



# State of New York

## Executive Chamber

STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED APR 28 1987

*[Signature]*  
Secretary of State

No. 96

### E X E C U T I V E O R D E R

#### PROMOTING A NEW YORK STATE POLICY AGAINST AGE DISCRIMINATION IN THE WORK PLACE

WHEREAS, age discrimination in the work place defeats career expectations and lowers morale;

WHEREAS, the direct human and financial costs of age discrimination are considerable, and to the extent such discrimination is not confronted, it threatens the achievement of a vigorous affirmative action policy for other protected classes;

WHEREAS, every State employee is entitled to work in an age-neutral environment with equal opportunity for hiring, promotion and re-training opportunities;

WHEREAS, creation of a supportive work environment for employees of all ages demands more than passive observance of the letter of the laws prohibiting age discrimination, and requires a conscious and active dedication of the part of State leadership to confront and eradicate subtle but pervasive ageism; and

WHEREAS, approximately forty-three percent of the State governmental work force is forty years and older;

NOW, THEREFORE, I, MARIO M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

#### I. Duties and Responsibilities of the Executive Branch

The head of each department, agency, board, commission or other entity under the jurisdiction of the Executive branch shall:

(a) Issue a policy statement defining and prohibiting age discrimination in the work place. Such statement shall inform all employees that age discrimination violates State and Federal laws and shall declare that all decisions with regard to hiring, retention, job appointments, promotions, training opportunities, recruitment and compensation shall be made without regard to an employee's age unless otherwise provided by law. Further, such statement shall address such discrimination as may be manifested in conduct, language and indirectly expressed preferences for younger workers, thereby affecting the work environment, the image and self-image of older workers;

(b) Disseminate such policy statement by providing it to all employees, by including the policy statement in orientation programs provided for new employees and by publishing the policy statement in internal agency publications.

(c) Examine the age distribution of the work force within the agency to facilitate compliance with state and federal law and the achievement of a nondiscriminatory work environment;

(d) Conduct appropriate training with regard to attitudes and behavior typically found in the work place which negatively affect older workers.

(e) Inform all employees of their rights of redress and the availability of complaint resolution mechanisms. Affirmative action administrators in each entity covered by this Executive Order shall have responsibility within the agency for processing complaints.

(f) Provide the Director of the State Office for the Aging, for Distribution to the President of the Civil Service Commission, the Commissioner of the Division of Human Rights and the Director of the Governor's Office of Employee Relations a copy of the policy statement with a brief description of actions taken and planned with regard to preventing and combating age discrimination in the work place.

II. By March 1 of each year, provide the Director of the State Office for the Aging, for distribution to the Division of Human Rights and the Director of the Governor's Office of Employee Relations, an annual summary of complaints and their resolution.

III. The Director of the State Office for the Aging in conjunction with the President of the Civil Service Commission, the Commissioner of the Division of Human Rights, and the Director of the Governor's Office of Employee Relations shall provide such information and assistance to entities covered by this Executive Order as may be required for its implementation.



G I V E N under my hand and the Privy  
Seal of the State in the City of  
Albany this twenty-seventh day of  
April in the year one thousand nine  
hundred eighty-seven.

BY THE GOVERNOR

*Guarino Guarino*  
Secretary to the Governor

*Marion S. Crono*

STATE OF NEW YORK  
DEPARTMENT OF STATE

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*A. S. S. S.*  
Secretary of State