



General Assembly

Amendment

February Session, 2008

LCO No. 4431

SB0033204431SD0

Offered by:

SEN. PRAGUE, 19th Dist.

REP. RYAN, 139th Dist.

REP. ESPOSITO, 116th Dist.

To: Senate Bill No. 332

File No. 363

Cal. No. 227

"AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 statutes is repealed and the following is substituted in lieu thereof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

6 (a) Each state agency, department, board and commission shall
7 develop and implement, in cooperation with the Commission on
8 Human Rights and Opportunities, an affirmative action plan that
9 commits the agency, department, board or commission to a program of
10 affirmative action in all aspects of personnel and administration. Such
11 plan shall be developed pursuant to regulations adopted by the
12 Commission on Human Rights and Opportunities in accordance with
13 chapter 54 to ensure that affirmative action is undertaken as required

14 by state and federal law to provide equal employment opportunities, a
15 workplace free of abusive conduct and to comply with all
16 responsibilities under the provisions of sections 4-61u to 4-61w,
17 inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c of the
18 2008 supplement to the general statutes and sections 46a-70 to 46a-78,
19 inclusive. The executive head of each such agency, department, board
20 or commission shall be directly responsible for the development, filing
21 and implementation of such affirmative action plan.

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

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

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

42 (4) (A) Each person designated by a state agency, department, board
43 or commission as an affirmative action officer shall (i) be responsible
44 for mitigating any discriminatory or abusive conduct within the
45 agency, department, board or commission, (ii) investigate all

46 complaints of discrimination or abusive conduct made against the state
47 agency, department, board or commission, and (iii) report all findings
48 and recommendations upon the conclusion of an investigation to the
49 commissioner or director of the state agency, department, board or
50 commission for proper action.

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

79 (5) Each person designated by a state agency, department, board or

80 commission as an affirmative action officer, and each person
81 designated by the Attorney General or the Attorney General's designee
82 to represent an agency pursuant to subdivision (6) of this subsection,
83 shall complete training provided by the Commission on Human Rights
84 and Opportunities and the Permanent Commission on the Status of
85 Women pursuant to subdivision (3) of this subsection.

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

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

110 (d) The Commission on Human Rights and Opportunities shall
111 review and formally approve, conditionally approve or disapprove the
112 content of such affirmative action plans within ninety days of the

113 submission of each plan to the commission. If the commissioners, by a
114 majority vote of those present and voting, fail to approve,
115 conditionally approve or disapprove a plan within that period, the
116 plan shall be deemed to be approved.

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

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

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

133 (h) For the purposes of this section, (1) "abusive conduct" (A) means
134 conduct of an employee in the workplace that is unrelated to an
135 employer's legitimate business interest and that a reasonable person in
136 a similar workplace would find hostile or offensive, and (B) includes,
137 but is not limited to, (i) repeated infliction of derogatory remarks,
138 insults or epithets; (ii) verbal or physical conduct that a reasonable
139 person in a similar workplace would find threatening, intimidating or
140 humiliating; or (iii) the intentional sabotaging of a person's work
141 performance; and (2) "conduct" means all forms of behavior, including
142 acts and omissions of acts."

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