

2007 -- H 5904 SUBSTITUTE A AS AMENDED

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LC01923/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EQUAL OPPORTUNITY AND
AFFIRMATIVE ACTION

Introduced By: Representatives Almeida, Segal, and Slater

Date Introduced: March 01, 2007

Referred To: House Separation of Powers

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-5.1-3.1 and 28-5.1-17 of the General Laws in Chapter 28-5.1
2 entitled "Equal Opportunity and Affirmative Action" are hereby amended to read as follows:

3 **28-5.1-3.1. Appointments to state boards, commissions, public authorities, and**
4 **quasi-public corporation.** -- (a) The general assembly finds that, as a matter of public policy, the
5 effectiveness of each appointed state board, commission, and the governing body of each public
6 authority and quasi-public corporation is enhanced when it reflects the diversity, including the
7 racial and gender composition, of Rhode Island's population. Consequently, each person
8 responsible for appointing one or more individuals to serve on any board or commission or to the
9 governing body of any public authority or board shall endeavor to assure that, to the fullest extent
10 possible, the composition of the board, commission, or governing body reflects the diversity of
11 Rhode Island's population.

12 (b) During the month of January in each year the boards, agencies, commissions, or
13 authorities are requested to file with the state equal opportunity office a list of its members,
14 designating their race, gender, and date of appointment.

15 (c) Of the minority candidates considered for appointment by the governor and the
16 general assembly, the governor and the general assembly shall give due consideration to
17 recommendations made by representatives of Rhode Island's minority community based
18 organizations through the Rhode Island Affirmative Action Professionals (RIAAP). The human

1 [resources outreach and diversity office shall act as the RIAAP's liaison with state government and](#)
2 [shall forward the recommendations to appointing authorities.](#)

3 [\(d\) The appointing authority, in consultation with the equal employment opportunity](#)
4 [administrator and the human resources outreach and diversity administrator within the department](#)
5 [of administration, shall annually conduct a utilization analysis of appointments to state boards,](#)
6 [commissions, public authorities and quasi-public corporations based upon the annual review](#)
7 [conducted pursuant to section 28-5.1-3.](#)

8 [\(e\) The equal employment opportunity administrator shall report the results of the](#)
9 [analysis to the Rhode Island commission for human rights and to the general assembly by or on](#)
10 [January 31 and July 31 of each year consistent with section 28-5.1-17. The report shall be a](#)
11 [public record and shall be made available electronically on the secretary of state's website.](#)

12 **28-5.1-17. Utilization analysis.** -- (a) (1) The personnel administrator, in consultation
13 with the equal employment opportunity administrator, [and the human resources outreach and](#)
14 [diversity administrator](#) within the department of administration, shall annually conduct a
15 utilization analysis of positions within state government based upon the annual review conducted
16 pursuant to sections 28-5.1-3 and 28-5.1-4.

17 (2) To the extent the analysis determines that minorities as currently defined in federal
18 employment law as Blacks, Hispanics, American Indians (including Alaskan natives), Asians
19 (including Pacific Islanders), are being underrepresented and/or underutilized, the personnel
20 administrator shall, through the director of administration, direct the head of the department
21 where the under-representation and/or under-utilization exists to establish precise goals and
22 timetables and assist in the correction of each deficiency, to the extent permitted by law and by
23 collective bargaining agreements.

24 (3) The initial analysis shall be directed toward service oriented departments of the state,
25 state police, labor and training, corrections, children, youth and families, courts, transportation,
26 and human services.

27 (4) The equal employment opportunity administrator shall be consulted in the selection
28 process for all positions certified as underrepresented and/or underutilized and shall report the
29 results of progress toward goals to the governor and to the general assembly by January 31 and
30 July 31 of each year. [A copy of these results which shall be referred to the Rhode Island](#)
31 [commission for human rights which may, in its discretion, investigate whether a violation of](#)
32 [chapter 28-5 has occurred. The results shall be a public record and shall be made available](#)
33 [electronically on the secretary of state's website.](#)

34 (b) (1) In the event of a reduction in force, the personnel administrator, in consultation

1 with the equal employment opportunity administrator and director of the department(s) where the
2 reduction is proposed, shall develop a plan to ensure that affirmation action gains are preserved to
3 the extent permitted by law and by collective bargaining agreements. A copy of this plan shall be
4 referred to the Rhode Island commission for human rights which may, in its discretion,
5 investigate whether a violation of chapter 28-5 has occurred. The plan shall be a public record
6 and shall be made available electronically on the secretary of state's website.

7 (2) The equal employment opportunity administrator shall report the results of the plans
8 and their subsequent actions to the governor and to the general assembly by January 31 and July
9 31 of each year, to the Rhode Island commission for human rights. The report shall be a public
10 record and shall be made available electronically on the secretary of state's website. Consistent
11 with section 28-5.1-6, the Rhode Island commission for human rights shall have the power to
12 order discontinuance of any department or division employment pattern or practice deemed
13 discriminatory in intent or result by the commission.

14 (3) The equal opportunity administrator shall notify the commission of reports and
15 results under this chapter. ~~and shall act as the commission's liaison with state government.~~

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS – EQUAL OPPORTUNITY AND
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1 This act would require that recommendations made by the RIAAP be addressed when
2 minorities are considered for appointment by the governor and general assembly and that a
3 utilization analysis of appointments occur annually. The analysis would be given to the
4 commission for human rights as a public record to determine if any violation of the equal
5 opportunity and affirmative action law has occurred.

6 This act would take effect upon passage.

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