



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE DIRECTIVE
No. 2018-7

DATE: December 27, 2018

TO: All Executive Branch Departments and Agencies

FROM: Governor Rick Snyder 

RE: Nondiscrimination in State Procurement, Grant, and Loan Programs

Michigan's continued reinvention and economic growth depend on talented individuals choosing to live and work here. It is essential for State government to be a leader in welcoming all people to our state and ensuring that everyone is treated fairly and with respect. The State of Michigan must be open for business to all.

It is critically important to this Administration that State government maintains its leadership position in encouraging robust and inclusive economic growth. State government is one of the largest buyers of goods and services in Michigan, and therefore it is uniquely positioned to be a leader in ensuring fair treatment for people in employment. In fact, it already has been a leader. With respect to State employees, the Civil Service Commission adopted Civil Service Rule 1-8.1 prohibiting discrimination based on sexual orientation for State departments and agencies subject to Civil Service Rules.

For Michigan to be a leader in inclusive economic development, all State of Michigan departments and agencies that perform procurement functions and provide loans and grants to local units of government and private entities must work together to ensure State government is open to everyone.

Section 1, Article 5 of the Michigan Constitution vests the executive power of the state of Michigan in the Governor. Section 8, Article 5 of the Michigan Constitution places each principal department under the supervision of the Governor. Pursuant to these provisions of the Michigan Constitution, I direct the following:

I. Procurement.

A. A contract to which this State, a department, board, commission, or agency of this State that is subject to the supervision of the Governor is a party to, will contain a covenant by that contractor and that contractor's subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, including a benefit

plan or system or a matter directly or indirectly related to employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, marital status, or a disability or genetic information.

B. The Chief Procurement Officer will work with each department's or agency's Procurement Executive to ensure that each contract complies with this Directive.

II. Grants and Loans.

A. Each department, board, commission, or agency of this State that is subject to the supervision of the Governor will include as a condition of any grant or loan involving State funds to either public or private entities in this State that the recipient of such grant or loan, or its sub-recipients or contractors and subcontractors, as applicable, will not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, including a benefit plan or system or a matter directly or indirectly related to employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, marital status, or a disability or genetic information.

B. The individual within each department, board, commission, or agency of this State responsible for administering the grant or loan program shall ensure that each program recipient is in compliance with this Directive.

III. Definitions.

A. "Age", "national origin", "sex", "familial status", and "discrimination" mean those terms as they are defined in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 to 37.2804.

B. "Chief Procurement Officer" means that individual designated as such by the director of the Department of Technology, Management, and Budget.

C. "Gender identity or expression" means having or being perceived as having a gender-related self-identity or expression whether or not associated with the individual's assigned sex at birth.

D. "Genetic information" means that term as it is defined in the Persons With Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 to 37.1607.

E. "Procurement Executive" means the individual serving in the senior-level purchasing position designated in accordance with Executive Directive 2015-1.

F. "Sexual Orientation" means an individual's physical, romantic, or emotional attraction to people of the same or opposite gender. Examples of sexual orientations include, but are not limited to heterosexual, lesbian, gay, and bisexual.

IV. Miscellaneous.

A. Except as otherwise provided by law, department and agency directors are directed to work with the Chief Procurement Officer to implement this Directive.

B. This Directive is effective immediately. All contracts, grants, or loans entered into or modified after the effective date of this Directive shall comply with this Directive.

C. This Directive does not apply to an agreement with a contractor, subcontractor, or grant or loan recipient that is a religious organization qualifying as a 501(c)(3) organization under the Internal Revenue Code, Title 26, United States Code, section 501(c)(3).

D. Subject to the terms and conditions of each contract, grant, or loan agreement, nothing in this Directive shall be construed to create a private cause of action by anyone other than a party to such a contract, grant, or loan agreement, against this State, a department, board, commission, or agency of this State to which this Directive applies for the enforcement of a contract, grant, or loan agreement subject to this Directive.

E. This Directive is not binding on the Department of State or the Department of Attorney General. But to promote the goal of encouraging all agencies and departments within State government to promote inclusive economic growth, and in recognition of the Department of Technology, Management, and Budget's lead role in procurement matters under the Management and Budget Act, 1984 PA 431, these departments are encouraged to work in partnership with the Chief Procurement Officer in the manner set forth in this Directive, and to voluntarily comply with the provisions of this Directive relative to grant awards to the extent the Department of State or the Department of Attorney General is administering grant or loan programs exclusively, without any involvement from a department or agency that is otherwise subject to this Directive.