



General Assembly

Substitute Bill No. 922

January Session, 2009

* SB00922GAE__042009__ *

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 Section 46a-68 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Each state agency, department, board and commission shall
4 develop and implement, in cooperation with the Commission on
5 Human Rights and Opportunities, an affirmative action plan that
6 commits the agency, department, board or commission to a program of
7 affirmative action in all aspects of personnel and administration. Such
8 plan shall be developed pursuant to regulations adopted by the
9 Commission on Human Rights and Opportunities in accordance with
10 chapter 54 to ensure that affirmative action is undertaken as required
11 by state and federal law to provide equal employment opportunities
12 and to comply with all responsibilities under the provisions of sections
13 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, section
14 46a-64c and sections 46a-70 to 46a-78, inclusive. The executive head of
15 each such agency, department, board or commission shall be directly
16 responsible for the development, filing and implementation of such
17 affirmative action plan. The Metropolitan District of Hartford County
18 shall be deemed to be a state agency for purposes of this section.

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

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

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

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

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

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

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

81 (6) No person designated by a state agency, department, board or
82 commission as an affirmative action officer shall represent such
83 agency, department, board or commission before the Commission on
84 Human Rights and Opportunities or the Equal Employment

85 Opportunity Commission concerning a discrimination complaint. If a
86 discrimination complaint is filed with the Commission on Human
87 Rights and Opportunities or the Equal Employment Opportunity
88 Commission against a state agency, department, board or commission,
89 the Attorney General, or the Attorney General's designee, other than
90 the affirmative action officer for such agency, department board or
91 commission, shall represent the state agency, department, board or
92 commission before the Commission on Human Rights and
93 Opportunities or the Equal Employment Opportunity Commission. In
94 the case of a discrimination complaint filed against the Metropolitan
95 District of Hartford County, the Attorney General, or the Attorney
96 General's designee, shall not represent such district before the
97 Commission on Human Rights and Opportunities or the Equal
98 Employment Opportunity Commission.

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

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

116 (e) The Commissioner of Administrative Services and the Secretary
117 of the Office of Policy and Management shall cooperate with the

118 Commission on Human Rights and Opportunities to insure that the
 119 State Personnel Act and personnel regulations are administered, and
 120 that the process of collective bargaining is conducted by all parties in a
 121 manner consistent with the affirmative action responsibilities of the
 122 state.

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

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

132 Sec. 2. (NEW) (*Effective January 1, 2010*) On or after July 1, 2010, the
 133 State Contracting Standards Board shall adopt regulations, in
 134 accordance with the provisions of chapter 54 of the general statutes, to
 135 apply the contracting procedures, as described in sections 4e-18 to 4e-
 136 45, inclusive, of the general statutes, to the Metropolitan District of
 137 Hartford County. Such regulations shall take into consideration
 138 circumstances and factors that are unique to said metropolitan district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	46a-68
Sec. 2	<i>January 1, 2010</i>	New section

PD *Joint Favorable Subst.*

GAE *Joint Favorable*