



General Assembly

Substitute Bill No. 494

February Session, 2008

* SB00494PD_JUD031008 *

AN ACT CONCERNING AFFIRMATIVE ACTION AND CONTRACTING PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD COUNTY.

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2 statutes is repealed and the following is substituted in lieu thereof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, section
15 46a-64c of the 2008 supplement to the general statutes and sections
16 46a-70 to 46a-78, inclusive. The executive head of each such agency,
17 department, board or commission shall be directly responsible for the
18 development, filing and implementation of such affirmative action
19 plan. The Metropolitan District of Hartford County shall be deemed to

20 be a state agency for purposes of this section.

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

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 for proper action.

49 (B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii)
50 and (A)(iii) of this subdivision, if a discrimination complaint is made
51 against the executive head of a state agency or department, any

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

76 (5) Each person designated by a state agency, department, board or
77 commission as an affirmative action officer, and each person
78 designated by the Attorney General or the Attorney General's designee
79 to represent an agency pursuant to subdivision (6) of this subsection,
80 shall complete training provided by the Commission on Human Rights
81 and Opportunities and the Permanent Commission on the Status of
82 Women pursuant to subdivision (3) of this subsection.

83 (6) No person designated by a state agency, department, board or
84 commission as an affirmative action officer shall represent such
85 agency, department, board or commission before the Commission on

86 Human Rights and Opportunities or the Equal Employment
87 Opportunity Commission concerning a discrimination complaint. If a
88 discrimination complaint is filed with the Commission on Human
89 Rights and Opportunities or the Equal Employment Opportunity
90 Commission against a state agency, department, board or commission,
91 the Attorney General, or the Attorney General's designee, other than
92 the affirmative action officer for such agency, department board or
93 commission, shall represent the state agency, department, board or
94 commission before the Commission on Human Rights and
95 Opportunities or the Equal Employment Opportunity Commission.

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

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

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

119 state.

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

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

129 Sec. 2. (NEW) (*Effective January 1, 2009*) On or after July 1, 2009, the
130 State Contracting Standards Board shall adopt regulations, in
131 accordance with the provisions of chapter 54 of the general statutes, to
132 apply the contracting procedures, as described in sections 4e-18 to 4e-
133 45, inclusive, of the general statutes or the 2008 supplement to the
134 general statutes, to the Metropolitan District of Hartford County. Such
135 regulations shall take into consideration circumstances and factors that
136 are unique to said metropolitan district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	46a-68
Sec. 2	<i>January 1, 2009</i>	New section

PD

Joint Favorable Subst. C/R

JUD