



# Senate

General Assembly

**File No. 418**

January Session, 2003

Senate Bill No. 882

*Senate, April 16, 2003*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***AN ACT CONCERNING AFFIRMATIVE ACTION OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46a-68 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (b) (1) Each state agency, department, board or commission shall  
5 designate a full-time or part-time affirmative action officer. If such  
6 affirmative action officer is an employee of the agency, department,  
7 board or commission, the executive head of the agency, department,  
8 board or commission shall be directly responsible for the supervision  
9 of the officer.

10 (2) The Commission on Human Rights and Opportunities shall  
11 provide training and technical assistance to affirmative action officers  
12 in plan development and implementation.

13 (3) The Commission on Human Rights and Opportunities and the

14 Permanent Commission on the Status of Women shall provide a  
15 minimum of ten hours of training per year concerning state and  
16 federal discrimination laws and techniques for conducting internal  
17 investigations of discrimination complaints to persons designated by  
18 state agencies, departments, boards or commissions as affirmative  
19 action officers.

20 (4) Each person designated by a state agency, department, board or  
21 commission as an affirmative action officer shall (A) be responsible for  
22 mitigating any discriminatory conduct within the agency, department,  
23 board or commission, (B) investigate all complaints of discrimination  
24 made against the state agency, department, board or commission, and  
25 (C) report all findings and recommendations upon the conclusion of an  
26 investigation to the commissioner or director of the state agency,  
27 department, board or commission for proper action.

28 (5) No person designated by a state agency, department, board or  
29 commission as an affirmative action officer shall represent such  
30 agency, department, board or commission before the Commission on  
31 Human Rights and Opportunities or the Equal Employment  
32 Opportunity Commission. If a complaint of discrimination is filed with  
33 the Commission on Human Rights and Opportunities or the Equal  
34 Employment Opportunity Commission against a state agency,  
35 department, board or commission, the Attorney General, or a designee  
36 of the Attorney General, other than the affirmative action officer for  
37 such agency, board, department or commission, shall represent the  
38 state agency, board, department or commission before the Commission  
39 on Human Rights and Opportunities or the Equal Employment  
40 Opportunity Commission.

41 *Sec. 2. (Effective from passage) The Legislative Program Review and*  
42 *Investigations Committee, in consultation with the Commission on*  
43 *Human Rights and Opportunities and the Permanent Commission on*  
44 *the Status of Women, shall conduct a study of discriminatory*  
45 *employment practices against women employed in public safety*  
46 *positions within the state. The study shall address the specific problem*



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Human Rights & Opportunities, Com.; Attorney General; Legislative Mgmt.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The provisions in this bill will not have a fiscal impact.

Below are details of those provisions. The bill:

- requires the Commission on Human Rights and Opportunities (CHRO) and the Permanent Commission on the Status of Women (PCSW) to provide at least 10 hours of annual training on: 1) state and federal discrimination laws, and 2) internal discrimination investigation techniques to all state agency affirmative action officers. It also requires the Legislative Program Review and Investigations Committee to study discriminatory employment practices against women in state public safety positions.

- makes affirmative action officers responsible for mitigating discriminatory conduct in their agencies, requires them to investigate all complaints of discrimination made against the agency and requires them to report all findings and recommendations to the commissioner or director of the state agency.

CHRO has recently provided training to Affirmative Action Officers. Therefore, its staff will be able to jointly train officers with PCSW without the need for an additional appropriation. Moreover,

CHRO has already developed a model sexual harassment investigation protocol.

- clarifies that the Attorney General would represent state agencies before CHRO in response to any complaint of discrimination filed with CHRO.

**OLR Bill Analysis**

SB 882

**AN ACT CONCERNING AFFIRMATIVE ACTION OFFICERS****SUMMARY:**

This bill requires that all state agency affirmative action officers receive at least 10 hours of annual training in (1) state and federal discrimination laws and (2) internal discrimination investigation techniques. The bill also makes these officers responsible for mitigating discriminatory conduct in a state agency and gives them other duties regarding discrimination complaints against the agency. Under current law, affirmative action officers receive training to develop and implement agency affirmative action plans.

The bill prohibits an affirmative action officer from representing his agency before the Commission on Human Rights and Opportunities (CHRO) or the federal Equal Employment Opportunity Commission (EEOC). It requires the attorney general, or his designee, to represent state agencies in CHRO or EEOC inquiries. Current law does not address the affirmative action officer's role in responding to complaints lodged outside the agency.

The bill also requires the Legislative Program Review and Investigations Committee to study discriminatory employment practices against women in state public safety positions. The study must address the problem of sexual harassment and must be done in consultation with CHRO and the Permanent Commission of the Status of Women (PCSW).

EFFECTIVE DATE: October 1, 2003

**AFFIRMATIVE ACTION OFFICERS*****Training***

The bill requires CHRO and PCSW to provide at least 10 hours of annual training in (1) state and federal discrimination laws and (2) internal discrimination investigation techniques to all state agency

affirmative action officers. Under current law, CHRO trains these officers to develop and implement affirmative action plans. By law, each agency, department, board, or commission must designate a full- or part-time affirmative action officer, and, if the officer is an agency employee, the agency's executive head or commissioner must directly supervised him.

### **Responsibilities**

The bill makes affirmative action officers responsible for mitigating discriminatory conduct in a state agency and investigating all discrimination complaints against the agency. It also requires such officers to report to the agency director or commissioner all findings and recommendations when the investigation ends.

### **PROGRAM REVIEW AND INVESTIGATIONS STUDY**

The bill requires the Legislative Program Review and Investigations Committee to study discriminatory employment practices against women in state public safety positions to address the problem of sexual harassment. The study must include recommendations on how best to use education and training to eliminate or reduce sexual harassment and discriminatory employment practices in the public safety field. The committee must report its findings and recommendations to the Labor and Public Employees Committee by December 31, 2004.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Change of Reference  
Yea 10 Nay 2

Judiciary Committee

Joint Favorable Report  
Yea 36 Nay 0