

THOMAS P. DiNAPOLI
STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

EXECUTIVE ORDER

ENSURING DIVERSITY AND INCLUSION

WHEREAS, it is a cornerstone of democratic governance of the State of New York that every State employee is treated equally before the law and has the right to full enjoyment of the protections, rights and obligations provided by law;

WHEREAS, the Office of the State Comptroller (OSC) is committed to a culture of respect that values and promotes diversity, inclusion and equal opportunity, free of unlawful discrimination on the basis of protected class status, including, race, color, sex (including sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender), creed or religion, age, national origin, marital or familial status, arrest record or criminal history, domestic violence victim status, disability, military or veteran status, and predisposing genetic characteristics or any other impermissible basis, in all functions performed, and services offered, by the employees of OSC;

WHEREAS, it is the policy of OSC to protect and promote diversity, inclusion and equal opportunity in its workforce in accordance with the requirements of the New York State Human Rights Law, Title VII of the Federal Civil Rights Act, the Americans with Disabilities Act, and all applicable requirements of New York State and federal law;

WHEREAS, it is imperative that OSC continue its efforts to facilitate effective, coordinated strategies for diversity and inclusion; and for preventing and remedying discrimination and harassment at all levels of its workforce, that employ best practices and make effective use of its resources;

WHEREAS, OSC is committed to increase diversity and inclusion in its workforce;

NOW, THEREFORE, I, Thomas P. DiNapoli, Comptroller of the State of New York, in consideration of the aforementioned, do hereby order that:

1. Comptroller's Executive Committee for Diversity, Inclusion, and Equal Opportunity

- a. The Comptroller's Executive Committee for Diversity, Inclusion, and Equal Opportunity (the Committee) is hereby established and its membership shall consist of the Deputy Comptroller of the Division of Diversity Management and the Deputy Comptroller of Human Resources, who shall serve as co-chairs (co-chairs), the Assistant Comptroller of the Division of Diversity

Management, and the diversity and inclusion officer of each of the remaining divisions, designated by each division's deputy comptroller in accordance with item 2(b)(ii) below. Membership of the Committee may be amended by the co-chairs, with the agreement of the current members of the Committee.

- b. The Committee shall advise the Comptroller in the formulation and coordination of plans, policies, and programs relating to diversity and inclusion as defined in item 2 of this Order, and in assuring effective implementation of such policies, plans and programs.

2. Comprehensive Diversity and Inclusion Planning

a. Responsibilities of the co-chairs:

- i. No later than December 31, 2019, the co-chairs shall prepare comprehensive OSC-wide objectives for the employment of minorities, women, lesbian, gay, bisexual, and transgender (LGBT) individuals, people with disabilities, and veterans, and guidelines for OSC divisions to prepare division diversity and inclusion plans, including objectives and implementation strategies. Such objectives and guidelines shall be developed with the advice of the Committee and shall be updated as necessary.
- ii. The co-chairs shall monitor the implementation of the written diversity and inclusion plans of OSC's divisions on a continuing basis, including the need for revising or amending such plans and shall provide regular reports on progress to the Comptroller, incorporating recommendations for improving and strengthening such efforts.
- iii. Upon a finding by the co-chairs of substantial noncompliance by an OSC division with the requirements or terms of this Order, the co-chairs shall notify the division of such finding and propose a remedial plan of action. The division shall have 30 days from the receipt of such notice to accept the remedial plan or submit an alternative remedial plan acceptable to the co-chairs. The co-chairs may work directly with the division to develop and implement the remedial plan until they are satisfied that the division will implement the plan in compliance with the provisions of this Order.
- iv. The Assistant Comptroller of the Division of Diversity Management shall prepare annually a report of the composition of the work force of each division by sex and ethnic identity for all job categories, salary grades, and civil service classifications. The co-chairs, working in collaboration with the Assistant Comptroller of the Division of Diversity Management, shall also conduct studies to

identify and resolve problems in eliminating under representation and underutilization of minorities, women, LGBT individuals, people with disabilities, and veterans, and shall make recommendations to the Comptroller concerning the adoption or amendment of other orders for the same purpose.

b. Development and Implementation of Diversity and Inclusion Plans by OSC Divisions

- i. Each OSC division shall develop a written diversity and inclusion plan consistent with the guidelines developed by the co-chairs. Division plans shall be submitted to the co-chairs by May 15th of each year, beginning in 2020.
- ii. The deputy comptroller of each OSC division shall designate an employee as the division's diversity and inclusion officer and report such designation to the co-chairs. The diversity and inclusion officer shall report to the division deputy comptroller.
- iii. By May 15th of each year, beginning in 2021, each OSC division shall submit a report on diversity and inclusion to the co-chairs. Such reports shall be submitted periodically, but not less frequently than annually, in a format and pursuant to standards issued by the co-chairs, and shall include a report on the division's employment actions with respect to minorities, women, people with disabilities, LGBT individuals, and veterans, and shall identify the division's achievements, deficiencies, proposed solutions to problems, the need for external assistance, and such other matters as may be appropriate or requested.
- iv. Each OSC division shall cooperate with the co-chairs to provide any other information, data and reports as may be deemed necessary.

_____/s/_____
Thomas P. DiNapoli
Comptroller, State of New York

Last Revised Date: October 14, 2020
Original Date: March 12, 2001*

(*Previously titled Executive Order on Equal Opportunity, Non-Discrimination and Affirmative Action)