



General Assembly

January Session, 2023

***Raised Bill No. 6861***

LCO No. 5264



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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

3 (1) "Managerial employee" has the same meaning as provided in  
4 section 5-270 of the general statutes;

5 (2) "Employee" has the same meaning as provided in section 5-270 of  
6 the general statutes, except that it does not include a manager;

7 (3) "State employer" has the same meaning as provided in section 5-  
8 270 of the general statutes;

9 (4) "Discrimination" means any discriminatory practice as defined in  
10 section 46a-51 of the general statutes; and

11 (5) "State Employees Bargaining Agent Coalition" means the entity  
12 with the authority to engage in coalition bargaining as set forth in

13 subsection (f) of section 5-278 of the general statutes.

14 Sec. 2. (NEW) (*Effective January 1, 2024*) (a) Each state employer shall  
15 adopt a zero-tolerance policy that prohibits the use of managerial  
16 authority to discriminate or retaliate against employees who complain  
17 of discrimination in the workplace. Such policy shall specifically forbid  
18 any managerial employee from retaliating or discriminating against an  
19 employee who complains of discrimination and shall include  
20 performance sanctions and other sanctions against any managerial  
21 employee who (1) dissuades or seeks to dissuade an employee from  
22 filing a complaint, or (2) fails to objectively and properly investigate  
23 such complaints in accordance with prescribed procedures and  
24 protocols following the raising of such complaint, including, but not  
25 limited to, notifications to the complaining employee regarding the  
26 status and outcome of the complaint investigation.

27 (b) (1) Each state employer shall assure employees that it is safe for  
28 such employees to formally or informally raise a complaint concerning  
29 the use of managerial authority in violation of subsection (a) of this  
30 section.

31 (2) No state employer shall take, or threaten to take, any personnel  
32 action or otherwise discriminate against any employee because such  
33 employee has formally or informally raised such complaint.

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

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

45 action to redress a discharge or other termination of employment. Any  
46 initial notice required for an 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 August 1, 2023,  
51 and annually thereafter, the commissioner of each state agency shall  
52 conduct an analysis of employee retention rates within such  
53 commissioner's agency. Such analysis shall include a comparison of the  
54 agency's employee retention rate with the state's year-to-year data, as  
55 well as with the findings in the report entitled "The State of Connecticut  
56 Workforce: An Analysis of Representation and Compensation Equity  
57 Across Gender and Race-Ethnicity". Each commissioner shall submit  
58 such analysis to the Governor, the joint standing committee of the  
59 General Assembly having cognizance of matters relating to labor and  
60 public employees, in accordance with the provisions of section 11-4a of  
61 the general statutes, and the Chief Diversity, Equity and Inclusion  
62 Officer, established pursuant to section 5 of this act.

63 (b) (1) Not later than August 1, 2023, the human resources  
64 departments for each branch of state government, including all state  
65 agencies, shall develop a universal exit survey that includes specific  
66 data points that give an overall view of the state's workplace conditions  
67 to be distributed and collected by such departments.

68 (2) The human resources departments shall analyze the results of  
69 such surveys and submit a report to the Chief Diversity, Equity and  
70 Inclusion Officer.

71 Sec. 4. (NEW) (*Effective from passage*) (a) The commissioners of each  
72 state agency shall collaborate with representatives of each State  
73 Employee Bargaining Agent Coalition constituent union under the  
74 savings and transformation provisions of the State Employee  
75 Bargaining Agent Coalition agreement to develop a strategic plan to  
76 examine (1) the positions and position types they recommend to be

77 replaced as they are, and (2) the positions they recommend be replaced  
78 with a different type of position because the (A) function has changed,  
79 and (B) the need has changed, based on current state agency needs and  
80 current workforce capacity and ability.

81 (b) The commissioners shall report such plan, in accordance with the  
82 provisions of section 11-4a of the general statutes, to the Governor and  
83 the joint standing committee of the General Assembly having  
84 cognizance of matters relating to labor and public employees.

85 (c) The process to create the plan pursuant to subsection (a) of this  
86 section shall involve representatives of each State Employee Bargaining  
87 Agent Coalition constituent union under the savings and  
88 transformation provisions of the State Employee Bargaining Agent  
89 Coalition agreement.

90 Sec. 5. (NEW) (*Effective from passage*) There shall be a Chief Diversity,  
91 Equity and Inclusion Officer who is responsible for overseeing a  
92 transformative hiring process in state government. The Chief Diversity,  
93 Equity and Inclusion Officer shall be appointed by the Equity Advisory  
94 Committee, established pursuant to section 7 of this act, with the  
95 approval of the General Assembly, and shall report to the Equity  
96 Advisory Committee.

97 Sec. 6. (NEW) (*Effective from passage*) (a) Within thirty days of the  
98 effective date of this section, the commissioner of each state agency shall  
99 address its diversity needs by (1) reviewing the: "The State of  
100 Connecticut Workforce: An Analysis of Representation and  
101 Compensation Equity Across Gender and Race-Ethnicity", and (2)  
102 conducting an assessment of such commissioner's agency. Such  
103 assessment shall be used to inform how such agency shall address any  
104 racial or gender disparities, including a review of such agency's  
105 recruitment strategies.

106 (b) Such assessment shall include, but need not be limited to (1) the  
107 recruitment and retention rates of women and people of color at such  
108 agency during the previous five years, and (2) such agency's plan for

109 achieving an appropriate and fair balance in filling vacancies left by  
110 retiring employees.

111 (c) Not later than three months after commencing such assessment,  
112 the commissioner of each state agency shall submit the assessment to  
113 the Governor, the General Assembly, the Chief Diversity, Equity and  
114 Inclusion Officer and the Equity Advisory Committee, established in  
115 section 7 of this act.

116 Sec. 7. (NEW) (*Effective from passage*) (a) There is established an Equity  
117 Advisory Committee responsible for monitoring (1) whether state  
118 agencies are implementing the recommendations issued in the study of  
119 equity in state government programs and actions required under  
120 section 81 of public act 21-2 of the June special session, and (2) whether  
121 the assessment goals pursuant to section 6 of this act are being met by  
122 state agencies.

123 (b) The committee shall consist of the following members: (1) Seven  
124 members appointed by representatives of each State Employee  
125 Bargaining Agent Coalition constituent union, (2) one member  
126 appointed by the Governor, (3) the executive director of the Commission  
127 on Human Rights and Opportunities, or the executive director's  
128 designee, (4) two members appointed by the executive director of the  
129 Commission on Human Rights and Opportunities, (5) three members  
130 appointed by the Black and Puerto Rican Caucus of the General  
131 Assembly, and (6) four members appointed from the current task force  
132 to study the state workforce and retiring employees, consisting of (A)  
133 one member appointed by each chairperson, and (B) one member  
134 appointed by each ranking member.

135 (c) Not later than six months after its establishment, the Equity  
136 Advisory Committee shall appoint a Chief Diversity, Equity and  
137 Inclusion Officer. The committee shall annually evaluate the  
138 benchmarks for success and evaluation in order to evaluate the work of  
139 the chosen Chief Diversity, Equity and Inclusion Officer.

140 Sec. 8. (NEW) (*Effective from passage*) The commissioner of each state

141 agency shall submit to the Governor, the joint standing committee of the  
142 General Assembly having cognizance of matters relating to labor and  
143 public employees, in accordance with section 11-4a of the general  
144 statutes, and the Commission on Human Rights and Opportunities, (1)  
145 a list of (A) training and professional development programs currently  
146 offered within the commissioner's agency, and (B) the rate of employee  
147 participation in such programs during the previous three years,  
148 including the number of employees currently participating, and the  
149 number of employees who completed such programs, and (2) a  
150 description of such agency's plan to increase participation in such  
151 programs.

152       Sec. 9. (NEW) (*Effective from passage*) The Labor Department shall  
153 provide to the Governor, the joint standing committee of the General  
154 Assembly having cognizance of matters relating to labor and public  
155 employees, in accordance with section 11-4a of the general statutes, and  
156 the Commission on Human Rights and Opportunities a list of (1)  
157 existing career pathway programs, including high school-to-career  
158 pathway programs, vocational-technical school pathways, internships  
159 and post-graduate fellowships, modeled after other federal and state  
160 programs that encourage the training-to-workforce or college-to-  
161 workforce transition for a range of state employee classes and positions,  
162 (2) the agencies participating in such programs, and (3) the number of  
163 people enrolled in such programs.

164       Sec. 10. (NEW) (*Effective from passage*) The Commissioner of  
165 Administrative Services shall conduct a feasibility study of establishing  
166 a paid internship program for high school and college students. In  
167 conducting such study, the commissioner may consult with leaders of  
168 nonprofit agencies and community advocates.

169       Sec. 11. Subsection (p) of section 5-200 of the general statutes is  
170 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
171 *2023*):

172       (p) When such authority is not otherwise conferred by statute, the

173 commissioner shall issue orders to provide that (1) executive or judicial  
174 department employees exempt from the classified service or not  
175 included in any prevailing bargaining unit contract, except unclassified  
176 employees of any board of trustees of the constituent units of higher  
177 education, be granted rights, [and] benefits and wages, with movement  
178 within salary ranges, not less than those granted to employees in the  
179 classified service or covered under such contracts, or (2) retirement  
180 benefits for state employees exempt from the classified service or not  
181 included in any prevailing bargaining unit contract be adjusted to  
182 provide retirement benefits for such employees which are the same as  
183 those most frequently provided under the terms of approved bargaining  
184 unit contracts in effect at the time of such adjustment. When such  
185 authority is not otherwise conferred by statute, the board of trustees of  
186 any constituent unit of the state system of higher education may issue  
187 orders to provide that the unclassified employees of such board be  
188 granted rights and benefits not less than those granted to employees of  
189 the board who are covered under a prevailing bargaining unit contract.  
190 Where there is a conflict between an order granting such rights and  
191 benefits and any provision of the general statutes, such order shall  
192 prevail. Such orders shall be subject to the approval of the Secretary of  
193 the Office of Policy and Management. If the secretary approves such  
194 order, and such order is in conflict with any provision of the general  
195 statutes, the secretary shall forward a copy of such order to the joint  
196 committee of the General Assembly having cognizance of labor matters.

197       Sec. 12. (NEW) (*Effective from passage*) The Secretary of the Office of  
198 Policy and Management shall consult with the State Employees  
199 Bargaining Agent Coalition in order to: (1) Allow all employees to  
200 continue working beyond the July 1, 2022, deadline for retirement  
201 without the applicable cost-of-living adjustment or retiree health care  
202 changes until one month following the hiring of the employee's  
203 replacement for the purpose of training and transitioning the new  
204 employee in the position; and (2) to reduce the retirement incentive  
205 caused by the 2022 changes in a way that would not materially decrease  
206 the savings attributable to such changes.

207       Sec. 13. (*Effective from passage*) (a) There is established an account to  
208 be known as the "state employee training account" to provide funds for  
209 career development of state employees, which shall be a nonlapsing  
210 account held by the Treasurer separate and apart from all other moneys,  
211 funds and accounts.

212       (b) An amount equal to two per cent of the state payroll shall be  
213 deposited into the state employee training account.

214       (c) The moneys in the state employee training account may be used  
215 for funding: (1) The cost of obtaining certifications or education  
216 necessary for promotional opportunities; (2) the cost of trainings,  
217 seminars or conferences that will assist participating employees in  
218 promotional opportunities; (3) programs to assist employees who do not  
219 otherwise qualify for federal or state job training programs to overcome  
220 promotional barriers; and (4) any other costs that are deemed  
221 instrumental to the promotional opportunities of an employee. All state  
222 employees shall be eligible to apply for funds.

223       (d) The state employee training account shall be administered  
224 through a joint labor management committee that consists of equal  
225 members of labor and management. Labor members shall be appointed  
226 by the State Employees Bargaining Agent Coalition, as set forth in  
227 section 5-278f of the general statutes. Management members shall be  
228 appointed proportionally by employers who bargain with the State  
229 Employees Bargaining Agent Coalition-covered bargaining units  
230 covered under chapter 68 of the general statutes.

231       Sec. 14. (NEW) (*Effective January 1, 2024*) (a) There is established  
232 within the Commission on Human Rights and Opportunities an Office  
233 of the Racial Justice Ombudsperson. Such ombudsperson shall (1)  
234 establish common working definitions for all key terms and descriptors  
235 to lay the foundation for the work, (2) institute a diverse slate initiative  
236 that assures that all state employee applicants, regardless of race, creed,  
237 color, national origin, or any other protected class under the general  
238 statutes, are not disadvantaged among those prioritized for interviews



239 for roles or positions using an external or internal hiring or promotional  
240 process that would require the hiring manager, or entity, to screen and  
241 interview all candidates using a standard antiracist screening and  
242 interview protocol that scores applicant answers, (3) submit a theory of  
243 action and plan for making constant progress towards eliminating  
244 systemic racism in state government, and implementing strategies and  
245 structures to maintain a workplace that (A) affords physical, racial,  
246 linguistic and cultural safety, and (B) privileges the ability of all  
247 employees to challenge racism and aggressions, (4) assure that all  
248 employees get a full and fair hearing of grievances, without fear of  
249 retaliation, and assure fair and racially just outcomes, (5) foster a  
250 workplace where managerial authorities are accountable to lead and  
251 model antiracist practices and make changes needed to ensure an  
252 antiracist, equitable workplace for all, (6) track and review the  
253 performance review process and protocols, as well as performance  
254 reviews, to identify discrepancies between white workers and black and  
255 brown workers in terms of education, time in position, job education  
256 provided, opportunities for professional development and growth to  
257 immediately create remediation plans to address racial disparities, (7)  
258 analyze and recommend solutions to hiring, training and promotion  
259 practices which have resulted in pay disparities between workers on the  
260 basis of protected class status, (8) focus on specific and actionable steps  
261 that those with supervisory or managerial authority can implement  
262 within their workplace to eliminate their unconscious or conscious  
263 racial biases, and (9) review complaints and discipline administered and  
264 recommend remediation plans where evidence of disparate discipline,  
265 responses to complaints and manner of investigation differed by  
266 employee race.

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

273 (2) In addition to reporting to the Executive Director of the  
274 Commission on Human Rights and Opportunities, the Racial Justice  
275 Ombudsperson shall report to a joint committee consisting of (A) the  
276 State Employees Bargaining Agent Coalition Racial Justice Committee,  
277 (B) the Governor, or the Governor's designee, and (C) the Equity  
278 Advisory Committee created in section 7 of this act.

279 (3) On a quarterly basis, the Racial Justice Ombudsperson shall meet  
280 with and submit a written report to the State Employees Bargaining  
281 Agent Coalition Racial Justice Committee and the Equity Advisory  
282 Committee, established pursuant to section 7 of this act, to discuss the  
283 duties and responsibilities of the Racial Justice Ombudsperson, as  
284 identified in subsection (a) of this section, and as otherwise directed by  
285 the committees. Such written report shall be made available on the  
286 Commission on Human Rights and Opportunities' Internet web site.

287 (c) For purposes of tenure and removal of the Ombudsperson, the  
288 procedures applicable to a deputy director as set forth in subsection (d)  
289 of section 46a-52 of the general statutes shall apply.

290 Sec. 15. (NEW) (*Effective January 1, 2024*) (a) The Commission on  
291 Human Rights and Opportunities shall develop antiracism and bias  
292 training for all state employees, managers, state vendors and  
293 consultants.

294 (b) Each state employee shall complete a minimum of one hour of  
295 training and education related to antiracism and bias not later than six  
296 months after their assumption of a position with a state agency. Such  
297 training shall include, but not be limited to, how to (1) foster a  
298 workplace in which all employees can challenge racism and  
299 aggressions, (2) foster a workplace where managerial authorities are  
300 accountable to lead and model antiracist practices and make changes  
301 needed to ensure an antiracist, equitable workplace for all, (3) conduct  
302 a hiring process that is free from conscious bias and that counteracts  
303 unconscious bias, and (4) recognize and work to eliminate unconscious  
304 or conscious bias. Each state agency shall maintain records of the

305 participation by state employees, managers, state vendors and  
306 consultants in such training.

307 (c) The requirements of subsections (a) and (b) of this section shall be  
308 accomplished within available appropriations.

309 (d) (1) The commission shall design a culture and climate survey to  
310 assess the physical, racial, linguistic and cultural safety of all employees  
311 of a state agency, and the extent to which each employee feels valued  
312 and believes the agency's policies and practices are equitable and just.

313 (2) Each state agency shall administer such survey to its employees,  
314 provided no agency shall compel an employee to take such survey if  
315 they choose not to participate. The results of the survey shall be reported  
316 to the 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, 2024</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>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>July 1, 2023</i>	5-200(p)
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>January 1, 2024</i>	New section
Sec. 15	<i>January 1, 2024</i>	New section

**Statement of Purpose:**

To implement the recommendations of the task force to study the state workforce and retiring employees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*