EXECUTIVE ORDERS

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 61

WHEREAS, The Executive Branch of State Government recognizes that the employment of minorities, physically handicapped persons and women serves to increase the effectiveness of State Government and that fair and nondiscriminatory treatment for all its employees promotes the merit principle, encourages career employment and results in greater efficiency in the operation of State Government; and


WHEREAS, Equal employment opportunity regardless of race, creed, color, national origin, age, sex, and physical handicap has been the law of this State at least since passage of the New Jersey Law Against Discrimination, N. J. S. 10:5-1 et seq. (1945); and

WHEREAS, Executive Order No. 21, issued June 24, 1965, by Governor Richard J. Hughes, established this State’s goal of eliminating discrimination in State employment, facilities, and services; and

WHEREAS, Executive Order No. 14, issued December 23, 1974, delegated formal executive leadership to the Department of Civil Service to obtain compliance with Federal Equal Employment Opportunity Commission guidelines and provided the impetus to begin to correct deficiencies and to increase the utilization of minorities, women, and physically handicapped persons at all levels of responsibility;

Now, THEREFORE, I, Brendan T. Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby Order and Direct:
1. This Order extends to all departments in the Executive Branch and all appointees of the Governor in the Executive Branch and their staff. As used in this Order, “departments and agencies”, shall include each of the principal departments in the executive branch of the State Government, and all boards, commissions, agencies, departments, councils, authorities, now existing or hereafter established.

2. The head of each department and agency to which this Order applies shall ensure equality of opportunity for all of its employees and for all applicants seeking employment within its jurisdiction. Equal employment opportunity includes, but is not necessarily limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation and fringe benefits. It includes policies, procedures, and programs for recruitment, employment, training, promotion, and retention of minority and physically handicapped persons and women. The head of each department and agency to which this Order applies is required to explore innovative personnel policies in order to enhance these efforts and where appropriate shall implement them to the full extent of his or her authority. Where the implementation of such innovative personnel policies is not within the authority of an agency or department head he or she shall recommend implementation to the appropriate State agency.

As used in this Order, the head of a department or agency refers to the individual representing the highest authority within any department and agency, included in section 1 of this Order.

3. The Commissioner of the Department of Civil Service shall maintain an Equal Employment Opportunity and Affirmative Action Division in the Department of Civil Service which shall develop, implement, and administer a statewide Equal Employment Opportunity and Affirmative Action Program for all departments and agencies subject to this Order. Such a program shall take into consideration the particular personnel requirements, reasonably related to job performance, of each department and agency. The Director of that Division ("Director") shall ensure that affirmative action and equal employment goals of each department and agency for protected classes shall be reasonably related to their population in the relevant surrounding Labor Market Area. The Director shall be responsible to the Governor and to the President of the Department of Civil Service and, in accordance with applicable Federal and State guidelines shall:
a. Ensure each department's or agency's compliance with all laws and regulations, and this Order in all areas relating to equal employment opportunity, and seek correction of discriminatory practices and procedures;

b. Recommend appropriate sanctions to the Governor and to the President of the Civil Service Commission for non-compliance. The President of the Civil Service Commission with the concurrence of the Governor, shall have authority to implement those sanctions recommended by the Director;

c. Review State personnel policies and procedures, inclusive of recruitment, selection, and promotion in order to identify and facilitate the elimination of artificial barriers to equal employment opportunity;

d. Act as liaison with Federal, State, and local enforcement agencies;

e. Recommend any necessary legislation and perform other actions deemed necessary by the Governor and the President of the Civil Service Commission to implement this Order.

4. The Department of Civil Service shall establish reasonable equal employment and affirmative action goals for departments and agencies in the form of Civil Service regulations pursuant to N. J. S. 11:17-1.

5. The Department of Civil Service, through the Division of Equal Employment Opportunity and Affirmative Action, shall:

a. Ensure that the pool of applicants for all vacant provisional, temporary, and permanent classified and unclassified positions in all departments or agencies includes both minorities, the handicapped, and women to the end that affirmative action goals are attainable through agency selection decisions on such applicants;

b. Undertake a comprehensive review of its regulations and testing procedures in order to amend or eliminate those which serve to discriminate against minorities, the physically handicapped, and women;

c. Ensure that selection devices are validated as significant predictors of successful job performance;

d. Analyze job specifications to isolate and eliminate prerequisites that are not legitimate occupational qualifications;

e. Review all Title VII discrimination complaints; evaluate trends, and recommend appropriate policy changes;
f. Receive, analyze, and transmit to the Governor at least semi-
annually progress reports on affirmative action in all State
agencies; and

g. Make available to the public statistics relating to affirmative
action progress.

6. The head of each department or agency shall appoint at least
one individual with the full-time responsibility of equal employ-
ment opportunity, as the Affirmative Action Officer who shall be
responsible to the head of the agency.

7. The head of each State department and agency shall be held
accountable to the Governor for achieving and maintaining agency
compliance in the Affirmative Action Program.

a. Each department and agency shall submit an affirmative
action plan complete with goals and timetables, plus quarterly and
annual affirmative action reports to the Director. Each affirmative
action plan shall identify existing inequities in hiring, promotion,
and all other conditions of employment and provide specific
remedies for such inequities and establish the time periods for the
accomplishment of remedial action. Each department and agency
shall make good faith efforts to meet its goals and timetables;

b. In the event of failure to achieve agency goals, or to demon-
strate good faith efforts, appropriate sanctions and penalties may
be applied by the Civil Service Commission in accordance with
Federal and State regulations subject to the concurrence of the
Governor and the President of the Civil Service Commission. Such
sanctions may include, but would not be limited to placing a
moratorium on departmental personnel actions in both the un-
classified and classified services, and such other sanctions as may
be allowed by law.

c. Agencies which achieve outstanding affirmative action results
shall be cited by the Governor for their efforts.

8. There is hereby created an Equal Employment Opportunity
Advisory Commission which shall advise the Division of Equal
Employment Opportunity and Affirmative Action and recommend
improvements in the State’s affirmative action efforts:

a. The Commission shall consist of 11 members appointed by the
Governor at least 6 of whom shall be Blacks, Hispanics, physically
handicapped, women and other minority persons. Consideration
shall be given to appropriate representation of each group. The
remaining members of the Commission may be comprised of State
agency heads or their designated representatives. All members of
the Commission shall be residents of the State and appointed by the Governor. The members shall be appointed for terms of 4 years, except that of the members first appointed, two shall be appointed for a term of 1 year, three for a term of 2 years, three for a term of 3 years, and three for a term of 4 years, commencing as of the date of their appointment by the Governor. The term of each of the members first appointed shall be designated by the Governor. Each member shall hold office for the term of the appointment and until a successor shall have been appointed. Members will not be permitted to serve more than two consecutive terms. A vacancy in the Commission shall be filled by appointment by the Governor for the remainder of the term.

b. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as Executive Secretary;

c. The Commission shall meet at least quarterly to review implementation of this Executive Order.

9. Although the State Affirmative Action Program is specifically directed toward the active promotion of equality of employment opportunity for women, minority persons, and the physically handicapped, it is also the policy of State Government to avoid any discrimination on the basis of all other factors unrelated to the performance of job responsibilities.

10. In order to ensure maximum effectiveness of this Order I am hereby directing the Division of Equal Employment Opportunity and Affirmative Action to prepare procedural recommendations for the full implementation of the provisions of this Order and to promulgate such provisions in the State Personnel Manual.

11. Executive Order No. 14, issued on December 23, 1974 is hereby superseded.

Given, under my hand and seal this 12th day of October, in the year of Our Lord, one thousand nine hundred and seventy-seven of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ JOHN J. DEGNAN,
Executive Secretary to the Governor.