

# GOVERNOR KATIE M. HOBBS



## STATE OF ARIZONA EXECUTIVE ORDER

Executive Order 2023-01

Protecting Employment Opportunity

(amending Executive Order 2003-22 and Executive Order 2009-09)

WHEREAS, ensuring that Arizona is for everyone requires that every Arizonan should have the opportunity to participate in the workforce; and

WHEREAS, work provides individuals with the potential for not only a source of income, but also a source of pride, sense of accomplishment, and social and community interaction; and

WHEREAS, workplace protections are linked to greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes of employees; and

WHEREAS, the personnel, procurement and contracting practices of the State of Arizona should reflect the State's firm commitment to building an inclusive and diverse workforce for all Arizonans; and

WHEREAS, the largest personnel system in Arizona state government is the State Personnel System, which is administered by the Arizona Department of Administration in accordance with its statutory authority and through regulations and statewide policies and procedures; and

WHEREAS, the Department of Administration administers the Arizona Procurement Portal which facilitates more than \$8 billion in contractual transactions annually with more than 30,000 vendors serving Arizonans in every corner of the state; and

WHEREAS, across the nation, there were more than 35,000 charges of pregnancy discrimination filed with the U.S. Equal Employment Opportunity Commission from federal fiscal years 2011 through 2021; and

WHEREAS, across the nation, 57% of veterans with a disability report fear of being discriminated against in hiring practices because of their disabilities; and

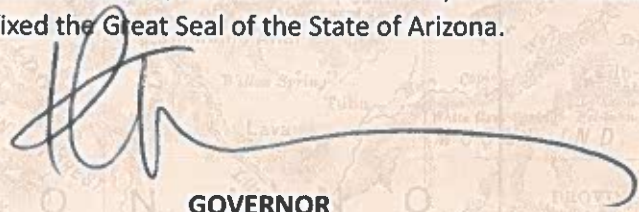
WHEREAS, across the nation, more than 40% of lesbian, gay, bisexual and transgender people report experiencing unfair treatment at work, including being fired, not hired, or harassed based on their sexual orientation or gender identity; and

WHEREAS, 91 percent of Fortune 500 companies prohibit discrimination based on sexual orientation, and 83 percent prohibit discrimination based on gender identity;

NOW, THEREFORE, I, Katie Hobbs, Governor of the State of Arizona, by virtue of the power vested in me by the Arizona Constitution and the laws of this State, do hereby:

- 1) Affirm the State's commitment to the elimination of all barriers to employment that artificially restrict hiring, promotion, recruitment, compensation, and tenure based on any status or characteristic that is not directly related to the performance of the job; and
- 2) Direct the Department of Administration to establish procedures by April 1, 2023 to be used by all State Agencies to ensure the following protections for employment opportunity:
  - a. Adopt policies to ensure that hiring, promotion, recruitment, compensation and tenure is on the basis of merit and qualifications, is in accordance with all existing federal, state, and local laws, rules, policies, or executive orders, and prohibit discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status.
  - b. Include provisions in all new state contracts or subcontracts, in accordance with all existing federal, state, and local laws, rules, policies, or executive orders to prohibit discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing the contract or subcontract.
- 3) Direct the Department of Administration to continue to research, analyze, and implement best practices in protecting employment opportunity and to create awareness of the importance of this issue throughout state government using internal communications, trainings, and other operational tools.
- 4) For the purposes of this Order, the term "State Agency" has the same meaning prescribed in A.R.S. § 41-741(15). This Order does not apply to, (i) state governmental entities that are not included in A.R.S. § 41-741(15) and (ii) one or more offices headed by one or more statewide elected officials. Although these organizations are not included they are encouraged, along with all private employers operating in Arizona, to adopt similar employment opportunity protections.
- 5) Executive Orders 2003-22 and 2009-09 are hereby deemed amended as necessary to comply with the terms of this Order, provided, however, that this Order shall not affect the applicability of federal and State law exemptions as contemplated by Executive Order 2009-09, which exemptions shall remain in full force and effect so long as such exemptions are enforceable pursuant to State and federal law (as applicable).
- 6) This Order does not confer any legal rights or remedies upon any persons and shall not be used as a basis for legal challenges to a State Agency's refusal to consider an applicant for employment, the removal of an applicant from consideration for employment, the denial of an employment application, or any inaction of a State Agency.

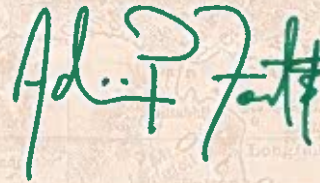
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



**GOVERNOR**

**DONE** at the Capitol in Phoenix on this second day of January in the Year Two Thousand Twenty-Three and of the independence of the United States of America the Two Hundred and Forty-Seventh.

**ATTEST:**



**SECRETARY OF STATE**

