

EXECUTIVE ORDER NO. EO - 96 - 38

AFFIRMATIVE ACTION: REVIEW AND RENEWAL

WHEREAS the State of Oregon has long recognized the need to eliminate the effects of past and present societal discrimination based on race, religion, national origin, age, sex, marital status, and physical or mental disabilities in which it has played a passive or active role,

WHEREAS past Governors and legislatures have pronounced policies aimed at remedying these historical wrongs,

WHEREAS the increasing diversity of Oregon's population demands that we renew and extend these efforts in order to maintain our economic viability and provide a high quality of life for all our citizens,

WHEREAS past programs involving quotas and strict numerical goals based on race or gender have not only created resentment, but have contributed to the impression of unequal opportunity for some Americans,

WHEREAS in the ensuing debate, the original purpose of prohibiting race and gender discrimination has become lost,

WHEREAS the United States Supreme Court has applied a strict scrutiny analysis to many local government programs designed to remedy past instances of societal discrimination,

WHEREAS states are now required to document specific instances of societal discrimination within geographic areas and in sectors of the workforce before implementing programs designed to affirm equal opportunity,

WHEREAS the Court has recently extended this analysis to invalidate federal programs aimed at assisting racial minorities,

WHEREAS it is fair to say that a wholesale assault on governmental actions to rectify past racial discrimination is under way at the federal level,

WHEREAS the State of Oregon remains committed to the principle of ethnic and gender equity and will continue to implement non-discrimination and affirmative action policies where applicable,

WHEREAS the need to provide greater opportunity for Oregon's ethnic and racial minorities is well documented,

WHEREAS certain of our racial minorities continue to experience a quality of life far below the societal norm, as evidenced by rates of infant-mortality, unemployment, and incarceration noticeably above state and national averages, and by life-expectancy and high school graduation rates noticeably below state and national averages,

WHEREAS these conditions will only worsen unless all our citizens are assured of a bona fide stake in Oregon's economic opportunity,

WHEREAS affirming our commitment to equal opportunity is a courageous investment we must make to provide that stake,

WHEREAS policies which affirm equal opportunity address other areas of long term concern to Oregonians, such as

Safety: Police forces which reflect the societal composition of the communities they serve help make Oregon a safer place for all citizens by providing a very real and personal example to members of minority groups of their stake in the state's safety efforts.

Education: If Oregon's children are to remain our greatest resource, the makeup of the teaching profession should reflect the societal composition of the students themselves, as teachers often serve as the role models at risk children so desperately need.

Vulnerable Citizens: If citizens from groups which have historically experienced discrimination are employed at all levels of the Oregon workforce, the State of Oregon will be better able to meet the needs of its vulnerable population in two ways. First, such employment implies a definition of "equal opportunity" that will consider every factor necessary to determine which applicants can best serve the policies and progress of the state. Second, vulnerable citizens who are contributing members of the workforce can become a bridge of opportunity for other citizens, similarly situated, who may lack the resources to attain the stability and quality of life most Oregonians take for granted;

WHEREAS new constitutional requirements may represent an obstacle to proponents of affirmative action, they in fact offer an opportunity to strengthen, from both a legal and public policy perspective, our policies and strategies for affirming equal opportunity,

WHEREAS new programs based on and designed in response to specific, documented instances of discrimination will withstand the emotional criticisms which have compelled other states to abandon the notion of affirming opportunity, and will provide a sound basis for similar programs in the future,

WHEREAS a recent study conducted by the City of Portland shows that many Oregonians remain burdened by a history of unequal opportunity,

WHEREAS these very citizens can offer gifts of diversity which reach beyond the traditional measures of merit,

WHEREAS to deny those gifts a place in the rich fabric of this state and this nation will only reinforce societal stereotypes and will ultimately harm us all, since in a very real sense, a de facto system of racial preference already exists for large segments of the majority population,

WHEREAS these issues are not new, nor will they be easily resolved,

WHEREAS if the idea of individual opportunity, so vital to the spirit of the nation, is to retain any meaning at all, it must find expression in a system which considers social as well as educational and qualitative factors,

WHEREAS restructured programs to affirm equal opportunity will accomplish what “affirmative action” has been accused of undermining, namely, leveling the playing field of economic opportunity for all Oregonians,

WHEREAS our history, our Constitution, and our commitment to human progress demand no less,

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED THAT:

1) All state agency directors and administrators of major divisions or institutions shall report to me the status and results of their affirmative action policies and programs. The reports shall be delivered to my Affirmative Action Director by February 1, 1997. The reports shall provide:

- a. The goals of each policy or program.
- b. The date it was last reviewed.
- c. A summary of its success or lack thereof.
- d. Any plans to change programs or policies to improve results.

2) All supervisory managers in all agencies shall have their affirmative action efforts and results evaluated as part of the evaluation of their job performance.

3) The departments of Transportation and Corrections shall work with my Advocate for Minority, Women, and Emerging Small Business and my Affirmative Action Director to increase minority and women representation in the construction activities of this state. They shall gather together key representatives of construction companies, the banking industry, and other key players in the economy to formulate a plan of voluntary efforts. The recent disparity study in the Portland area, transportation improvements, and the unprecedented expansion of prison construction now underway afford ideal opportunities to achieve fair and equal participation in our state's construction industries. My Advocate for Minority, Women, and Emerging Small Business shall direct and coordinate this effort for the state.

4) All state agency directors and administrators of major divisions or institutions shall report to me the status and results of their efforts to improve outreach efforts and increase contracting participation by non-traditional businesses. The reports shall be delivered to my Advocate for Minority, Women, and Emerging Small Business by September 1, 1997.

The reports shall provide:

a. A summary of the efforts employed to assist minority, women, and emerging small businesses to qualify for contract opportunities generally.

b. A summary of the efforts employed to increase the share of contract business for the agency that is provided by minority, women, and emerging small businesses and the results of those efforts.

c. Any plans to change programs or policies to improve results.

Done this 15th day of October, 1996, at Salem, Oregon.

John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:

Phil Keisling
SECRETARY OF STATE