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DATE: February 13, 2026

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Updated EEO Policy Requirements as a Result of Amendments to Civil Service Rule 3.1(r)

At its January 7, 2026 meeting, the State Civil Service Commission amended Civil Service Rule 3.1(r) to remove from the duties of the Director of the Department of State Civil Service ("Director") that he require that state departments and agencies have affirmative action plans in place. Going forward, the Compliance and Audit Division staff will not ask agencies to produce affirmative action plans.

Effective January 7, 2026, Rule 3.1(r) provides that the Director must require departments and agencies to establish and implement policies ensuring equal employment opportunities for all employees and prospective employees. While departments and agencies are expected to develop their own policies, each policy must contain language stating that employment decisions shall be based strictly on merit without regard to religious or political beliefs, sex, race, or any other non-merit factor. Agencies may use their own language to satisfy this requirement. The example below is offered for reference and satisfies the standard set forth in the rule.

[Department or Agency] seeks to recruit a highly productive and diverse workforce and will provide equal employment opportunities to all employees and prospective employees. Employment decisions shall be based strictly on merit and without regard to religious or political beliefs, sex, race, or any other non-merit factor.

Based on a sampling of equal employment opportunity policies, we note that many employers attempt to itemize the non-merit factors that will not play a part in employment decisions. Agencies electing this approach should note that veteran status is considered a merit factor for purposes of Article X and the Civil Service Rules.

Sincerely,

s/Byron P. Decoteau, Jr.
State Civil Service Director