

**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 'Philip B. 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

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