



General Assembly

Substitute Bill No. 5700

February Session, 2008

* HB05700GAE 041508 *

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2 the general statutes is repealed and the following is substituted in lieu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 (5) Each person designated by a state agency, department, board or
65 commission as an affirmative action officer, and each person
66 designated by the Attorney General or the Attorney General's designee
67 to represent an agency pursuant to subdivision (6) of this subsection,
68 shall complete training provided by the Commission on Human Rights
69 and Opportunities and the Permanent Commission on the Status of
70 Women pursuant to subdivision (3) of this subsection.

71 (6) No person designated by a state agency, department, board or
72 commission as an affirmative action officer shall represent such
73 agency, department, board or commission before the Commission on
74 Human Rights and Opportunities or the Equal Employment
75 Opportunity Commission concerning a discrimination complaint. If a
76 discrimination complaint is filed with the Commission on Human
77 Rights and Opportunities or the Equal Employment Opportunity
78 Commission against a state agency, department, board or commission,
79 the Attorney General, or the Attorney General's designee, other than
80 the affirmative action officer for such agency, department board or
81 commission, shall represent the state agency, department, board or
82 commission before the Commission on Human Rights and
83 Opportunities or the Equal Employment Opportunity Commission.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	46a-68(b)
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GAE *Joint Favorable Subst.*