



General Assembly

January Session, 2007

Raised Bill No. 1107

LCO No. 3926

03926_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE INVESTIGATION OF AN INTERNAL
DISCRIMINATION COMPLAINT AGAINST THE EXECUTIVE HEAD OF
A STATE AGENCY OR A MEMBER OF A STATE BOARD OR
COMMISSION.**

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2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

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 training
15 concerning state and federal discrimination laws and techniques for
16 conducting internal investigations of discrimination complaints to
17 persons designated by state agencies, departments, boards or
18 commissions as affirmative action officers and persons designated by
19 the Attorney General or the Attorney General's designee to represent
20 such agencies, boards, departments or commissions pursuant to
21 subdivision [(5)] (6) of this subsection. Such training shall be provided
22 for a minimum of ten hours during the first year of service or
23 designation, and a minimum of five hours per year thereafter.

24 (4) [Each] (A) Except for complaints that are subject to
25 subparagraph (B) of this subdivision, each person designated by a state
26 agency, department, board or commission as an affirmative action
27 officer shall [(A)] (i) be responsible for investigating each internal
28 complaint of discrimination made against the agency, department,
29 board or commission, and mitigating any discriminatory conduct
30 within the agency, department, board or commission, [(B) investigate
31 all complaints of discrimination made against the state agency,
32 department, board or commission, (C)] and (ii) report all findings and
33 recommendations upon the conclusion of [an] the investigation to the
34 commissioner or director of the state agency, department, board or
35 commission for proper action. [, and (D)]

36 (B) If an internal complaint of discrimination is made against the
37 executive head of a state agency or department or any member of a
38 state board or commission alleging that the executive head or member
39 engaged in discriminatory conduct, or if an internal complaint of
40 discrimination is made by such executive head or member, the
41 Department of Administrative Services shall conduct the investigation,
42 unless the complaint is made by or against the Commissioner of
43 Administrative Services, in which case the Commission on Human
44 Rights and Opportunities shall conduct the investigation. Each person
45 who conducts an investigation pursuant to this subparagraph shall
46 report all findings and recommendations upon the conclusion of the

47 investigation to the appointing authority of the executive head or
48 member who was the subject of the complaint for proper action. The
49 provisions of this subparagraph shall apply to any such complaint
50 pending on or made on or after the effective date of this section.

51 (5) Each person designated by a state agency, department, board or
52 commission as an affirmative action officer shall complete ten hours of
53 training provided by the Commission on Human Rights and
54 Opportunities and the Permanent Commission on the Status of
55 Women pursuant to subdivision (3) of this subsection.

56 [(5)] (6) No person designated by a state agency, department, board
57 or commission as an affirmative action officer shall represent such
58 agency, department, board or commission before the Commission on
59 Human Rights and Opportunities or the Equal Employment
60 Opportunity Commission. If a complaint of discrimination is filed with
61 the Commission on Human Rights and Opportunities or the Equal
62 Employment Opportunity Commission against a state agency,
63 department, board or commission, the Attorney General, or a designee
64 of the Attorney General, other than the affirmative action officer for
65 such agency, [board,] department, board or commission, shall
66 represent the state agency, [board,] department, board or commission
67 before the Commission on Human Rights and Opportunities or the
68 Equal Employment Opportunity Commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46a-68(b)

Statement of Purpose:

To minimize the appearance of a conflict of interest when an internal discrimination complaint is filed by or against an executive head of a state agency, or a member of a state board or commission, by requiring such investigation to be conducted by another specified state agency or commission.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]