



# House of Representatives

General Assembly

**File No. 314**

February Session, 2008

Substitute House Bill No. 5700

*House of Representatives, March 31, 2008*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING A CHANGE IN AFFIRMATIVE ACTION OFFICERS REPORTING REQUIREMENTS AND ORGANIZATION.***

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 2008 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2008*):

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, and the duties, independence and authority of such  
10 officer shall be audited by the Department of Administrative Services.

11 (2) The Commission on Human Rights and Opportunities shall  
12 provide training and technical assistance to affirmative action officers

13 in plan development and implementation.

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

25 (4) (A) Each person designated by a state agency, department, board  
26 or commission as an affirmative action officer shall (i) be responsible  
27 for mitigating any discriminatory conduct within the agency,  
28 department, board or commission, (ii) investigate all complaints of  
29 discrimination made against the state agency, department, board or  
30 commission, and (iii) report all findings, in writing, and  
31 recommendations upon the conclusion of an investigation to the  
32 commissioner or director of the state agency, department, board or  
33 commission for proper action. The written record of the findings and  
34 recommendations, including any action taken, shall be maintained by  
35 the state agency, department, board or commission and shall be a  
36 public record.

37 (B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii)  
38 and (A)(iii) of this subdivision, if a discrimination complaint is made  
39 against the executive head of a state agency or department, any  
40 member of a state board or commission or any affirmative action  
41 officer alleging that the executive head, member or officer directly or  
42 personally engaged in discriminatory conduct, or if a complaint of  
43 discrimination is made by the executive head of a state agency, any  
44 member of a state board or commission or any affirmative action  
45 officer, the complaint shall be referred to the Commission on Human

46 Rights and Opportunities for review and, if appropriate, investigation  
47 by the Department of Administrative Services. If the discrimination  
48 complaint is made by or against the executive head, any member or  
49 the affirmative action officer of the Commission on Human Rights and  
50 Opportunities alleging that the executive head, member or officer  
51 directly or personally engaged in discriminatory conduct, the  
52 commission shall refer the complaint to the Department of  
53 Administrative Services for review and, if appropriate, investigation. If  
54 the complaint is by or against the executive head or affirmative action  
55 officer of the Department of Administrative Services, the complaint  
56 shall be referred to the Commission on Human Rights and  
57 Opportunities for review and, if appropriate, investigation. Each  
58 person who conducts an investigation pursuant to this subparagraph  
59 shall report all findings and recommendations upon the conclusion of  
60 such investigation to the appointing authority of the individual who  
61 was the subject of the complaint for proper action. The provisions of  
62 this subparagraph shall apply to any such complaint pending on or  
63 after July 5, 2007.

64 (C) Any record or information that may disclose the identity of any  
65 person involved in an investigation performed under this subsection  
66 shall not be subject to disclosure pursuant to the provision of section 1-  
67 210 of the 2008 supplement to the general statutes.

68 (5) Each person designated by a state agency, department, board or  
69 commission as an affirmative action officer, and each person  
70 designated by the Attorney General or the Attorney General's designee  
71 to represent an agency pursuant to subdivision (6) of this subsection,  
72 shall complete training provided by the Commission on Human Rights  
73 and Opportunities and the Permanent Commission on the Status of  
74 Women pursuant to subdivision (3) of this subsection.

75 (6) No person designated by a state agency, department, board or  
76 commission as an affirmative action officer shall represent such  
77 agency, department, board or commission before the Commission on  
78 Human Rights and Opportunities or the Equal Employment

79 Opportunity Commission concerning a discrimination complaint. If a  
80 discrimination complaint is filed with the Commission on Human  
81 Rights and Opportunities or the Equal Employment Opportunity  
82 Commission against a state agency, department, board or commission,  
83 the Attorney General, or the Attorney General's designee, other than  
84 the affirmative action officer for such agency, department board or  
85 commission, shall represent the state agency, department, board or  
86 commission before the Commission on Human Rights and  
87 Opportunities or the Equal Employment Opportunity Commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	46a-68(b)

**LAB**      *Joint Favorable Subst.*

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 chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Department of Administrative Services	GF - Cost	100,000	100,000
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	25,360	58,630

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill requires the Department of Administrative Services (DAS) to audit state agency affirmative action officers. As DAS does not currently perform this oversight and auditing function, the agency will need to hire a Statewide Human Resources Program Manager (MP 67) with a salary of approximately \$100,000 (plus fringe benefits) to handle this new responsibility.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

**OLR Bill Analysis**

**sHB 5700**

***AN ACT CONCERNING A CHANGE IN AFFIRMATIVE ACTION OFFICERS REPORTING REQUIREMENTS AND ORGANIZATION.***

**SUMMARY:**

This bill requires the Department of Administrative Services (DAS) to audit the duties, independence, and authority of state agency affirmative action officers (AAO).

By law, each state agency, department, board, or commission must designate an AAO, who must investigate all complaints of discrimination made against the entity and report all findings and recommendations to the entity's commissioner or director for proper action. The bill requires that findings be in writing and the record of them, including any actions taken, be a public record maintained by the relevant state agency, department, board, or commission.

It further requires that any record or information that could identify anyone involved in an AAO's investigation be exempt from disclosure under the state Freedom of Information Act.

The bill does not provide standards for DAS to audit the AAOs' duties, independence, and authority.

EFFECTIVE DATE: October 1, 2008

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 0 (03/13/2008)