



General Assembly

**Substitute Bill No. 6861**

January Session, 2023



**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 managerial  
7 employee;

8 (3) "State employer" has the same meaning as provided in section 5-  
9 270 of the general statutes;

10 (4) "Discrimination" means a violation of section 4a-60, 4a-60a, 4a-60g  
11 or 31-40y, subsection (b), (d), (e) or (f) of section 31-51i, subparagraph  
12 (C) of subdivision (15) of section 46a-54, subdivisions (16) and (17) of  
13 section 46a-54, section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66 or  
14 46a-68, sections 46a-68c to 46a-68f, inclusive, or sections 46a-70 to 46a-  
15 78, inclusive, subsection (a) of section 46a-80, sections 46a-81b to 46a-

16 81o, inclusive, sections 46a-80b to 46a-80e, inclusive, or sections 46a-80k  
17 to 46a-80m, inclusive, of the general statutes; and

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

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

34 (b) (1) Each state employer shall assure employees that it is safe for  
35 such employees to formally or informally raise a complaint concerning  
36 the misuse of managerial authority that violates the provisions of the  
37 zero-tolerance policy adopted pursuant to subsection (a) of this section.

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

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

46 (d) Discharge or other termination of any employee in violation of

47 subsection (b) of this section shall be presumed to create irreparable  
48 harm for purposes of any temporary or permanent injunction action that  
49 may be brought to redress such violation, and there shall be an  
50 irrebuttable presumption that there is no adequate remedy at law. The  
51 doctrine of exhaustion of administrative remedies shall not apply in any  
52 action to redress a discharge or other termination of employment. Any  
53 initial notice required for an action under this section shall include  
54 service on the Connecticut Commission on Human Rights and  
55 Opportunities and the commission may intervene as a matter of right in  
56 any such proceeding.

57       Sec. 3. (NEW) (*Effective from passage*) There shall be a Chief Diversity,  
58 Equity and Inclusion Officer who is responsible for overseeing a  
59 transformative hiring process in state government. The Chief Diversity,  
60 Equity and Inclusion Officer shall be appointed by the Equity Advisory  
61 Committee, established pursuant to section 5 of this act, with the  
62 approval of the General Assembly, and shall report to the Equity  
63 Advisory Committee.

64       Sec. 4. (NEW) (*Effective from passage*) (a) Not later than thirty days after  
65 the effective date of this section, the commissioner of each state agency  
66 shall address its diversity needs by (1) reviewing the "The State of  
67 Connecticut Workforce: An Analysis of Representation and  
68 Compensation Equity Across Gender and Race-Ethnicity", and (2)  
69 conducting an assessment of such commissioner's agency. Such  
70 assessment shall include, but need not be limited to (A) the recruitment  
71 and retention rates of women and people of color employed by such  
72 agency during the previous five years, and (B) such agency's plan for  
73 achieving an appropriate and fair balance in filling vacancies left by  
74 retiring employees. Such assessment shall be used to inform how such  
75 agency shall address any racial or gender disparities, including a review  
76 of such agency's recruitment strategies.

77       (b) Not later than three months after the commencement of such  
78 assessment, each commissioner shall submit such assessment to the  
79 Governor, the joint standing committee of the General Assembly having

80 cognizance of matters relating to labor and public employees, the Chief  
81 Diversity, Equity and Inclusion Officer, established in section 3 of this  
82 act, and the Equity Advisory Committee, established in section 5 of this  
83 act.

84       Sec. 5. (NEW) (*Effective from passage*) (a) There is established an Equity  
85 Advisory Committee responsible for monitoring (1) whether state  
86 agencies are implementing the recommendations issued in the study of  
87 equity in state government programs and actions required under  
88 section 81 of public act 21-2 of the June special session, and (2) whether  
89 the assessment goals pursuant to section 4 of this act are being met by  
90 state agencies.

91       (b) The committee shall consist of the following members: (1) Seven  
92 members appointed by representatives of each State Employee  
93 Bargaining Agent Coalition constituent union, (2) one member  
94 appointed by the Governor, (3) the executive director of the Commission  
95 on Human Rights and Opportunities, or the executive director's  
96 designee, (4) two members appointed by the executive director of the  
97 Commission on Human Rights and Opportunities, (5) three members  
98 appointed by the Black and Puerto Rican Caucus of the General  
99 Assembly, and (6) four members appointed from the current task force  
100 established in section 189 of public act 21-2 of the June special session to  
101 study the state workforce and retiring employees, consisting of (A) one  
102 member appointed by each chairperson, and (B) one member appointed  
103 by each ranking member.

104       (c) Not later than six months after its establishment, the Equity  
105 Advisory Committee shall appoint a Chief Diversity, Equity and  
106 Inclusion Officer. The committee shall annually evaluate the  
107 benchmarks for success and evaluation in order to evaluate the work of  
108 the Chief Diversity, Equity and Inclusion Officer.

109       Sec. 6. (NEW) (*Effective January 1, 2024*) (a) There is established within  
110 the Commission on Human Rights and Opportunities an Office of the  
111 Racial Justice Ombudsperson. Such ombudsperson shall (1) establish

112 common working definitions for all key terms and descriptors to lay the  
113 foundation for the work, (2) institute a diverse slate initiative that  
114 assures that all state employee applicants, regardless of race, creed,  
115 color, national origin or any other protected class under the general  
116 statutes, are not disadvantaged among those prioritized for interviews  
117 for roles or positions using an external or internal hiring or promotional  
118 process that would require the hiring manager, or entity, to screen and  
119 interview all candidates using a standard antiracist screening and  
120 interview protocol that scores applicant answers, (3) submit a theory of  
121 action and plan for making constant progress towards eliminating  
122 systemic racism in state government, and implementing strategies and  
123 structures to maintain a workplace that (A) affords physical, racial,  
124 linguistic and cultural safety, and (B) privileges the ability of all  
125 employees to challenge racism and aggressions, (4) assure that all  
126 employees get a full and fair hearing of grievances, without fear of  
127 retaliation, and assure fair and racially just outcomes, (5) foster a  
128 workplace where managerial authorities are accountable to lead and  
129 model antiracist practices and make changes needed to ensure an  
130 antiracist, equitable workplace for all, (6) track and review the  
131 performance review processes and protocols, as well as performance  
132 reviews, to identify discrepancies between white workers and black and  
133 brown workers in terms of education, time in position, job education  
134 provided, opportunities for professional development and growth to  
135 immediately create remediation plans to address racial disparities, (7)  
136 analyze and recommend solutions to hiring, training and promotion  
137 practices which have resulted in pay disparities between workers on the  
138 basis of protected class status, (8) focus on specific and actionable steps  
139 that those with supervisory or managerial authority can implement  
140 within their workplace to eliminate their unconscious or conscious  
141 racial biases, and (9) review complaints filed and discipline  
142 administered, and recommend remediation plans where evidence of  
143 disparate discipline, responses to complaints and manner of  
144 investigation differed by employee race.

145 (b) (1) The Racial Justice Ombudsperson shall (A) be appointed by

146 the Executive Director of the Commission on Human Rights and  
147 Opportunities, upon the advice and consent of the State Employees  
148 Bargaining Agent Coalition Racial Justice Committee, and (B) be an  
149 expert in matters relating to the history, root causes, manifestations and  
150 persistent effects of racism.

151 (2) In addition to reporting to the Executive Director of the  
152 Commission on Human Rights and Opportunities, the Racial Justice  
153 Ombudsperson shall report to a joint committee consisting of (A) the  
154 State Employees Bargaining Agent Coalition Racial Justice Committee,  
155 (B) the Governor, or the Governor's designee, and (C) the Equity  
156 Advisory Committee established pursuant to section 5 of this act.

157 (3) On a quarterly basis, the Racial Justice Ombudsperson shall meet  
158 with and submit a written report to the State Employees Bargaining  
159 Agent Coalition Racial Justice Committee and the Equity Advisory  
160 Committee, established pursuant to section 5 of this act, to discuss the  
161 duties and responsibilities of the Racial Justice Ombudsperson, as  
162 identified in subsection (a) of this section, and as otherwise directed by  
163 the committees. Such written report shall be made available on the  
164 Internet web site of the Commission on Human Rights and  
165 Opportunities.

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

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>January 1, 2024</i>	New section

**Statement of Legislative Commissioners:**

In Section 1(2), "manager" was replaced with "managerial employee" for statutory consistency; Section 1(4) was rewritten for clarity; in Section 2(b)(1), "in violation of" was replaced with "that violates the provisions of the zero-tolerance policy adopted pursuant to" for clarity and consistency with standard drafting standards; Section 4 was rewritten for clarity; in Section 5(b)(6), "established in section 189 of public act 21-2 of the June special session" was added after "task force" for clarity; in Section 6(a)(9), "filed" was added after "complaints" for clarity; in Section 6(b)(2) "created in" was replaced with "established pursuant to" for consistency with standard drafting standards; and Section 6(b)(3) was rewritten for clarity.

**LAB**      *Joint Favorable Subst.*