

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 24 FY 73-74
DATE March 20, 1974

CODE OF FAIR PRACTICES AND
AFFIRMATIVE ACTION

WHEREAS, the State of Maine, in spirit and in law, historically has opposed discrimination where it exists with regard to race, color, religious creed, sex, national origin, ancestry, age, or physical handicap; and

WHEREAS, in an effort to provide leadership by Maine State Government in achieving equal opportunity for all our State's citizens, I issued the Code of Fair Practices by Executive Orders on July 1, 1972 and September 28, 1973; and

WHEREAS, in 1971 the Maine Legislature enacted the Human Rights Act and in 1974 Maine became the thirty-first state to ratify the Equal Rights Amendment; and

WHEREAS, the passage of the Federal Equal Employment Opportunity Act of 1972 mandated that state and local governments adhere to the Civil Rights Act of 1964 and provide equal opportunity for all Federal funded employment; and

WHEREAS, the two Interim Reports of the Maine Advisory Committee to the United States Commission on Civil Rights recommend increased State efforts to employ women and Indians;

NOW, THEREFORE, I, KENNETH M. CURTIS, do hereby, under the power and authority vested in me as Governor, and in pursuit of the goals of equal opportunity and in support of the necessity for affirmative action, direct that the Code of Fair Practices and Affirmative Action, as set forth in this Order, be followed throughout the Executive Branch of the Government of the State of Maine.

ARTICLE I - DEFINITION OF AFFIRMATIVE ACTION

An Affirmative Action Program includes procedures designed to increase the numbers of minorities and women at all levels and in all segments of the work force where imbalances exist. Such a program should include an assessment of the existing situation, and the development of realistic goals for necessary action. These goals and related procedures and timetables should not require rigid quotas, but are commitments which an employer should make every good faith effort to achieve.

Affirmative action reinforces merit employment concepts by assuring that all segments of our society have an opportunity to enter the public service on the basis of open competition and to advance according to their relative ability. This is accomplished partly by doing away with barriers such as inadequate publicity about job openings, discriminatory job requirements, tests which lack adequate validity, and insufficient opportunity for promotion and partly through positive attempts to recruit and promote persons from minority or handicapped groups.

ARTICLE II - APPOINTMENT, ASSIGNMENT AND PROMOTION OF PERSONNEL

State officials and supervisory employees shall appoint, assign, and promote State personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, sex, ancestry, age, or physical handicap unless related to a bona fide occupational qualification. Each appointing authority shall designate Equal Opportunity Officer (s) who will be placed within the agency's organizational structure so that he/she shall have direct access to the appointing authority. Each department or agency shall prepare an Affirmative Action Program for that department or agency in accordance with criteria set forth by the State Department of Personnel.

ARTICLE III - STATE ACTION AND CONTRACTS

No agency or individual employee of the State will discriminate because of race, color, religious creed, sex, national origin, ancestry, age, or physical handicap while performing any function of service to the public, in enforcing any regulation, or in any education, counseling, vocational guidance, apprenticeship and on-the-job training program. Similarly no State contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement will discriminate unless based on a bona fide occupational qualification. State agencies may withhold financial assistance to any recipient found to be in violation of the Maine Human Rights Act or the Federal Civil Rights Act. Any State agency shall decline any job order carrying a specification or limitation, as to race, color, religious creed, sex, national origin, ancestry, age, or physical handicap unless related to a bona fide job requirement.

ARTICLE IV - THE STATE DEPARTMENT OF PERSONNEL

The State Department of Personnel shall take positive steps to insure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias. Furthermore, the Department of Personnel will have the initial responsibility of resolving conflicts and complaints, changing administrative procedures when necessary and providing assistance for preparing affirmative action programs.

ARTICLE V - THE MAINE HUMAN RIGHTS COMMISSION

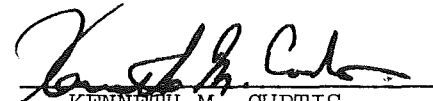
All Affirmative Action Programs shall be subject to the review and comment of the Human Rights Commission.

All powers and duties granted to the Maine Human Rights Commission under Title 5, M. R. S. A., §§ 4551, et. seq., as amended, apply to this Code. Complaints of discrimination based on race, color, religious creed, sex, national origin, age, or physical handicap should be made to the Maine Human Rights Commission.

ARTICLE VI - INFORMATION

Executive Order 11 issued July 1, 1972 and Executive Order 18 issued September 28, 1973 are hereby superseded.

Copies of this Executive Order shall be distributed immediately to all State departments and agencies. All departments and agencies shall immediately display copies in prominent locations in their offices and facilities, particularly those locations to which the public has access.


KENNETH M. CURTIS
Governor