



General Assembly

February Session, 2008

Raised Bill No. 5700

LCO No. 2241

02241_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

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. Section 46a-68 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) Each state agency, department, board and commission shall
5 develop and implement, in cooperation with the Commission on
6 Human Rights and Opportunities, an affirmative action plan that
7 commits the agency, department, board or commission to a program of
8 affirmative action in all aspects of personnel and administration. Such
9 plan shall be developed pursuant to regulations adopted by the
10 Commission on Human Rights and Opportunities in accordance with
11 chapter 54 to ensure that affirmative action is undertaken as required
12 by state and federal law to provide equal employment opportunities
13 and to comply with all responsibilities under the provisions of sections
14 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, of the
15 2008 supplement to the general statutes section 46a-64c of the 2008
16 supplement to the general statutes and sections 46a-70 to 46a-78,

17 inclusive. The executive head of each such agency, department, board
18 or commission shall be directly responsible for the development, filing
19 and implementation of such affirmative action plan.

20 (b) (1) Each state agency, department, board or commission shall
21 designate a full-time or part-time affirmative action officer. If such
22 affirmative action officer is an employee of the agency, department,
23 board or commission, the executive head of the agency, department,
24 board or commission shall be [directly] responsible for the supervision
25 of the officer in cooperation with the Department of Administrative
26 Services.

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

30 (3) The Commission on Human Rights and Opportunities and the
31 Permanent Commission on the Status of Women shall provide training
32 concerning state and federal discrimination laws and techniques for
33 conducting investigations of discrimination complaints to persons
34 designated by state agencies, departments, boards or commissions as
35 affirmative action officers and persons designated by the Attorney
36 General or the Attorney General's designee to represent such agencies,
37 departments, boards or commissions pursuant to subdivision (5) of
38 this subsection. Such training shall be provided for a minimum of ten
39 hours during the first year of service or designation, and a minimum of
40 five hours per year thereafter.

41 (4) (A) Each person designated by a state agency, department, board
42 or commission as an affirmative action officer shall (i) be responsible
43 for mitigating any discriminatory conduct within the agency,
44 department, board or commission, (ii) investigate all complaints of
45 discrimination made against the state agency, department, board or
46 commission, and (iii) report all findings and recommendations upon
47 the conclusion of an investigation to the commissioner or director of
48 the state agency, department, board or commission, and to the

49 Department of Administrative Services for proper action.

50 (B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii)
51 and (A)(iii) of this subdivision, if a discrimination complaint is made
52 against the executive head of a state agency or department, any
53 member of a state board or commission or any affirmative action
54 officer alleging that the executive head, member or officer directly or
55 personally engaged in discriminatory conduct, or if a complaint of
56 discrimination is made by the executive head of a state agency, any
57 member of a state board or commission or any affirmative action
58 officer, the complaint shall be referred to the Commission on Human
59 Rights and Opportunities for review and, if appropriate, investigation
60 by the Department of Administrative Services. If the discrimination
61 complaint is made by or against the executive head, any member or
62 the affirmative action officer of the Commission on Human Rights and
63 Opportunities alleging that the executive head, member or officer
64 directly or personally engaged in discriminatory conduct, the
65 commission shall refer the complaint to the Department of
66 Administrative Services for review and, if appropriate, investigation. If
67 the complaint is by or against the executive head or affirmative action
68 officer of the Department of Administrative Services, the complaint
69 shall be referred to the Commission on Human Rights and
70 Opportunities for review and, if appropriate, investigation. Each
71 person who conducts an investigation pursuant to this subparagraph
72 shall report all findings and recommendations upon the conclusion of
73 such investigation to the appointing authority of the individual who
74 was the subject of the complaint for proper action and to the
75 Commission on Human Rights and Opportunities. The provisions of
76 this subparagraph shall apply to any such complaint pending on or
77 after July 5, 2007.

78 (5) Each person designated by a state agency, department, board or
79 commission as an affirmative action officer, and each person
80 designated by the Attorney General or the Attorney General's designee
81 to represent an agency pursuant to subdivision (6) of this subsection,

82 shall complete training provided by the Commission on Human Rights
83 and Opportunities and the Permanent Commission on the Status of
84 Women pursuant to subdivision (3) of this subsection.

85 (6) No person designated by a state agency, department, board or
86 commission as an affirmative action officer shall represent such
87 agency, department, board or commission before the Commission on
88 Human Rights and Opportunities or the Equal Employment
89 Opportunity Commission concerning a discrimination complaint. If a
90 discrimination complaint is filed with the Commission on Human
91 Rights and Opportunities or the Equal Employment Opportunity
92 Commission against a state agency, department, board or commission,
93 the Attorney General, or the Attorney General's designee, other than
94 the affirmative action officer for such agency, department board or
95 commission, shall represent the state agency, department, board or
96 commission before the Commission on Human Rights and
97 Opportunities or the Equal Employment Opportunity Commission.

98 (c) Each state agency, department, board and commission shall file
99 an affirmative action plan developed in accordance with subsection (a)
100 of this section, with the Commission on Human Rights and
101 Opportunities, semiannually, except that any state agency,
102 department, board or commission which has an affirmative action plan
103 approved by the commission may be permitted to file its plan on an
104 annual basis in a manner prescribed by the commission and any state
105 agency, department, board or commission that employs twenty or
106 fewer full-time employees shall file its affirmative action plan
107 biennially.

108 (d) The Commission on Human Rights and Opportunities shall
109 review and formally approve, conditionally approve or disapprove the
110 content of such affirmative action plans within ninety days of the
111 submission of each plan to the commission. If the commissioners, by a
112 majority vote of those present and voting, fail to approve,
113 conditionally approve or disapprove a plan within that period, the

114 plan shall be deemed to be approved.

115 (e) The Commissioner of Administrative Services and the Secretary
116 of the Office of Policy and Management shall cooperate with the
117 Commission on Human Rights and Opportunities to insure that the
118 State Personnel Act and personnel regulations are administered, and
119 that the process of collective bargaining is conducted by all parties in a
120 manner consistent with the affirmative action responsibilities of the
121 state.

122 (f) The Commission on Human Rights and Opportunities shall
123 monitor the activity of such plans within each state agency,
124 department, board and commission and report to the Governor and
125 the General Assembly on or before April first of each year concerning
126 the results of such plans.

127 (g) The Commission on Human Rights and Opportunities shall
128 adopt regulations, in accordance with chapter 54, to carry out the
129 requirements of this section. Such regulations shall include a schedule
130 for semiannual, annual and biennial filing of plans.

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

Statement of Purpose:

To provide independent oversight of affirmative action officers employed by state agencies or commissions by the Commission on Human Rights and Opportunities.

[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.]