

2019 -- H 5423

=====  
LC001519  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
ADMINISTRATION

Introduced By: Representatives Shanley, Casimiro, Mendez, Barros, and Blazejewski

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-11-2.7 of the General Laws in Chapter 42-11 entitled  
2 "Department of Administration" is hereby amended to read as follows:

3 **42-11-2.7. Office of diversity, equity and opportunity established.**

4 (a) The office of diversity, equity and opportunity (ODEO) shall be established as a  
5 division within the department of administration. The purpose of the office shall be to ensure non-  
6 discrimination, diversity, equity, and equal opportunity in all aspects of state government,  
7 including, but not limited to, employment, procurement, policy and practices relative to state  
8 programs, services, and activities.

9 (b) The head of this division shall be known as the associate director of ODEO, who shall  
10 be appointed by the director of administration, in the classified service of the state, and shall be  
11 responsible to, and report to, the director. The associate director of ODEO shall oversee the  
12 ODEO in all aspects, including, but not limited to, coordination of the provisions of chapter 37-  
13 14.1 (minority business enterprise) and chapter 28-5.1 (equal opportunity and affirmative action)  
14 wherein the ODEO shall have direct administrative supervision of the state's equal opportunity  
15 office.

16 (c) ODEO shall have the following duties and responsibilities:

17 (1) Develop, administer, implement, and maintain a statewide diversity plan and  
18 program, including an equity, equal-opportunity, minority business enterprise, and supplier-

1 diversity program, as well as other related plans and programs within the office;

2 (2) Provide leadership in the development and coordination of recruitment and retention  
3 activities in order to promote diversity and encourage the use of bias-free methods and practices  
4 in the hiring process, performance reviews, and promotions, and to ensure compliance with  
5 applicable federal and state laws, rules, regulations, and policies;

6 (3) Support the growth and development of the state's minority business enterprise  
7 program by engaging in concerted outreach programs to build relationships, maintaining effective  
8 programs to promote minority business enterprise utilization, and facilitating minority business  
9 enterprise in State procurement activities;

10 (4) Develop, coordinate, and oversee the recruitment, selection, and retention efforts and  
11 initiatives to promote and achieve the state's diversity goals and objectives, developing and  
12 recommending recruitment strategies, and assisting with special recruitment efforts directed  
13 toward ethnic minorities, women, and other underrepresented groups; ~~and~~

14 (5) Provide leadership in advancing management's understanding, capacity, and  
15 accountability for embedding diversity and equity in employment and human resource  
16 management practices as an integral part of the state's employment opportunities; ~~and~~

17 (6) Create and execute a strategic plan for increased cultural competency for all state  
18 employees;

19 (i) ODEO shall prescribe by regulation a cultural competency model training program;

20 (ii) ODEO shall require all state employees to annually receive said training program  
21 beginning July 1, 2020;

22 (iii) The cultural competency model training program shall not be more than four (4)  
23 hours nor less than two (2) hours long; and

24 (iv) For the purposes of this section "cultural competency" means an understanding of  
25 how institutions and individuals can respond respectfully and effectively to people from all  
26 cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities,  
27 religions, genders, gender identifications, sexual orientations, veteran statuses and other  
28 characteristics in a manner that recognizes, affirms and values the worth, and preserves the  
29 dignity, of individuals, families and communities.

30 (d) The director of administration may promulgate rules and regulations recommended by  
31 the associate director in order to effectuate the purposes and requirements of this act.

32 SECTION 2. Section 45-2-15.2 of the General Laws in Chapter 45-2 entitled "General  
33 Powers" is hereby amended to read as follows:

34 ~~**45-2-15.2. Municipal employees --- Residency within municipality not required.**~~

1 **Municipal employees -- Residency within municipality not required, cultural competency**  
2 **training required.**

3 (a) Notwithstanding any prior ratification and validation by the general assembly of any  
4 home rule charter provision requiring that municipal employees reside within the employing city  
5 or town, no home rule charter provision shall require that a municipal employee reside within the  
6 city or town as a condition of appointment or continued employment. Any prior ratification and  
7 validation by the general assembly of a home rule charter provision requiring residency within a  
8 city or town as a condition for employment of a municipal employee is hereby expressly repealed  
9 by the general assembly; provided, further, no city or town council shall make or ordain any  
10 ordinance requiring a municipal employee to reside within the employing city or town as a  
11 condition of appointment of continued employment. Any existing ordinance requiring a  
12 municipal employee to reside within the employing city or town as a condition of appointment or  
13 continued employment is hereby considered contrary to the laws of this state and is thus void as  
14 being in violation of state law. Nothing in this chapter shall preclude any city or town from  
15 offering employment incentives to its employees.

16 Notwithstanding the foregoing, no city or town with a municipal charter shall be  
17 precluded from entering into employment contracts which contain residency requirements with  
18 their appointed town or city manager(s) and/or town or city administrator(s).

19 (b) All municipalities shall require all municipal employees to annually receive training  
20 in cultural competency, as provided in § 42-11-2.7, beginning on July 1, 2020.

21 SECTION 3. This act shall take effect upon passage.

=====  
LC001519  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF  
ADMINISTRATION

\*\*\*

1           This act would require the office of diversity, equity and opportunity (ODEO) to create  
2 and for all state and municipal employees to receive annual training in cultural competency. It  
3 would define "cultural competency" as an understanding of how institutions and individuals can  
4 respectfully respond to people from all different backgrounds such as race, language, economic,  
5 gender, veterans and disabilities.

6           This act would take effect upon passage.

=====  
LC001519  
=====