



General Assembly

Amendment

February Session, 2022

LCO No. 5506



Offered by:
REP. PORTER, 94th Dist.

To: Subst. House Bill No. 5441

File No. 418

Cal. No. 297

"AN ACT ADOPTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY THE STATE WORKFORCE AND RETIRING EMPLOYEES."

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

3 "Section 1. (NEW) (*Effective from passage*) As used in this section and
4 section 2 of this act:

5 (1) "Manager" means any managerial employee, as defined in section
6 5-270 of the general statutes;

7 (2) "Covered employee" means any employee, as defined in section 5-
8 270 of the general statutes, other than a manager;

9 (3) "State employer" means any employer as defined in section 5-270
10 of the general statutes;

11 (4) "Discrimination" means any discriminatory practice as defined in
12 subsection (8) of section 46a-51 of the general statutes; and

13 (5) "State Employees Bargaining Agent Coalition" means the entity
14 with the authority to engage in coalition bargaining as set forth in
15 subsection (f) of section 5-278 of the general statutes.

16 Sec. 2. (NEW) (*Effective January 1, 2023*) (a) Each state employer shall
17 adopt a zero-tolerance policy for using managerial authority for
18 discrimination or retaliation against those who complain of
19 discrimination. Such policy shall: (1) Specifically forbid any manager
20 from retaliating or discriminating against an employee who complains
21 of discrimination; (2) include performance and other sanctions against
22 managers who dissuade or seek to dissuade employees from filing such
23 complaints; and (3) include performance and other sanctions against
24 managerial authorities who fail to objectively and fully investigate such
25 complaints consistent with identified procedures following an incident,
26 including, but not limited to, notifications to the complainant regarding
27 the status and outcome of the complaint investigation.

28 (b) Each state employer shall assure that it is safe for employees to
29 formally or informally raise any complaint concerning the use of
30 managerial authority in violation of subsection (a) of this section. No
31 state employer shall take, or threaten to take, any personnel action or
32 otherwise discriminate against any employee because such employee
33 has formally or informally raised such complaint.

34 (c) In any action brought by an employee to redress a violation under
35 chapter 814c of the general statutes, or under section 31-41m of the
36 general statutes, in addition to all other damages available under such
37 sections, the employee shall be awarded double damages for any
38 employment losses.

39 (d) Discharge or other termination of any employee in violation of
40 subsection (b) of this section shall be conclusively presumed to create
41 irreparable harm for purposes of any temporary or permanent
42 injunction action that may be brought to redress such violation, and it
43 shall be irrebuttably presumed that there is no adequate remedy at law.
44 The doctrine of exhaustion of administrative remedies shall not apply

45 in any action to redress a discharge or other termination of employment.
46 Any required initial notice for any action under this section shall include
47 service on the Connecticut Commission on Human Rights and
48 Opportunities and the commission may intervene as a matter of right in
49 any such proceeding.

50 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than the first of
51 August of each fiscal year, the commissioner of each state agency shall
52 conduct an analysis of employee retention rates within the
53 commissioner's agency. Such analysis shall be compared to the state's
54 year-to-year data, as well as the findings in the report entitled "The State
55 of Connecticut Workforce: An Analysis of Representation and
56 Compensation Equity Across Gender and Race-Ethnicity". The
57 commissioners shall jointly report their analysis to the Governor, the
58 joint standing committee of the General Assembly having cognizance of
59 matters relating to public employees and the Chief Diversity, Equity and
60 Inclusion Officer, as established in section 5 of this act.

61 (b) Not later than August 1, 2022, the human resources departments
62 across all branches of state government, therefore encompassing all
63 state agencies, shall develop a universal exit survey with specific data
64 points to help inform an overall view of the state's workplace conditions.
65 Such surveys shall be developed, distributed and collected by agency
66 human resources departments and shall analyze the results of the
67 surveys and report to the Chief Diversity, Equity and Inclusion Officer.

68 Sec. 4. (NEW) (*Effective from passage*) (a) The commissioners of each
69 state agency shall formally engage in a strategic plan to examine: (1) The
70 positions and position types they recommend to be replaced as they are;
71 (2) the positions they recommend be replaced with a different type of
72 position because the function has changed; and (3) the positions they
73 recommend be replaced with a different position because the need has
74 changed, based on current state agency needs and current workforce
75 capacity and ability. Such plan shall be reported to the Governor and
76 the joint standing committee of the General Assembly having
77 cognizance of matters relating to labor and public employees.

78 (b) The process shall involve representatives of each State Employee
79 Bargaining Agent Coalition constituent union under the savings and
80 transformation provisions of the State Employee Bargaining Agent
81 Coalition agreement.

82 Sec. 5. (NEW) (*Effective from passage*) (a) There shall be established a
83 Chief Diversity, Equity and Inclusion Officer position to oversee a
84 transformative hiring process in state government. The Chief Diversity,
85 Equity and Inclusion Officer shall be appointed by the Equity Advisory
86 Committee, established pursuant to subsection (c) of this section, with
87 the approval of the General Assembly. Said officer shall report to the
88 Equity Advisory Committee.

89 (b) Within thirty days of the passage of this section, the commissioner
90 of each state agency shall address its diversity needs by reviewing the
91 report entitled: "The State of Connecticut Workforce: An Analysis of
92 Representation and Compensation Equity Across Gender and Race-
93 Ethnicity" and to conduct an assessment of the commissioner's agency.
94 Such assessment shall be used to determine where action plans may be
95 necessary to address any racial or gender disparities, including a review
96 of recruitment strategies. The assessment shall include, but shall not be
97 limited to: (1) An agency's success in the last five years in recruiting and
98 retaining women and people of color into various positions; and (2) an
99 agency's plan for achieving an appropriate and fair balance in replacing
100 vacancies left by retiring employees. Each such assessment shall be
101 submitted to the Governor, the General Assembly, the Chief Diversity,
102 Equity and Inclusion Officer and the Equity Advisory Committee,
103 established in subsection (c) of this section, not later than three months
104 of commencing such assessment.

105 (c) (1) Not later than three months after the completion of the study
106 of equity in state government programs and actions required under
107 section 81 of public act 21-2 of the June special session, or July 1, 2023,
108 whichever comes first, there shall be established an Equity Advisory
109 Committee responsible for monitoring whether state agencies are
110 implementing the recommendations issuing from such study. The

111 Equity Advisory Committee shall also be responsible for monitoring
112 whether the assessment goals pursuant to subsection (b) of this section
113 are being met by state agencies.

114 (2) The committee shall consist of the following members: (A) Seven
115 members appointed by representatives of each State Employee
116 Bargaining Agent Coalition constituent union, (B) one member
117 appointed by the Governor, (C) the executive director of the
118 Commission of Human Rights and Opportunities, or the executive
119 director's designee, (D) two members appointed by the executive
120 director of the Commission of Human Rights and Opportunities, (E)
121 three members appointed by the Black and Puerto Rican Caucus, and
122 (F) four members appointed from the current task force to study the
123 state workforce and retiring employees, consisting of (i) one member
124 appointed by each chairperson, and (ii) one member appointed by each
125 ranking member.

126 (d) The Equity Advisory Committee shall hire a Chief Diversity,
127 Equity and Inclusion Officer not later than six months after its
128 establishment. The committee shall establish criteria for a personnel
129 search. The committee shall also establish benchmarks for success and
130 evaluation in order to evaluate the work of the chosen Chief Diversity,
131 Equity and Inclusion Officer.

132 Sec. 6. (*Effective from passage*) (a) The commissioner of each state
133 agency shall provide to the Governor, the joint standing committee of
134 the General Assembly having cognizance of matters relating to labor
135 and public employees and the Commission of Human Rights and
136 Opportunities, a list of training and professional development programs
137 currently in existence within the commissioner's agency, the extent of
138 engagement of employees in those programs during the previous three
139 years, including the number of employees enrolled, and the number of
140 employees who completed such programs. The commissioner shall also
141 provide a description of the agency's plans to create or increase
142 engagement in such programs in the near future.

143 (b) The Labor Department shall provide to the Governor, the joint
144 standing committee of the General Assembly having cognizance of
145 matters relating to labor and public employees and the Commission of
146 Human Rights and Opportunities, a list of existing career pathway
147 programs, including high school-to-career pathway programs,
148 vocational-technical school pathways, internships and post-graduate
149 fellowships, modeled after other federal and state programs that
150 encourage the training-to-workforce or college-to-workforce transition
151 for a range of state employee classes and positions. The Labor
152 Department shall include in such list agencies participating and the
153 number of people involved in these programs.

154 (c) The Commissioner of Administrative Services shall study the
155 feasibility of developing a paid internship program for high school and
156 college students. In conducting such study, the commissioner may
157 consult with leaders of nonprofit agencies and community advocates.

158 Sec. 7. Subsection (p) of section 5-200 of the 2022 supplement to the
159 general statutes is repealed and the following is substituted in lieu
160 thereof (*Effective July 1, 2022*):

161 (p) When such authority is not otherwise conferred by statute, the
162 commissioner shall issue orders to provide that (1) executive or judicial
163 department employees exempt from the classified service or not
164 included in any prevailing bargaining unit contract, except unclassified
165 employees of any board of trustees of the constituent units of higher
166 education, be granted rights, and] benefits and wages, with movement
167 within salary ranges, not less than those granted to employees in the
168 classified service or covered under such contracts, or (2) retirement
169 benefits for state employees exempt from the classified service or not
170 included in any prevailing bargaining unit contract be adjusted to
171 provide retirement benefits for such employees which are the same as
172 those most frequently provided under the terms of approved bargaining
173 unit contracts in effect at the time of such adjustment. When such
174 authority is not otherwise conferred by statute, the board of trustees of
175 any constituent unit of the state system of higher education may issue

176 orders to provide that the unclassified employees of such board be
177 granted rights, [and] benefits and wages not less than those granted to
178 employees of the board who are covered under a prevailing bargaining
179 unit contract. Where there is a conflict between an order granting such
180 rights, [and] benefits, and wages and any provision of the general
181 statutes, such order shall prevail. [Such orders shall be subject to the
182 approval of the Secretary of the Office of Policy and Management. If the
183 secretary approves such order, and such order is in conflict with any
184 provision of the general statutes, the secretary shall forward a copy of
185 such order to the joint committee of the General Assembly having
186 cognizance of labor matters.]

187 Sec. 8. Subsection (g) of section 5-270 of the general statutes is
188 repealed and the following is substituted in lieu thereof (*Effective October*
189 *1, 2022*):

190 (g) "Managerial employee" means any individual in a position in
191 which the principal functions are characterized by not fewer than two
192 of the following, provided [for any position in any unit of the system of
193 higher education,] one of such two functions shall be as specified in
194 subdivision (4) of this subsection: (1) Responsibility for direction of a
195 subunit or facility of a major division of an agency or assignment to an
196 agency head's staff; (2) development, implementation and evaluation of
197 goals and objectives consistent with agency mission and policy; (3)
198 participation in the formulation of agency policy; or (4) a major role in
199 the administration of collective bargaining agreements or major
200 personnel decisions, or both, including staffing, hiring, firing,
201 evaluation, promotion and training of employees.

202 Sec. 9. (NEW) (*Effective from passage*) (a) Each state agency and the
203 technical high school system shall fill all open positions to levels
204 appropriated in the 2022-2023 biennial budget. Each agency shall also
205 adopt continuous recruitment practices to fill critical shortage positions,
206 as appropriated in the biennial budget for the fiscal years commencing
207 July 1, 2022, and July 1, 2023. Such positions shall not require approval
208 from the Department of Administrative Services or the Office of Policy

209 and Management in order to fill.

210 (b) The commissioners of each state agency and the superintendent
211 of the technical high school system shall submit a plan for filling all
212 vacancies to the General Assembly within thirty days from the effective
213 date of this section and quarterly thereafter.

214 Sec. 10. (NEW) (*Effective from passage*) The Secretary of the Office of
215 Policy and Management shall consult with the State Employees
216 Bargaining Agent Coalition in order to: (1) Allow all employees to
217 continue working beyond the July 1, 2022, deadline for retirement
218 without the applicable cost-of-living adjustment or retiree health care
219 changes until one month following the hiring of the employee's
220 replacement for the purpose of training and transitioning the new
221 employee in the position; and (2) to reduce the retirement incentive
222 caused by the 2022 changes in a way that would not materially decrease
223 the savings attributable to such changes.

224 Sec. 11. (*Effective from passage*) (a) There is established a task force to
225 study the feasibility of creating a state employee training account that
226 shall be administered by a joint labor management committee. Such
227 study shall include, but need not be limited to, an examination of
228 creating a state employee training account to be used for: (1) The cost of
229 obtaining certifications or education necessary for promotional
230 opportunities; (2) the cost of trainings, seminars or conferences that will
231 assist participating employees with promotional opportunities; (3)
232 programs to assist employees who do not otherwise qualify for federal
233 or state job training programs in order to overcome promotional
234 barriers; and (4) any other costs that are deemed instrumental to the
235 promotional opportunities of an employee.

236 (b) The task force shall consist of the following members:

237 (1) The chairpersons and ranking members of the joint standing
238 committee of the General Assembly having cognizance of matters
239 relating to labor and public employees;

240 (2) The chairpersons and ranking members of the joint standing
241 committee of the General Assembly having cognizance of matters
242 relating to government administration and elections;

243 (3) One appointed by the speaker of the House of Representatives;

244 (4) One appointed by the president pro tempore of the Senate;

245 (5) One appointed by the majority leader of the House of
246 Representatives;

247 (6) One appointed by the majority leader of the Senate;

248 (7) One appointed by the minority leader of the House of
249 Representatives;

250 (8) One appointed by the minority leader of the Senate; and

251 (9) Four appointed by the chairpersons of the task force, who shall be
252 representatives of the State Employees Bargaining Agent Coalition.

253 (c) Any member of the task force appointed under subdivision (3),
254 (4), (5), (6), (7) or (8) of subsection (b) of this section may be a member
255 of the General Assembly.

256 (d) All initial appointments to the task force shall be made not later
257 than thirty days after the effective date of this section. Any vacancy shall
258 be filled by the appointing authority.

259 (e) The chairpersons of the joint standing committee of the General
260 Assembly having cognizance of matters relating to labor and public
261 employees shall be the chairpersons of the task force. Such chairpersons
262 shall schedule the first meeting of the task force, which shall be held not
263 later than sixty days after the effective date of this section.

264 (f) The administrative staff of the joint standing committee of the
265 General Assembly having cognizance of matters relating to labor and
266 public employees shall serve as administrative staff of the task force.

267 (g) Not later than January 1, 2023, the task force shall submit a report
268 on its findings and recommendations to the joint standing committees
269 of the General Assembly having cognizance of matters relating to labor
270 and public employees and government administration, in accordance
271 with the provisions of section 11-4a of the general statutes. The task
272 force shall terminate on the date that it submits such report or January
273 1, 2023, whichever is later.

274 Sec. 12. (NEW) (*Effective January 1, 2023*) (a) There is established
275 within the Commission on Human Rights and Opportunities an Office
276 of the Racial Justice Ombudsperson that shall: (1) Establish common
277 working definitions for all key terms and descriptors to lay the
278 foundation for the work; (2) institute a diverse slate initiative that
279 assures that all state employee applicants regardless of race, creed, color,
280 national origin, or any other protected class under the general statutes,
281 are not disadvantaged among those prioritized for interviews for roles
282 or positions using an external or internal hiring or promotional process
283 that would require the hiring manager, or entity, to screen and interview
284 all candidates using a standard antiracist screening and interview
285 protocol that scores applicant answers; (3) submit a theory of action and
286 plan for making constant progress towards eliminating systemic racism
287 in state government, and implementing strategies and structures to
288 maintain a workplace that (A) affords physical, racial, linguistic and
289 cultural safety, and (B) privileges the ability of all employees to
290 challenge racism and aggressions; (4) assure that all employees get a full
291 and fair hearing of grievances, without fear of retaliation, and assure fair
292 and racially just outcomes; (5) foster a workplace where managerial
293 authorities are accountable to lead and model antiracist practices and
294 make changes needed to ensure an antiracist, equitable workplace for
295 all; (6) track and review the performance review process and protocols,
296 as well as performance reviews, to identify discrepancies between white
297 workers and black and brown workers in terms of education, time in
298 position, job education provided, opportunities for professional
299 development and growth to immediately create remediation plans to
300 address racial disparities; (7) analyze and recommend solutions to

301 hiring, training and promotion practices which have resulted in pay
302 disparities between workers on the basis of protected class status; (8)
303 focus on specific and actionable steps that those with supervisory or
304 managerial authority can implement within their workplace to
305 eliminate their unconscious or conscious racial biases; and (9) review
306 complaints and discipline administered and recommend remediation
307 plans where evidence of disparate discipline, responses to complaints
308 and manner of investigation differed by employee race.

309 (b) (1) The Racial Justice Ombudsperson shall (A) be appointed by
310 the Executive Director of the Commission on Human Rights and
311 Opportunities upon the advice and consent of the State Employees
312 Bargaining Agent Coalition Racial Justice Committee, and (B) be an
313 expert in matters relating to the history, root causes, manifestations and
314 persistent effects of racism.

315 (2) In addition to reporting to the Executive Director of the
316 Commission on Human Rights and Opportunities, the Racial Justice
317 Ombudsperson shall report to a joint committee consisting of (A) the
318 State Employees Bargaining Agent Coalition Racial Justice Committee,
319 (B) the Governor, or the Governor's designee, and (C) the Equity
320 Advisory Committee created by this act. For purposes of tenure and
321 removal of the Ombudsperson, the procedures applicable to a deputy
322 director as set forth in subsection (d) of section 46a-52 of the general
323 statutes shall apply.

324 (3) On a quarterly basis, the Racial Justice Ombudsperson shall
325 submit a written report and present to the State Employees Bargaining
326 Agent Coalition Racial Justice Committee and the Equity Advisory
327 Committee, established pursuant to section 5 of this act, regarding the
328 duties and responsibilities of that position as identified in subsection (a)
329 of this section and as otherwise directed by the committees. Such written
330 report shall be made available on the Commission on Human Rights
331 and Opportunities' Internet web site.

332 Sec. 13. (NEW) (*Effective January 1, 2023*) (a) The Commission on

333 Human Rights and Opportunities shall develop antiracism and bias
 334 training for all state employees, managers, state vendors and
 335 consultants. Each state agency that employs one or more employees
 336 shall require a minimum of one hour of training and education related
 337 to antiracism and bias to all employees not later than six months after
 338 their assumption of a position with a state agency. Such training shall
 339 include, but not be limited to: (1) How to foster a workplace in which all
 340 employees can challenge racism and aggressions; (2) how to foster a
 341 workplace where managerial authorities are accountable to lead and
 342 model antiracist practices and make changes needed to ensure an
 343 antiracist, equitable workplace for all; (3) how to conduct a hiring
 344 process free of conscious bias and that counteracts unconscious bias;
 345 and (4) how to recognize and work to eliminate unconscious or
 346 conscious bias. Each state agency shall keep records of the participation
 347 of state employees, managers, state vendors and consultants in such
 348 training. The requirements of this subsection shall be accomplished
 349 within available appropriations.

350 (b) The commission shall design a culture and climate survey to
 351 assess the physical, racial, linguistic and cultural safety of all persons in
 352 an agency, and the extent to which each person feels valued and believes
 353 the agency's policies and practices are equitable and just. Each state
 354 agency shall administer such survey to its employees, provided no
 355 agency shall compel an employee to take such survey if they choose not
 356 to participate. The results of the survey shall be reported to the
 357 commission."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2023</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2022</i>	5-200(p)

Sec. 8	<i>October 1, 2022</i>	5-270(g)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>January 1, 2023</i>	New section
Sec. 13	<i>January 1, 2023</i>	New section