

HOUSE No. 6398

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 4, 1977.

The committee on Counties on the part of the House, to whom was referred the petition (accompanied by bill, House, No. 6121) of Sandra Graham, Melvin H. King, Barney Frank, Caroline J. Stouffer, Thomas K. Lynch, John G. King and other for legislation to authorize the appointment of an affirmative action officer in each county of the Commonwealth, report recommending that the accompanying bill (House, No. 6398) ought to pass.

For the committee,

CHARLES F. FLAHERTY, Jr.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT AUTHORIZING THE DESIGNATION OR APPOINTMENT OF AN AFFIRMATIVE ACTION OFFICER FOR EACH COUNTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 35 of the General Laws is hereby amended by inserting
2 after section 53 of the following section: —

3 *Section 53A.* The County commissioner of each county shall
4 designate or appoint a director of affirmative action who shall be
5 the chief affirmative action officer for their respective county but
6 said person so designated shall not be a county commissioner. The
7 person to be designated or appointed to said position shall possess:
8 three years full time or equivalent part-time experience in
9 personnel administration or in a related field, or in a program or
10 position in which their duties significantly involved affirmative
11 action programs, or significant involvement in a community
12 organization dealing with minority employment, or in place
13 thereof: successful completion of training toward a baccalaureate
14 degree from a recognized college or university in the field of public
15 administration, business administration, personnel ad-
16 ministration, urban planning, social work, counseling, or in any
17 related field of study may be substituted for the required
18 experience up to a maximum of three years experience. The
19 successful completion of courses toward a graduate degree in the
20 above fields may be substituted for up to three years of required
21 experience. In addition to the formal qualifications, in order to be
22 appointed the director of affirmative action, said person shall also
23 possess: a knowledge of the problems of minorities, females, and
24 other affected groups when seeking employment, a knowledge of
25 the elements of affirmative action programs, laws, regulations and
26 guidelines, a knowledge of the various personnel selection
27 processes, a knowledge of social psychology and its application, a
28 knowledge of interviewing and counseling techniques, the ability
29 to analyze written and statistical data in conjunction with planning
30 abilities, good writing skills and oral expression, the ability to

31 coordinate effectively with other public and private agencies, and
32 the administrative skills to operate and supervise the office of
33 affirmative action and who shall not be the county personnel
34 director for said county. The director of affirmative action shall
35 report to and be under the direct and sole supervision of the county
36 commissioners.

37 The director of affirmative action, with the assistance of the
38 county personnel director, shall develop a county affirmative
39 action plan. The purpose of this plan shall be to highlight equal
40 employment opportunity discrepancies and to establish affirm-
41 ative and aggressive measures to ensure equal opportunity in the
42 areas of hiring, promotion, demotion, transfer, recruitment, lay-
43 off, termination, rate of compensation, in-service or appren-
44 ticeship training programs, grievance procedures, and all terms
45 and conditions of employment. These affirmative actions shall
46 include efforts required to remedy the effects of present and past
47 discriminatory patterns and practices, as well as actions necessary
48 to guarantee equal employment opportunity for all people.
49 Additionally the director of affirmative action shall have
50 authority to recommend approval or disapproval of the ap-
51 pointments and hirings of all personnel including appointments
52 and hirings by the county commissioners. Unresolved conflicts in
53 personnel decisions involving affirmative action shall be submitted
54 to the state affirmative action officer for arbitration. The director
55 of affirmative action shall also monitor all county contracts with
56 outside vendors to insure that every effort is made to utilize
57 minority and women vendors and that contractors engaged for
58 county work have instituted their own affirmative action plans.

59 The director of affirmative action shall, from time to time, but at
60 least every three months, report to the commissioners on the
61 progress being made by all appointing and hiring authorities in
62 meeting their affirmative action plans. Further the director of
63 affirmative action shall insure that the county personnel system is
64 operating in such a way as to lend assistance to appointing
65 authorities in meeting affirmative action goals. The director with
66 the approval of the county commissioners may designate or
67 appoint certain employees as department or office affirmative
68 action representatives and shall be required to submit information
69 to the director, Said affirmative action representatives shall report

70 to the Director any problems that they experience in enforcing and
71 administering the affirmative action plan or plans within their
72 offices.

73 The director of affirmative action for each county may appoint
74 with the approval of the county commissioners for their respective
75 counties such compliance officers, secretaries, and other staff as
76 such person deems necessary to perform the functions of said
77 office.