

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** EXECUTIVE ORDER 2009-09 ***
**PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS
NONDISCRIMINATION IN EMPLOYMENT BY
GOVERNMENT CONTRACTORS AND SUBCONTRACTORS
(Superseding Executive Order 99-4 and Amending Executive Order 75-5)**

[M09-395]

WHEREAS, Executive Order 99-4 was effectuated to assure that persons or entities contracting with the State of Arizona or its political subdivisions comply with the provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.) and with Arizona's Civil Rights Act (Title 41, Chapter 9, Article 4);

WHEREAS, Executive Order 99-4 correctly states that various religious organizations are exempted from Arizona's Civil Rights Act;

WHEREAS, Executive Order 99-4 does not expressly state the federal and state exemptions for Indian tribes under both the federal and State Civil Rights Acts;

WHEREAS, 42 U.S.C. § 200e(b)(1) exempts tribes from the definition of employer;

WHEREAS, A.R.S. § 41-1461 4 (b)(i) also exempts Indian tribes from the definition of employers to whom the Arizona Civil Rights Act applies;

WHEREAS, Indian tribes across the State have recently begun to experience difficulty contracting with the State, often for money or services to which they are lawfully entitled, as a result of their exclusion from specified exemptions within Executive Order 99-4;

WHEREAS, the Attorney General's Office has in some cases interpreted the existing provisions as requiring tribes to waive rights guaranteed by both federal and State law;

WHEREAS, a modification is necessary to expressly provide that the exemptions found in federal and State law continue in full force and effect;

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. Executive Order 75-5 is hereby amended as follows:

PART I - Non-discrimination in employment by government contractors and subcontractors.

Unless otherwise exempted by federal or state civil rights laws, all government contracting agencies shall include in every government contract hereinafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, age, color, religion, sex or national origin. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor agrees to post in conspicuous

places available to employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

A continued Executive Order No. 75-5 is hereby amended to permit government contractors and subcontractors that are exempted from compliance under Title 41, chapter 9, article 4, Arizona Revised Statutes or 42 U.S.C. § 200e(b)(1), to provide employment preferences consistently with federal and state statutes;

Therefore, Executive Order 75-5 does not apply to Indian tribes. It likewise does not apply to religious organizations with respect to the employment of individuals of a particular religion to perform work connected with the activities of the employer. It also provides that religious organizations may provide employment preferences based upon religion when dealing with a bona fide occupational qualification reasonably necessary to the operation of the religious organization. This is consistent with the provisions of the Civil Rights Act of 1964 (42 U.S.C. 2000e, et seq.). In addition, in the Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193, Congress provided that religious organizations are eligible for the receipt of federal funds on the same basis as other private organizations.

Executive Order No. 75-5 prohibits all other government contractors and subcontractors from discriminating against any employee or applicant for employment because of race, age, color, religion, sex or national origin. Executive Order No. 75-5 further requires all government contractors and subcontractors to take action to insure that applicants are employed and employees are treated during employment without regard to their race, age, color, religion, sex or national origin.

- B. The contractor will in all solicitations or advertisement for employees placed by or on behalf of the contractor state that all qualified applicants will receive consideration for employment without regard of race, age, color, religion, sex or national origin.
- C. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under the Executive Order and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The contractor will furnish all information and reports required by the contracting agency and will permit access to his books, records, and accounts by the contracting agency and the Civil Rights Division for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- E. In the event of the contractor's noncompliance with the nondiscrimination clauses of the contract or with any such rules, regulations or orders of the Arizona Civil Rights Division said noncompliance will be considered a material breach of the contract and this contract may be cancelled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible for future government contracts until said contractor has been found to be in compliance with the provisions of this order and the rules and regulations of the Arizona Civil Rights Division, and such sanctions may be imposed and remedies invoked as provided in Part II of this order, and the rules and regulations of the Arizona Civil Rights Division.
- F. The contractor will include the provisions of paragraphs A through E in every subcontractor purchase order so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to the subcontract or purchase orders the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event the contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the State of Arizona to enter into such litigation to protect the interest of the State of Arizona.
- G. Each contractor having a contract containing the provisions prescribed in this section shall file and shall cause each of his subcontractors to file compliance reports with the contracting agency or the Civil Rights Division, as may be directed. Compliance reports shall be filed within such times and shall contain such information as the practices, policies, programs and employment policies, programs and employment statistics of the contractor and each subcontract and shall be in form as the Arizona Civil Rights Division may prescribe.
- H. Bidders or prospective contractors of subcontractors shall be required to state whether they have participated in any previous contract subject to the provisions of this order or any preceding similar Executive Order and in such event to submit on behalf of themselves and the proposed subcontractors compliance reports prior to, or as an initial part of negotiation of a contract.
- I. Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers of providing or supervising apprenticeship or training for

such workers, the compliance report shall include such information from such labor unions or agency practices an policies affecting compliance as the contracting agency or Civil Rights Division may prescribe: provided that, to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify the contracting agency as part of its compliance report and shall set forth what efforts he has made to obtain such information.

- J. The contracting agency or the Civil Rights Division shall require that the bidder or prospector contractor or sub-contractor shall submit as part of his compliance report a statement in writing signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training with which the bidder or prospective contractor deals with supporting information to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purpose and provisions of this order. In the event that the union or the agency shall refuse to execute such a statement, the compliance shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Civil Rights Division may require.

PART II - Enforcement

- A. Each contracting agency shall be primarily responsible for obtaining compliance with this Executive Order with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Civil Rights Division in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this order and the rules and regulations and orders of the Civil Rights Division issued pursuant to this order. They are directed to cooperate with the Civil Rights Division and to furnish the Division such information and assistance as it may require in the performance of the Division's functions under this order. They are further directed to appoint or designate from among the agency personnel compliance officers. It shall be the duty of such officers to first seek compliance with the objective of this order by conference, conciliation, mediation or persuasion.
- B. The Civil Rights Division may investigate the employment practices of any government contractor if subcontractor of initiate such investigation by the appropriate contracting agency or determine whether or not the contractual provisions specified in this order have been violated. Such investigations shall be conducted in accordance with the procedures established by the Civil Rights Division and the investigating agencies shall report to the Civil Rights Division any action taken or recommended. The Civil Rights Division may receive and investigate or cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which alleges discrimination contrary to the contractual provisions specified in Part I of this order. If the investigation is conducted for the Civil Rights Division by a contracting agency, that agency shall report to the Civil Rights Division what action has been taken or it's recommendation with regard to such complaint.
- C. The Civil Rights Division shall use its best efforts directly and through contracting agencies, other interested state and local agencies, contractors and all other available instrumentalities to cause any labor union engaged in work under government contracts or any agency referring workers or providing or supervising apprenticeship or training for it in the course of such work or cooperate in the implementation of the purposes of this order.
- D. The Civil Rights Division or any agency, officer or employee in the executive branch of the government designated by rule, regulation or order of the Civil Rights Division may hold such hearings, public or private, as the Division may deem advisable for compliance, enforcement of educational purposes. The Civil Rights Division may hold or cause to be held hearings in accordance with rules and regulations issued by the Civil Rights Division prior to imposing, ordering or recommending the imposition of penalties and sanctions under this order.
- E. No order for debarment of any contractor from further government contracts under this order shall be made without affording the contractor an opportunity for a hearing.
- F. Sanctions and Penalties. In accordance with such rules, regulations or orders as the Civil Rights Division may issue or adopt, the Civil Rights Division or the appropriate contracting agency may publish or cause to be published the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order and with the rules, regulations and orders of the Civil Rights Division.
1. Contracts may be cancelled, in whole or in part, terminated, or suspended absolutely, or continuation of contracts may be conditioned upon a program for future compliance approved by the contracting agency or the Civil Rights Division: provided that any contracting agency shall refrain from entering into further contracts, extensions or

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other modifications of existing contracts with any noncomplying contractor until such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this order.

2. Under rules and regulations prescribed by the Civil Rights Division, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation and persuasion before proceedings shall be instituted under this order of before a contract shall be cancelled or terminated in whole or in part under this order for failure of a contractor or subcontractor to comply with the contract provisions of this order.

G. This Executive Order shall become effective immediately of its issuance.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 20th day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA INDIAN LIVING TREASURES DAY ***

[M09-372]

WHEREAS, Arizona is home to a Native American community blessed with many talented artists and dedicated cultural preservationists from across tribal nations; and

WHEREAS, many of these artists are honored elders who unselfishly share their skills, talents, and traditions with their communities; and

WHEREAS, the world recognizes their lifetime achievements in the preservation of their artistic and cultural legacy; and

WHEREAS, the Arizona Indian Living Treasures Awards are expressly dedicated to honor outstanding older Indian artists.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 17, 2009 as

*** ARIZONA INDIAN LIVING TREASURES DAY ***

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-fourth day of September in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

*** CHARACTER COUNTS! WEEK ***

[M09-371]

WHEREAS, young people will be the stewards of our communities, nation and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character; and

WHEREAS, more than ever, children need strong guidance from their families and their communities, including schools, youth organizations, faith-based organizations and civic groups; and

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WHEREAS, the character of a nation is only as strong as the character of its individual citizens, and the public good benefits when young people learn that good character counts in personal relationships, in school and in the workplace; and

WHEREAS, scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character; and

WHEREAS, character development is, first and foremost, an obligation of families, though efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character; and

WHEREAS, CHARACTER COUNTS! Week was developed to promote the teaching of the "Six Pillars of Character" - trustworthiness, respect, responsibility, fairness, caring and citizenship - to today's youth.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 18-24, 2009 as

*** CHARACTER COUNTS! WEEK ***

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-fourth day of September in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

*** CREDIT UNION DAY ***

[M09-377]

WHEREAS, Credit Unions have faithfully served the financial needs of Arizona residents through a unique philosophy of people helping people in an effort to improve financial literacy, strengthen financial well-being and improve the communities in which they operate; and

WHEREAS, Credit Unions are unique, not-for-profit financial cooperatives operated by all volunteer boards and owned by its members; and

WHEREAS, more than 1.6 million Arizonans benefit from credit union membership and turn to Credit Unions to make their dreams of financial security come true; and

WHEREAS, more than 186 million people in 97 countries enjoy the benefits of credit union membership.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 15, 2009 as

*** CREDIT UNION DAY ***

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:

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Ken Bennett
Secretary of State

*** LEARN AND SERVE CHALLENGE WEEK ***

[M09-378]

WHEREAS, Arizona's youth make important contributions to the state's welfare everyday of the year and Arizona depends on youth as vital community assets; and

WHEREAS, service-learning, an effective teaching method that combines service to the community with curriculum-based learning, allows students and other youth to practice knowledge, skills, and behaviors, through meeting community needs; and

WHEREAS, research has shown that service-learning has an enduring positive impact on students' academic achievement, personal and social development, and civic engagement, and empowers students and other youth to take leadership roles in improving society; and

WHEREAS, students not only learn about democracy and citizenship, they become actively contributing citizens and community members through the service they perform; and

WHEREAS, service-learning activities provide students and other youth with opportunities for career exploration and the chance to develop and practice job skills; and

WHEREAS, it is important to encourage all Arizona teachers and schools to participate and engage others in service-learning activities.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 5-11, 2009 as

*** LEARN AND SERVE CHALLENGE WEEK ***

and call upon the people of the State of Arizona to engage in service-learning projects, promote the spirit of service-learning, and recognize everyone who contributes to the civic and academic engagement of Arizona's young people.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

*** LIGHTS ON AFTERSCHOOL DAY ***

[M09-391]

WHEREAS, quality afterschool programs and opportunities provide safe and fun learning experiences to help children and youth develop their social, emotional, physical, cultural and academic skills; and

WHEREAS, afterschool programs contribute to stronger communities by involving students, parents, business leaders and adult volunteers in the lives of our young people, thereby promoting positive relationships among children, youth, families and adults; and

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 14.3 million children have no place to go after school; and

WHEREAS, *Lights On After School*, a national celebration of after school programs, promotes the importance of quality after school programs in the lives of children, their families and their communities.

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NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 22, 2009 as

*** LIGHTS ON AFTERSCHOOL DAY ***

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

**Janice K. Brewer
GOVERNOR**

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

**ATTEST:
Ken Bennett
Secretary of State**

*** MEDICAL ASSISTANT WEEK ***

[M09-379]

WHEREAS, the health of all Americans depends upon educated minds and trained hands; and

WHEREAS, the practice of modern medicine at the exacting standards we now enjoy would be impossible without the clinical and administrative duties performed daily in the physician's office, clinic, laboratory or hospital by medical assistants; and

WHEREAS, these multi-skilled professionals help create a professional and comforting atmosphere for patients by offering them guidance and support; and

WHEREAS, through this dedication, the medical assistants of the United States have made a vital contribution to the quality of health care.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 19-23, 2009 as

*** MEDICAL ASSISTANT WEEK ***

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

**Janice K. Brewer
GOVERNOR**

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

**ATTEST:
Ken Bennett
Secretary of State**

*** NURSE PRACTITIONER WEEK ***

[M09-380]

WHEREAS, there are more than 125,000 licensed Nurse Practitioners (NPs) in the United States with 2,798 Registered Nurse Practitioners in Arizona providing high-quality, cost-effective, comprehensive, patient-centered, personalized health-care; and

WHEREAS, NPs diagnose acute and chronic conditions, prescribe medications and other treatments, treat illnesses and counsel patients on healthcare issues, and

WHEREAS, the high level of satisfaction and confidence that patients have in NPs is evidenced by the approximate 600 million visits that are made to NPs each year; and

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WHEREAS, NPs provide healthcare to people of all ages and in diverse healthcare settings such as private office practice, hospitals, long-term care facilities, schools, retail clinics, state and local health departments, and managed care facilities; and

WHEREAS, more than 20 percent of NPs practice in rural settings with populations of less than 25,000 and of the 62 percent who work in cities with populations of more than 50,000, more than 39 percent work in inner-city areas; and

WHEREAS, NPs partner with their patients, spending time treating the whole person, guiding their patients to make smart health and lifestyle choices.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 8-14, 2009 as

*** NURSE PRACTITIONER WEEK ***

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

*** RED RIBBON WEEK ***

[M09-381]

WHEREAS, substance abuse prevention efforts can be a catalyst for creating healthier communities and promoting an improved quality of life; and

WHEREAS, the consequences of drug abuse and addiction continue to have a profound effect on individuals, families and communities nationwide; and

WHEREAS, Red Ribbon Week is the nation's oldest and largest drug prevention program in the nation, reaching millions of Americans; and

WHEREAS, celebrating Red Ribbon Week is a unified way for communities to take a stand against drugs and show intolerance for illicit drug use and the consequences to all Americans; and

WHEREAS, Arizona communities, businesses, government, law enforcement, tribal communities, military, schools, national programs, citizens young and old, and various organizations will demonstrate their commitment to enforcing a drug free environment and healthy lifestyle by wearing and displaying a red ribbon; and

WHEREAS, participation in drug awareness and education activities creates the opportunity for communities to make a visible statement of strong commitment to wellness and healthy lifestyles.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 25-31, 2009 as

*** RED RIBBON WEEK ***

and encourage Arizonans to demonstrate their ardent opposition to drugs by wearing a red ribbon and participating in community anti-drug events.

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

Janice K. Brewer

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G O V E R N O R

DONE at the Capitol in Phoenix on this first day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State

* **DAY OF THE DEPLOYED** *

[M09-384]

WHEREAS, this nation is kept strong and free by the loyal citizens who protect our precious heritage through their positive declaration and actions; and

WHEREAS, our deployed service members, serving at home and abroad, have courageously answered this nation's call to duty to defend our ideals and preserve peace and freedom around the world; and

WHEREAS, residents of Arizona are encouraged to reaffirm their patriotism and allegiance to our flag and country and to honor our brave men and women in uniform who are selflessly putting their lives on the line to protect and preserve our way of life.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 26, 2009 as

* **DAY OF THE DEPLOYED** *

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of October in the year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-fourth.

ATTEST:
Ken Bennett
Secretary of State