

## **IC 4-15-12**

### **Chapter 12. Affirmative Action Office**

#### **IC 4-15-12-1**

##### **Definitions**

Sec. 1. As used in this chapter:

"Affected class" means:

- (1) minorities;
- (2) women;
- (3) persons with disabilities; and
- (4) persons forty (40) years of age and older.

"Affirmative action policy" means the state's affirmative action policy established in section 2 of this chapter.

"Persons with disabilities" means all persons who by reason of physical or mental disability are unable to achieve full vocational participation.

"Minorities" means persons identified as Blacks, Native Americans, Asian Americans, and Hispanics.

"Office" means the Indiana affirmative action office created by this chapter.

"State agency" means any department, agency, commission, division, authority, board, bureau, or office of the state under the executive authority of the governor, except any state educational institution.

"Underutilization" means having fewer members of an affected class in a particular job category and classification than would be reasonably expected by their availability in the labor market for that job category and classification.

*As added by P.L.12-1983, SEC.11. Amended by P.L.23-1993, SEC.2; P.L.2-2007, SEC.47; P.L.99-2007, SEC.9.*

#### **IC 4-15-12-2**

##### **Policy of state**

Sec. 2. The state is committed to an affirmative action policy that includes the establishment of employment policies and conditions that ensure the elimination of underutilization of qualified members of affected classes and the elimination of discrimination on the basis of race or color, religion, national origin or ancestry, age, sex, and disability.

*As added by P.L.12-1983, SEC.11. Amended by P.L.23-1993, SEC.3.*

#### **IC 4-15-12-3**

##### **Indiana affirmative action office; creation; director's duties**

Sec. 3. There is created within the state personnel department the Indiana affirmative action office. The director of the department shall:

- (1) appoint an affirmative action officer who shall direct the office; and

(2) employ the additional personnel necessary to carry out the functions of the office, which personnel are governed by IC 4-15-2.2.

*As added by P.L.12-1983, SEC.11. Amended by P.L.6-2012, SEC.14.*

#### **IC 4-15-12-4**

##### **Duties of officer**

Sec. 4. In addition to the authority conferred upon the office by other sections of this chapter, the affirmative action officer shall:

- (1) establish annually with each state agency reasonable affirmative action goals, determine whether good faith efforts have been made to reach the established goals, and provide technical assistance to each agency in developing the detailed program needed to reach the goals;
- (2) assist in training activities by state and other agencies in accordance with the affirmative action policy;
- (3) conduct affirmative action training for state agency appointing authorities, personnel officers, and affirmative action expeditors; and
- (4) provide technical assistance in the area of affirmative action to state agencies for supervisory training and new employee orientation.

*As added by P.L.12-1983, SEC.11.*

#### **IC 4-15-12-5**

##### **State agencies; plans and policy statements; review and approval; expeditor**

Sec. 5. (a) Each state agency shall annually establish an affirmative action plan to implement the affirmative action policy. The affirmative action officer may permit a state agency with a small number of employees to submit an affirmative action policy statement indicating its commitment to affirmative action, in lieu of establishing a plan. The affirmative action officer shall review and approve or disapprove each plan or statement for effectiveness and compliance with the affirmative action policy.

(b) Each state agency shall designate an affirmative action expeditor for the agency to act under the supervision of the appointing authority.

*As added by P.L.12-1983, SEC.11.*

#### **IC 4-15-12-6**

##### **Implementation of policy**

Sec. 6. The director of the state personnel department is responsible for the implementation of the affirmative action policy.

*As added by P.L.12-1983, SEC.11.*

#### **IC 4-15-12-7**

##### **Duties of director of state personnel department**

Sec. 7. The director of the state personnel department shall:

- (1) create an overall affirmative action plan for all state agencies;
- (2) make changes in personnel procedures, rules, and programs in support of the affirmative action policy;
- (3) provide expeditiously such applicant and employee data and information as may be requested by the affirmative action officer; and
- (4) report at least annually to the governor:
  - (A) the state agencies that have approved affirmative action plans and those that do not have approved affirmative action plans; and
  - (B) the progress made by state agencies in achieving affirmative action goals and whether that progress is satisfactory or unsatisfactory.

*As added by P.L.12-1983, SEC.11.*

#### **IC 4-15-12-8**

##### **Advisory committee**

Sec. 8. (a) There is created the affirmative action advisory committee to assist in the effective implementation of the affirmative action policy. The committee is composed of eight (8) members. The governor shall appoint the members of the committee with the advice of the affirmative action officer. The members serve at the pleasure of the governor.

(b) A member of the committee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with his duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. A member who is not an officer or employee of the state is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing his duties.

(c) The committee shall select from its membership a chairperson and vice chairperson to serve for one (1) year from the date of selection. They may be reelected at the pleasure of the committee. In any instance where the chairperson or vice chairperson does not serve his full term, the committee shall select another to serve in his own right a full term.

(d) The affirmative action advisory committee shall:

- (1) provide liaison activities with the affirmative action officer with respect to problems and suggestions concerning the affirmative action policy;
- (2) advise the affirmative action officer and the governor of recommended changes in the implementation of the affirmative action policy and improved guidelines for state agency programs; and
- (3) advise the governor and the affirmative action officer concerning the effectiveness and status of the total implementation of the affirmative action policy.

(e) The affirmative action advisory committee may review the

affirmative action programs of state agencies for effectiveness and improvements.

*As added by P.L.12-1983, SEC.11.*