



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

Transportation Committee

March 5, 2018 – Public Hearing

Testimony regarding HB 5314 – AAC Recommendations by the Department of Transportation

Senator Leone, Senator Boucher, Representative Guerrera, and members of the Transportation Committee, thank you for the opportunity to testify regarding HB 5314, AAC Recommendations by the Department of Transportation. My name is Cheryl A. Sharp and I am the Deputy Director of the Connecticut Commission on Human Rights and Opportunities (“CHRO”). The CHRO investigates and prosecutes claims of discrimination and administers the state affirmative action plan program.

The CHRO would like to express its opposition to Section 11 of HB 5314. This section allows any state agency, department, board, or commission that maintains a federal affirmative action plan or a federal equal employment opportunity plan to submit such plan to the CHRO in lieu of the state affirmative action plan currently required in CGS §46a-68. The CHRO is the state agency tasked with eliminating discrimination in our state. As part of that mission, our agency oversees compliance by state agencies, departments, boards and commissions with our affirmative action laws. These agencies submit affirmative action plans with the Commission to ensure our state is taking positive action to overcome the present effects of past discrimination. These plans are much more comprehensive in content and structure than basic demographic surveys of the organization’s workforce. They act as a blueprint strategy to combat discrimination by identifying problem areas and setting up goals and plans to address those issues.

Most state agencies only have to develop and file state affirmative action plans. The exception for this is when an agency receives federal funding. Federal law treats such agencies as federal contractors and requires them to file plans with the federal government. Fortunately, Connecticut’s laws are more expansive than their federal counterparts so agencies can often submit their state required affirmative action plan to the federal government without having to go through the effort of drafting another plan.

A primary issue with this language is that our state anti-discrimination statutes protect more than federal law does. For example, under federal requirements, agencies only have to consider the protected classes of race, color, religion, sex, and national origin.¹ Connecticut, on the other hand, protects not only each of these classes but also creed, marital status, ancestry, mental disability, physical disability, age, prior criminal conviction, genetic information, sexual orientation, and gender identity.² Organizations filing state plans have to develop policies to protect all of these groups while those only filing federal plans do not. The federal rules require that an organization create its own goals for hiring and promotion and allows it to self-monitor its goal attainment. State law, however, requires filing organizations to submit to external compliance assessment by the CHRO. In this way,

¹ 23 CFR 230.311 (Appendix A, Part II)

² Conn. Gen. Stat. §46a-68, Regulations of Connecticut State Agencies Sec. 46a-68-31 through 46a-68-74

the CHRO acts as an independent oversight agency to ensure compliance with the law. As a result, state mandated affirmative action plans ensure that our state has a diverse and effective workforce while federal plans are not as comprehensive and merely describe the status quo. The CHRO also has concerns regarding line 513 which states that the agency in question may submit to CHRO either a federal affirmative action or equal employment opportunity plan "or report." While it is unclear what specific report is referred to here, several of the federal reports, such as the EEO1, only require an agency to submit a brief 1-3 page form. This is in no way substantially equivalent to an affirmative action plan as envisioned under current state law.

Finally, similar proposals to this one have been heard at the legislature over the past several years and in response to the concerns raised by the DOT, the CHRO established an Affirmative Action Plan Legislative Working Group in January of this year and had our third meeting on February 27. The goal of the group is to go through each section of the affirmative action regulations and make changes necessary to streamline the process and improve it for all parties involved. We aimed to include a wide variety of state agencies in the group, ranging from the small (such as the Workers' Compensation Commission) to larger agencies (such as the Department of Labor) to educational institutions (such as the University of Connecticut). Fourteen agencies are actively participating, including the Office of Policy and Management and the Department of Transportation. Acting on this section of the legislation prior to the completion of the Working Group's work would be premature.

Allowing federal plans to be submitted instead of state plans would deprive groups of protections they receive under state law at a time when federal civil rights monitoring priorities are changing. State protections become even more crucial when we cannot control or predict what federal law will require. Thank you again for the opportunity to testify today against Section 11 of HB 5314.