

**HOUSE . . . . . No. 2750**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Paul R. Heroux*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act RELATIVE TO NONDISCRIMINATION.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

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By Mr. Heroux of Attleboro, a petition (accompanied by bill, House, No. 2750) of Paul R. Heroux, Benjamin Swan and Chris Walsh for legislation to direct executive departments and agencies to develop, adhere to and update plans to address nondiscrimination in employment. State Administration and Regulatory Oversight.

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act RELATIVE TO NONDISCRIMINATION.

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

1 SECTION 1. Each executive department and agency shall develop, adhere to and update  
2 a plan to address the nondiscrimination provisions as set forth in chapter 199 of the acts of 2011.  
3 The plan shall apply to all personnel, including, but not limited to, volunteers and interns, agency  
4 line staff, managers, administrators, executives, contracted vendors and program staff  
5 (hereinafter “personnel”). The plan shall be updated at least biennially. Each plan shall include,  
6 but not be limited to: descriptions of and statements prohibiting discrimination as outlined in  
7 chapter 199 of the acts of 2011; procedures for collecting, maintaining and demographic data;  
8 clear procedures for all personnel and others to report discrimination or retaliation; a provision  
9 that reports of discrimination or retaliation may be made anonymously; provided, however, that  
10 no disciplinary action shall be taken against personnel solely on the basis of an anonymous  
11 report; clear procedures for promptly responding to and investigating reports of discrimination or  
12 retaliation; the range of disciplinary actions that may be taken against a perpetrator for

13 discrimination or retaliation; provided, however, that the disciplinary actions shall balance the  
14 need for accountability with the need to teach appropriate language, behavior and cultural  
15 competence; strategies for protecting from retaliation a person who reports discrimination,  
16 provides information during an investigation of discrimination; a strategy for providing  
17 counseling or referral to appropriate services for perpetrators and victims of discrimination.  
18 Beyond protecting individuals from discrimination, the plan should clearly outline executive  
19 department and agency procedures for ensuring equal access to state services. The plan should  
20 detail a plan and timeline for personnel training on nondiscrimination and equal access under  
21 chapter 199 of the acts of 2011. The plan shall afford all individuals the same protection  
22 regardless of their status under the law.

23           SECTION 2. Each executive department and agency shall submit nondiscrimination  
24 plans, as outline in section 1, to the Clerks of the House and Senate, the Joint Committee on the  
25 Judiciary, the Joint Committee on State Administration and Regulatory Oversight, the  
26 Massachusetts Commission Against Discrimination, and Office of Diversity and Equal  
27 Opportunity no later than January 1, 2016.