

2020 -- H 7139

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE -- EQUAL
EMPLOYMENT OPPORTUNITY

Introduced By: Representatives Williams, Almeida, Caldwell, Alzate, and McEntee

Date Introduced: January 16, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-28 of the General Laws entitled "State Police" is hereby
2 amended by adding thereto the following section:

3 **42-28-51. Establishment of equal opportunity unit.**

4 (a) There is hereby established within the division of state police an equal opportunity
5 compliance unit which shall be responsible for the preparation, revision, implementation, and
6 administration of policies of nondiscrimination and equal opportunity as these policies relate to
7 the recruitment, selection and promotion of persons to positions in the division. The unit shall
8 maintain an active public recruiting program designed to enlarge the pool of qualified minority
9 and women recruits to ensure sufficient numbers of these candidates for appointment to Rhode
10 Island state police training academy classes. As used in this chapter, "minority" means persons of
11 African-American, Hispanic, Asian and native American descent.

12 (b) The unit shall utilize personnel currently employed by the division and may hire such
13 additional personnel as may be necessary. The supervisor of the unit shall report to the
14 superintendent.

15 (c) To assure that member positions at all levels of the division are equally accessible to
16 all qualified persons, and to eliminate the underutilization of qualified minorities and non-
17 minority women, the superintendent shall adopt, and periodically revise if necessary, an equal
18 opportunity plan for the division. The plan shall be based on an analysis of the division's

1 deficiencies and resources and shall provide for the following:

2 (1) Numeric goals and timetables for recruitment and promotion of members that are
3 reasonably attainable through the good faith efforts of the division. In determining timetables and
4 establishing goals, the equal opportunity compliance unit shall:

5 (i) Involve division members and other personnel at all levels in the goal-setting process;

6 (ii) Establish goals that are significant, measurable and attainable;

7 (iii) Establish goals that are specific for planned results, with timetables for completion;

8 (iv) Consider the anticipated expansion, contraction, and turnover in the division's work
9 force;

10 (v) Specify distinct goals and timetables for the hiring and promotion of minorities and
11 for non-minority women which identify existing deficiencies in numbers or percentages of these
12 personnel and target measures to correct these deficiencies;

13 (vi) Provide for inclusion of the goals and timetables, with supporting data and the
14 analysis thereof, into a written equal opportunity program; and

15 (vii) Provide for the collection of data that will permit the measurement and evaluation of
16 goals. This data shall include, but not be limited to, progression line charts, seniority rosters,
17 applicant flow data, and applicant rejection ratios indicating minority and gender status.

18 (2) Rhode Island state police training academy classes consisting of at least twenty
19 percent (20%) qualified minority recruits and ten percent (10%) non-minority women recruits.
20 The division shall make a good faith effort to meet or exceed these goals.

21 (3) Enhancement of promotional opportunities for minorities and women in member
22 positions in the division based on their merit and fitness as determined by suitable promotion tests
23 or other unbiased criteria, such as training and pertinent experience. Selection shall, except under
24 special circumstances, be based on division-wide promotional lists. The division shall make
25 available a statement of justifiable reasons as to why a division-wide promotional list is not being
26 utilized for promotions to a particular title. Goals for promotion shall generally seek to achieve a
27 percentage of minorities and non-minority women in each sworn rank that is at least equal to the
28 percentages minorities and non-minority women represent in the total member force of the
29 division.

30 (d)(1) The division shall be deemed to be in compliance with its commitments under
31 subsection (c) of this section if it meets its goals and timetables or if it makes a good faith effort
32 to meet these goals and timetables. In the event of the failure of the division to meet these goals
33 and timetables, it shall be given an opportunity to demonstrate that it has made every good faith
34 effort to meet its commitments. All the actions of the division shall be reviewed and evaluated by

1 the attorney general in determining whether such good faith efforts have been made.

2 (2) If the division, despite its good faith efforts, fails to meet its goals and timetables
3 within a reasonable period of time, it shall make appropriate changes in its equal opportunity plan
4 to the extent necessary to attain its goals. The division shall develop and adopt alternative
5 recruitment and selection methods, if it is determined that the failure of the division to meet its
6 goals is attributable in substantial part to its recruitment and selection methods. If the division's
7 failure to meet its goals is attributable in substantial part to its use of a qualification standard or
8 criterion which has adversely affected the opportunities of minorities and non-minority women
9 for hiring or promotion, the division shall demonstrate that such qualification standard or criterion
10 is directly related to job performance. In the event of a failure to demonstrate this relationship, the
11 division shall assess the reason for the failure and propose to both the house committee on
12 oversight and senate committee on government oversight measures that it will take to address the
13 failure.

14 (e) The superintendent shall annually submit to the governor and to the legislature a
15 report describing efforts undertaken by the unit during the previous year to expand the pool of
16 qualified minority candidates and of non-minority women candidates for appointment to the
17 Rhode Island state police training academy and to increase the promotional opportunities for
18 minority candidates and non-minority women candidates within the division. The report shall also
19 describe the division's efforts and progress being made in attaining and maintaining the goals and
20 timetables established pursuant to this section.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE -- EQUAL
EMPLOYMENT OPPORTUNITY

1 This act would establish an equal opportunity unit within the division of state police to
2 adopt an equal opportunity plan to increase the ranks of minorities and women among members
3 of the state police.

4 This act would take effect upon passage.

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