



General Assembly

**Amendment**

February Session, 2008

LCO No. 5340

\*SB0033205340SD0\*

Offered by:

SEN. PRAGUE, 19<sup>th</sup> Dist.

REP. RYAN, 139<sup>th</sup> Dist.

REP. ESPOSITO, 116<sup>th</sup> 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4 statutes is repealed and the following is substituted in lieu thereof  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, within available appropriations, in  
8 cooperation with the Commission on Human Rights and  
9 Opportunities, an affirmative action plan that commits the agency,  
10 department, board or commission to a program of affirmative action in  
11 all aspects of personnel and administration. Such plan shall be  
12 developed pursuant to regulations adopted by the Commission on  
13 Human Rights and Opportunities in accordance with chapter 54 to

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

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

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

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

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

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

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

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

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

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

111 (d) The Commission on Human Rights and Opportunities shall  
112 review and formally approve, conditionally approve or disapprove the

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

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

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

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

134 (h) For the purposes of this section, (1) "abusive conduct" (A) means  
135 conduct of an employee, supervisor, manager or administrator in the  
136 workplace that is unrelated to an employer's legitimate business  
137 interest and that a reasonable person in a similar workplace would  
138 find hostile or offensive, and (B) includes, but is not limited to, (i)  
139 repeated infliction of derogatory remarks, insults or epithets; (ii) verbal  
140 or physical conduct that a reasonable person in a similar workplace  
141 would find threatening, intimidating or humiliating; or (iii) the  
142 intentional sabotaging of a person's work performance; and (2)  
143 "conduct" means all forms of behavior, including acts and omissions of  
144 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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