, termination, rates of pay and other forms of compensation, selection for training, agency-sponsored social and recreational events, and all other terms, privileges, and conditions of employment.

Personnel Policy 3.1—Sexual Harassment, defines and prohibits sexual harassment and details a procedure for making and processing complaints of such discrimination. Managers are responsible for ensuring that employees are provided with a copy of this policy, posting the policy in the workplace, and providing employees with training on how to prevent sexual harassment in the workplace.

Personnel Policy 3.2—Reasonable Accommodation, sets forth how the State responds to requests by qualified applicants and State employees for reasonable accommodations of disabilities that may affect an employee's ability to perform the essential functions of a job. Personnel Policy 4.11, Interviewing and Reference Checking, also explains a hiring manager's obligation to engage in a discussion about reasonable accommodations for an applicant to State employment who indicates they are unable to perform an essential function of the job.

Personnel Policy 3.3—Discrimination Complaints, articulates the State's commitment to providing a workplace free from discrimination on the basis of race, color, religion, creed, ancestry, sex, marital status, age, national origin, disability, sexual orientation, gender identity, workers compensation, nursing mothers (breastfeeding), credit history, flexible work arrangements, parental and family leave, membership or non-membership in a union, filing a complaint or grievance, or any other factor prohibited by law. It is also unlawful to retaliate against an employee for filing a complaint of prohibited discrimination, or acting as a witness in an employment investigation. The State has established protocols for responding to discrimination complaints in the workplace that include reporting, investigating, and resolving these allegations. The policy holds managers responsible for providing a discrimination-free workplace. A copy of the Discrimination Policy is available in every workplace, and all new employees receive a copy.

B. State Collective Bargaining Agreements

The State's labor contracts with the Vermont State Employees Association ("VSEA") recognize the Non-Management, Supervisory, and Corrections bargaining units for the Executive Branch. These labor contracts cover all permanent classified executive branch employees except those in positions designated managerial and confidential. The State's labor contract with the Vermont Troopers' Association ("VTA") recognizes the State Police bargaining unit for the Executive Branch. The VSEA or VTA serves as the exclusive bargaining agent for unit employees, regardless of whether they are union members.

Discrimination prohibitions and affirmative action provisions appear in Article 5 of the State's collective bargaining agreements with the VSEA and VTA. Section 1 prohibits workplace discrimination, intimidation, and harassment on the basis of "race, color, religion, creed, ancestry, sex, marital status, age, national origin, disability, sexual orientation, gender identity, workers' compensation, nursing mothers (breastfeeding), credit history, flexible work arrangements,

parental and family leave, membership or non-membership in the VSEA/VTA, filing a complaint or grievance, or any other factor for which discrimination is prohibited by law..." Section 2 identifies the parties' commitment to affirmative action programs and gives the VSEA/VTA a role in developing them. Section 3 clarifies the responsibilities of the State and the unions in enforcing the contract provisions.

C. Responsibilities for EEO Implementation

The Vermont Department of Human Resources currently has the primary responsibility for establishing the State's EEO Plan and implementing the State's EEO Program. The GWEDC assists the DHR Commissioner in this role, and the EEO Plan is updated annually. The Plan is reviewed by the Secretary of Administration and approved by the Governor.

One key to successfully managing a diverse workforce and maximizing the full potential that a diverse group offers is to create a healthy, respectful work environment. Leaders play an exceptionally important role in creating healthy work environments by modeling their own self-awareness and appreciation of differences in the workplace. They are also in the best position to hold all staff accountable for creating a professional atmosphere. Agency, department, and board secretaries, commissioners and directors are responsible for ensuring compliance with the State's EEO Plan, and their agency/department/board EEO Program. All State employees are responsible for ensuring there are no barriers to equal employment opportunities and for providing a work environment and management practices which support equal opportunity in all terms and conditions of employment.

With that in mind, the following assignments of accountability and responsibility are made.

Department of Human Resources' Responsibilities:

- Provide specialized advice and counseling to managers, supervisors, and employees;
- Ensure appropriate investigation of cases alleging unlawful workplace harassment and discrimination;
- Monitor the procedures and disciplinary actions of all alleged discrimination and harassment cases to ensure that State policies and procedures are followed; and
- Plan and present workshops and training in the areas of diversity, cultural competence, EEO, Americans with Disabilities Act and Amendments Act, and unlawful workplace harassment.

Managers' and Supervisors' Responsibilities:

- Administer the department's policy;
- Assure that recruitment for vacancies is handled in a manner consistent with State policies;

- Prevent and correct any identifiable illegal discrimination and/or unlawful workplace harassment;
- Counsel employees appropriately to prevent and correct illegal discrimination and unlawful workplace harassment; and
- Create/maintain work environments free of illegal discrimination and unlawful workplace harassment.

Employees' Responsibilities:

- Adhere to policies of the State and agency/department;
- Encourage reporting of illegal discrimination and/or unlawful workplace harassment; and
- Maintain a work environment free of illegal discrimination and unlawful workplace harassment.

D. Dissemination of State EEO Plan

Comprehensive communication of the State's EEO Plan, both internally and externally, is fundamental to the successful implementation of the EEO Program. The State will utilize a variety of effective internal and external formal communication mechanisms to publicize and disseminate its EEO Plan. EEO Officers will ensure that all required EEO posters and policy statements are prominently displayed in conspicuous and accessible locations at State worksites. The State's EEO Plan and policies are published on the State's website and can be accessed through DHR's web page for review by employees throughout the year (<http://www.humanresources.vermont.gov>). The link is made from the State homepage (<http://www.vermont.gov/>) by opening 'Human Resources, Dept. of' under 'Agency A-Z.' All new employees will be given a copy of the EEO policy statement of commitment. The State will also ensure that all employment advertisements and vacancy announcements state the State is an Equal Employment Opportunity Employer.

Written comments addressing the Equal Employment Opportunity Plan are encouraged. These comments should be directed to the State EEO Officer, Vermont Department of Human Resources, 120 State Street, 5th Floor, Montpelier, Vermont 05620. All written comments received will be dated and maintained within DHR.

E. Individual Agency/Department EEO Plans

Some government units may be required by federal law to have individual EEO plans, pursuant to federal funding they received. It is that agency's/department's responsibility to be aware of, and remain in compliance with, any EEO requirements attached to its federal funding. The Department of Human Resources will provide guidelines and assistance for developing or updating agency-specific plans. Copies of individual Plans can be obtained from the specific agency or department.

UTILIZATION ANALYSIS

To determine whether minorities are fully and fairly utilized in the State workforce, this Plan compares the representation of these groups in the workforce with the availability of such persons for employment. For further information, see the State's Annual Workforce Report, which is an in-depth look at the Executive Branch workforce that includes information about employee demographics and diversity.¹

In Fiscal Year 2012, the State's classified workforce numbered 7,159 and 212 employees – or 2.9% of the workforce – were identified as minorities (See Table 1). By Fiscal Year 2019, the State's classified workforce stood at 7,755 and the number of classified minority employees increased to 313, or 4.1% of the workforce. Thus, the number of minorities in the State's workforce increased 47%, suggesting the State has made progress in diversifying its workforce.

Table 1 – Minority Representation by Fiscal Year

Employees	Fiscal Year							
	2012	2013	2014	2015	2016	2017	2018	2019
Minority	212	226	241	257	263	306	315	313
White	6,985	7,204	7,314	7,389	7,337	7,486	7,443	7,442
Total	7,197	7,430	7,555	7,646	7,600	7,792	7,758	7,755
% Minority	2.9%	3.0%	3.2%	3.4%	3.5%	3.6%	4.1%	4.1%

Table 2 shows the number and percent of minority hires by fiscal year. Fiscal Year 2019 showed a slight increase in the percent of minority hires from Fiscal Year 2012, but a significant drop in the percentage of minority hires from the preceding three fiscal years.. This indicates that the State has made some progress but continues to have room for improvement in attracting and hiring a more diverse workforce.

Table 2 – Minority Hires by Fiscal Year

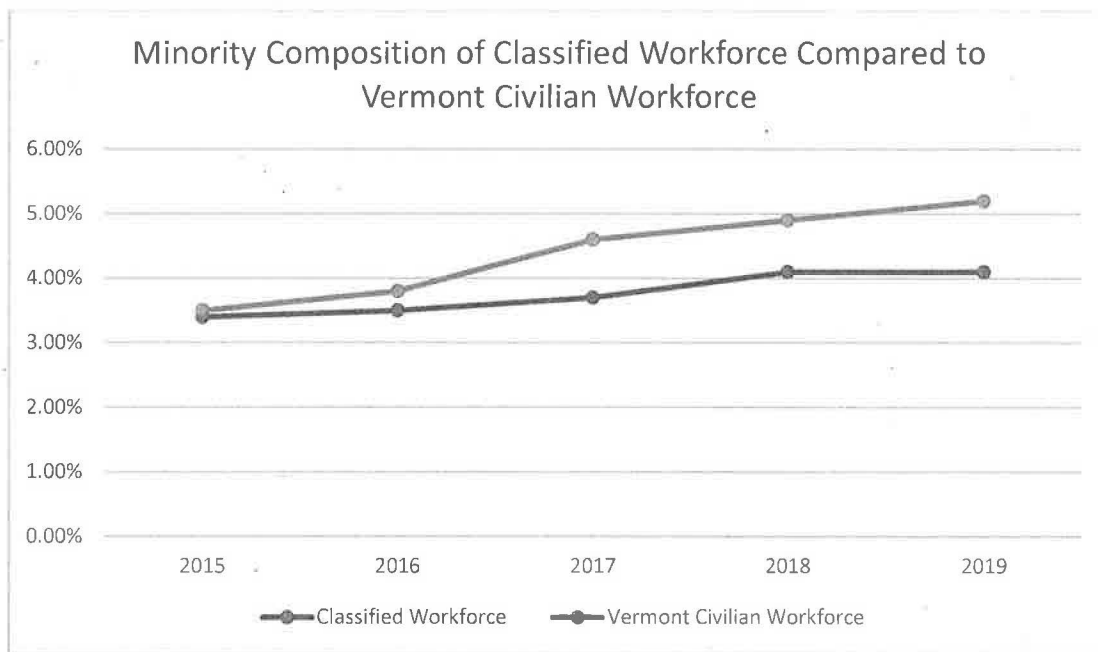
Hires	Fiscal Year							
	2012	2013	2014	2015	2016	2017	2018	2019
Minority	46	41	56	48	62	65	71	52
White	776	835	816	850	884	879	786	817
Total	822	876	872	898	946	944	857	869
% Minority	5.6%	4.7%	6.4%	5.3%	6.6%	6.9%	8.3%	6.0%

In Fiscal Year 2019, minority representation in the classified workforce was 4.1%. This compares to civilian workforce population estimates for minority representation from the Bureau of Labor Statistics of 5.2%. (see Table 3). Figures from the 2010 U.S. Census estimate minority

¹ Copies of State Workforce reports can be found at: <http://humanresources.vermont.gov/data/workforce-reporting>.

representation in the civilian workforce at 4.5%². These figures indicate that the State of Vermont has room for improvement to narrow this gap.

Table 3 - Minority Representation of Classified Workforce Compared to Vermont Civilian Workforce Fiscal Year 2019.³



² U.S. Bureau of the Census, American Fact Finder, Equal Employment Opportunity (EEO) Tabulation 2006-2010, Table EEO1r. Detailed Census Occupation by Sex and Race/Ethnicity for Resident Geography Universe: Civilian labor force 16 years and over. <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

³ Adapted from Vermont Department of Human Resource, Workforce Report – Fiscal Year 2016, Table 51

2020 - 2021 STATE GOVERNMENT EEO PROGRAM

The State of Vermont strives to promote equal employment opportunities for everyone. Ultimately, diversity benefits us all, and the State explicitly recognizes diversity as a worthy and attainable goal. The State aspires to employ a workforce that is free of stereotypes and other impediments to equality. When the working population is reflective of the civilian population, traditionally underrepresented groups benefit, the workforce benefits, and society benefits. As an employer, the State benefits by hiring individuals with diverse backgrounds, experiences, and ideas. Similarly, our citizens are best served by well-qualified State employees who are representative of the population and can draw upon the inherent strengths of diversity when serving their communities. To that end, the State makes the following commitments in the current Plan year.

A. Recruitment

The State will strive to recruit, retain, and develop a highly qualified and diverse workforce. Recruitment is a shared responsibility between the Department of Human Resources and departments/agencies. The DHR Recruitment Division will continue to provide centralized support to the State's agencies and departments. However, agencies and departments are unique, and should develop their own individualized recruitment strategies and plans for marketing and outreach with assistance from DHR. Recruitment procedures shall be in place to attract a diverse pool of applicants to all occupational categories. All personnel involved in the recruiting, screening, and selection processes should be properly trained to ensure the elimination and absence of bias in all personnel actions.

B. Selection and Hiring

Departments/Agencies will make hiring decisions based upon an evaluation of their workforce needs and an evaluation of a person's qualifications and ability to satisfactorily perform the essential duties of the position, with or without accommodation, consistent with applicable law, rules, regulations, and if applicable, in accordance with any contractual requirements. Selection procedures shall be designed to ensure that all of the steps are nondiscriminatory and job related.

C. Training and Development

In accordance with the principles of equal employment opportunity, the State will promote employees based on experience, training, and ability to perform duties of a higher level; and encourage employees to participate in available career advancement activities with the department (e.g., training programs). Promotion procedures shall be designed with the intent to enhance upward mobility and fully utilize the skills of the existing workforce by encouraging employee development and advancement opportunities.

The state offers a variety of in person and online training classes in the areas of cultural competence, diversity and unconscious bias. For instance, new employees are required to take specific classes and training in preventing sexual harassment, civility, and diversity and cultural

competency. New employees and Gubernatorial appointees are also required to take unconscious bias training.

D. Compensation and Benefits

A structured and uniform procedure ensures fairness and equity in the administration of compensation and ensures that all employees receive compensation and benefits without discrimination. Specific criteria related to education, training, and experience are required for salary recommendations above the hiring rate, and consideration is given to salaries of current employees performing similar duties and responsibilities. All benefits and conditions of employment are equally available without discrimination to all classified employees, which includes leave policies, retirement plans, insurance programs and other terms, conditions, and privileges of employment.

E. Performance Evaluation

The work performance of each State employee is to be evaluated at least annually. Work planning and performance evaluations must be based on the same set of specific objectives and performance standards established for each job, by both the supervisor and employee. Managers are encouraged to develop procedures for establishing performance standards, and methods for applying them, to ensure that they are free of bias. Conferences should be conducted with each employee to plan the work and to discuss the performance evaluation. Work planning and performance review procedures and documentation formats should be uniform throughout departments.

F. Disciplinary Process

The disciplinary process is designed to provide management and employees a fair, clear, and useful tool for correcting and improving workplace personnel problems, as well as a process to assist management in handling cases of unacceptable personal conduct in an equitable manner for all employees. There will be a prompt, fair and impartial processing of complaints, and appropriate disciplinary action will be taken against employees who engage in misconduct, including discriminatory practices.

G. Grievance Procedure

The State is governed by the current labor contracts applicable to classified employees in their respective bargaining units. The grievance procedure is designed to ensure fair and equitable review of employment complaints. Classified employees who believe they have been the subject of discrimination may seek redress through the grievance process.

H. EEO Officer

It is the policy of the State to continuously maintain the appointment of an Equal Employment Opportunity Officer ("EEO Officer"). The EEO Officer has the responsibility for effectively administering and promoting a program of equal employment opportunity within the State, and providing confidential counseling or consultation for management in the development and

implementation of agency/department EEO plans and programs, and in matters involving EEO concerns, or complaints alleging discrimination.

I. EEO Complaint Procedures

All State employees and applicants are encouraged to report any incidents of unlawful discrimination they experience, witness, or of which they are aware. The State's internal complaint process outlined in Personnel Policy 3.3 allows employees to report incidents of discrimination free from threats of reprisal and protects the rights of all parties involved.

Any employee or applicant who believes (s)he has been the subject of unlawful discrimination, or who witnessed discriminatory acts, shall report the alleged act(s) as soon as possible to an immediate supervisor, any agency management staff, or any member of the Department of Human Resources. The Department of Human Resources and appointing authority shall ensure a timely and complete review of the complaint when any instance of discrimination comes to their attention.

The State's internal complaint process does not preclude any individual who is aggrieved from seeking other legal remedies. To explore other remedies, individuals may also contact the following:

Vermont Attorney General's Office
Vermont Public Protection Division
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
(802) 828-3657
<http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Vermont Human Rights Commission
14-16 Baldwin Street
Montpelier, Vermont 05633-6301
(802) 828-2480
<http://hrc.vermont.gov/How+to+File+a+Complaint>

Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000
<http://www.eeoc.gov/field/boston/charge.cfm>

APPENDIX A

EXECUTIVE ORDER NO. 10-13

[Governor's Workforce Equity and Diversity Council and Development of an Equal
Employment Opportunity Program]

Executive Order No. 3-59
(No. 10-13)

[Governor's Workforce Equity and Diversity Council and Development of an Equal Employment Opportunity Program]

WHEREAS, the State of Vermont is an employer committed to the practice of equal opportunity in all aspects of employment in state government, and

WHEREAS, the State of Vermont is committed to promoting equal employment opportunities by identifying obstacles to employment and career advancement, and endeavoring to remove those obstacles without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, physical or mental condition, or HIV status, and

WHEREAS, the Department of Human Resources is developing a statewide Workforce Planning process that will reflect the benefits of diversity and promote a talented and skilled workforce.

NOW, THEREFORE, BE IT RESOLVED that I, Peter Shumlin, by virtue of the authority vested in me as Governor of the State of Vermont, do hereby re-establish and re-constitute the "Governor's Workforce Equity and Diversity Council" and order as follows.

I. Composition, Appointments, and Process

The Council shall have up to fifteen members, including:

- The Commissioner of Human Resources or designee,
- The Commissioner of Labor or designee,
- The Commissioner of the Department of Disabilities, Aging and Independent Living or designee,
- A representative from the Vermont State Employees' Association,
- A representative of the Attorney General's Office,
- A representative of the Vermont Commission on Women,
- Up to seven members of the public belonging to historically under-represented or disadvantaged groups, or working for organizations that advocate for such groups or promote the practices of equal opportunity, appointed by the Governor,
- Up to two at large members appointed by the Governor.

Each year the Council shall elect at least one member, but no more than two members, to serve as chair or co-chairs of the Council.

The term of office for Council members shall be two years, with members serving at the pleasure of the Governor. Members may be reappointed to subsequent two year terms.

The Council shall be attached to the Department of Human Resources for administrative support. To the extent funds permit, members of the Council who are not state employees shall receive a per diem pursuant to 32 V.S.A. § 1010(e).

II. Charge

The Council's duties include but are not limited to the following:

- A. Consult with and advise the Commissioner of Human Resources and the Secretary of Administration regarding development, implementation, and the maintenance of the state's Equal Employment Opportunity and Diversity Program(s), and shall report on the integration of diversity issues with statewide planning and development efforts;

- B. Meet on a regular basis to ensure ongoing coordination of efforts, monitoring of activities against goals and objectives, and compliance with applicable federal and state laws, mandates, and union contracts, and
- C. The Council may establish ad hoc subcommittees and appoint advisors as needed to address specific issues that may arise.

In addition, the Commissioner of Human Resources, with the assistance of the Council, shall:

- A. With the approval of the Secretary of Administration, develop, implement, and monitor an Equal Employment Opportunity Program for the State of Vermont that addresses statewide diversity issues and provides support to each state agency or department in developing and implementing individual diversity programs tailored to agency/department needs, and
- B. Work with agencies and departments in the preparation, monitoring, and enforcement of agency or department-specific equal employment opportunity and diversity programs, and
- C. Work with human resources administrators and labor relations specialists to make available appropriate training and provide support for all agencies and departments, and
- D. Ensure that equal opportunity and diversity is an integral part of workforce planning and development throughout the Executive Branch.
- E. Submit an annual report to the Governor regarding the progress of the current year's Equal Employment Opportunity Plan and diversity initiatives by January 15th, and
- F. Submit the state's Equal Employment Opportunity Plan for the next fiscal year by April 30th for approval by the Governor.

III. Effective Date

This Executive Order shall take effect upon signing, shall supersede Executive Order 09-02, and shall continue in full force and effect until further order by the Governor.

Dated December 31, 2013.

APPENDIX B

EXECUTIVE ORDER NO. 04-18

[Racial, Ethnic and Cultural Disparity Mitigation]

STATE OF VERMONT

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 04-18

[Racial, Ethnic and Cultural Disparity Mitigation]

WHEREAS, Vermont and Vermonters have a rich history of celebrating freedom and diversity, including the abolition of slavery in 1777; activism in the abolitionist movement; recognition of same sex marriage; state recognition of Abenaki people; and protection of undocumented immigrants from potentially overreaching federal enforcement by recent legislative action; and

WHEREAS, Vermont's tradition of leadership in freedom and diversity is still a vibrant thread in the fabric of our State; and

WHEREAS, our national dialogue on many critically important issues has been reduced to angry, hateful social media posts, and the space for meaningful conversation and respectful disagreement has been diminished and appears to be shrinking; and

WHEREAS, Vermont must continue its rich tradition and commitment to civility and respect for others and to celebrating and honoring our differences; and

WHEREAS, Vermont seeks to achieve equality and equity and to create a culture in which racial, ethnic and other cultural disparities are openly acknowledged and addressed, and where no one person is more likely to experience society's benefits or burdens than any other person; and

WHEREAS, the State of Vermont is committed to equal employment opportunity, fostering a culture of inclusion, devoting sufficient resources to reduce racial, ethnic and other cultural disparities across all systems of State government and implementing an improved talent acquisition process to attract and hire a high performing, diverse workforce; and

WHEREAS, the State of Vermont is committed to identifying racial, ethnic and other cultural disparities throughout State government systems and functions, and to eliminating them, as one of the state's largest employers and as a provider of a variety of essential services to the public at large; and

WHEREAS, the State of Vermont has demonstrated leadership and has achieved notable and laudable success in addressing racial and other disparities by engaging with community partners and through the work of Executive Branch agencies, departments, commissions and councils, for example, the Department of Public Safety through its Fair and Impartial Policing Initiative; the Agency of Transportation through its Office of Civil Rights, the Agency of Education through partnerships with professional associations in anti-bias efforts, and the

Governor's Workforce Equity and Diversity Council (GWEDC) in increasing minority representation in the state government workforce; and

WHEREAS, these achievements must serve as a model for all agencies and departments of State government upon which to build and promote racial, ethnic and cultural equity in State employment and in the provision of essential governmental services to all Vermonters.

NOW, THEREFORE, BE IT RESOLVED, that I, Philip B. Scott, by the authority vested in me as Governor of the State of Vermont, do hereby issue the following directive to the Executive Branch to promote racial, ethnic and other cultural equity, equality and equal opportunity in Vermont.

I. Establishment of Panel and Officer

- A. There shall be created and established within the Executive Branch a Chief Racial Equity and Diversity Officer ("Officer") and a Racial, Ethnic and Cultural Equity Advisory Panel ("Panel") to identify and work to eradicate systemic racism and racial, ethnic and other cultural disparities within State government.
- B. The Officer shall be appointed by the Governor from a list of qualified applicants to be nominated for the position by the Panel, after a recruitment process during which the Commissioner of the Department of Human Resources, in consultation with the Panel, will establish qualifications and advertise the position for recruitment. The Secretary of Administration is hereby directed to review the existing pool of vacant opportunities for exempt employees to create and fund this position.
- C. The Officer shall be a full-time exempt employee within the Agency of Administration, shall report to the Secretary of Administration and shall work with all Executive Branch agencies and departments to implement a program of continuing coordination and improvement of activities in State government to combat systemic racial, ethnic and other cultural disparities, and to measure progress toward more fair and impartial governance. The Officer shall:
 - 1. Conduct and oversee a comprehensive organizational review to identify overt and implicit bias, systemic racism and racial, ethnic and other cultural disparities in the Executive Branch and to identify and inventory systems in place that engender such disparities;
 - 2. Manage and oversee the collection of race-based data across the Executive Branch to determine the nature and scope of racial discrimination within all Executive Branch State government systems;
 - 3. Develop a model fairness and diversity policy, and review and make recommendations regarding the fairness and diversity policies held by all Executive Branch State government agencies and departments;

4. Collaborate with Executive Branch agencies, departments, boards, and commissions to gather relevant existing data and records necessary to carry out the purposes of this Executive Order, and to develop best practices for remediating systemic racial, ethnic and other cultural disparities throughout the Executive Branch of State government;
 5. Work with Executive Branch agencies and departments, and with the Chief Performance Officer, to develop performance targets and performance measures to evaluate results in improving systems. These performance measures shall be included in each agency's or department's quarterly reports to the Officer, and the Officer shall include the performance targets and performance measures of each Executive Branch agency and department in an annual report to the Governor;
 6. In consultation and coordination with the Department of Human Resources and agencies and departments, develop and conduct training programs for agencies and departments regarding the nature and scope of systemic racism, implicit bias and the institutionalized nature thereof;
 7. Periodically report to the Panel on the progress towards carrying out the duties established in this Executive Order; and
 8. Evaluate existing State Executive Orders which are designed to address equity and diversity issues and recommend, for the Governor's consideration, updates, modifications or sunset provisions.
- D. The Officer shall be the designated Executive Branch liaison to the Vermont Human Rights Commission and shall be available to the Judicial and Legislative branches of State government to assist, as requested by those co-equal branches, with respect to all issues pertaining to systemic racial, ethnic and other cultural disparities.
- E. The Officer shall serve in an advisory role to the State Equal Employment Opportunity Officer and the GWEDC.
- F. Upon request, the Officer shall be made available to report to legislative committees on the process for developing a comprehensive organizational review for the identification of overt and implicit bias, systemic racism and racial, ethnic and other cultural disparities in the Executive Branch, as set forth in Section I (C)(1) above.
- G. The Panel shall consist of five members appointed by the Governor in consultation with the Chair of the Human Rights Commission, the Speaker of the House, the President of the Senate, the Chief Justice of the Supreme Court and the Secretary of Administration.

Panel Members shall be drawn from diverse backgrounds to represent the interests of ethnic and diverse communities throughout the State, shall have the skills and experience necessary to effectively and efficiently provide advice regarding the work of the Officer described in Section I (C) of this Executive Order and, to the extent possible, represent geographically diverse areas of the State.

The term of each member shall be three years, except that the initial appointments shall be one one-year term, two two-year terms and two three-year terms. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of this subsection. The members of the Panel shall elect a Chair.

- H. The Panel's initial responsibilities and duties shall be to assist and advise the Commissioner of the Department of Human Resources to develop a comprehensive job description for the Chief Racial Equity and Diversity Officer position. Thereafter, the Panel shall participate in the recruitment process by reviewing and interviewing applicants and nominating all well qualified candidates for consideration for appointment by the Governor.
- I. Thereafter, the Panel shall meet as needed and at least semi-annually and be advisory to the Governor with respect to issues of systemic racial, ethnic and cultural disparities to ensure continuous progress toward the elimination of such disparities.
- J. Each member of the Panel shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

II. Training

All full-time Executive Branch gubernatorial appointees shall attend annual State-sponsored training on issues related to racial equity and diversity.

III. Recruitment

The State will recruit, retain, and develop a highly qualified and diverse workforce and membership on State Boards and Commissions. Recruitment procedures shall be in place to attract a diverse pool of applicants to all occupational categories. All personnel involved in the recruiting, screening, and selection processes shall be properly trained to ensure the elimination and absence of bias in all recruitment activities.

IV. Effective Date

This Executive Order shall take effect upon signing and shall continue in full force and effect until further order by the Governor or June 30, 2024, whichever is earlier.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 30th day of May 2018.

A handwritten signature in black ink, appearing to read "Phil Scott", is written over a horizontal line.

Philip B. Scott
Governor

By the Governor:

A handwritten signature in black ink, appearing to read "Jaye Pershing Johnson", is written over a horizontal line.

Jaye Pershing Johnson
Secretary of Civil and Military Affairs

Executive Order No. 04-18