

2013 Program Report Card: Writing Affirmative Action Plans for DAS and SmART Agencies (Department of Administrative Services)

Quality of Life Result: All Connecticut residents are treated in a fair and non-discriminatory manner.

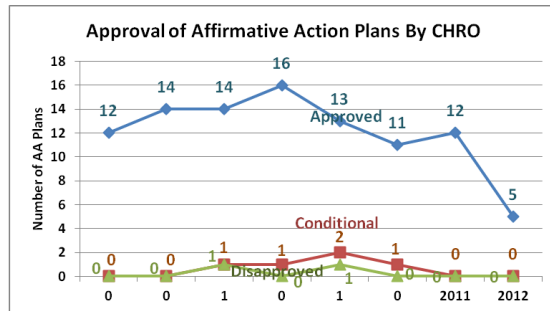
Contribution to the Result: DAS drafts Affirmative Action (AA) plans for several state agencies. AA plans contribute to fairness and non-discrimination by educating each agency and the interested public about the agency's equal employment opportunity (EEO) programs, encouraging the agencies to think critically about prior EEO activities and their effects, and documenting the agencies' plans for future EEO activities.

Program Expenditures	State Funding	Federal Funding	Other Funding	Total Funding
Actual FY 12	\$237,703	0	0	\$237,703
Estimated FY 13	\$108,201	0	0	\$108,201

Partners: CHRO, CT Association of Diversity and Equity Professionals, Permanent Commission on the Status of Women, African-American Affairs Commission, Latino and Puerto Rican Affairs Commission, Asian Pacific American Affairs Commission, NAACP, Urban League of Greater Hartford and similar advocacy groups.

How Much Did We Do?

Performance Measure: Approval of "SmART unit" plans by CHRO

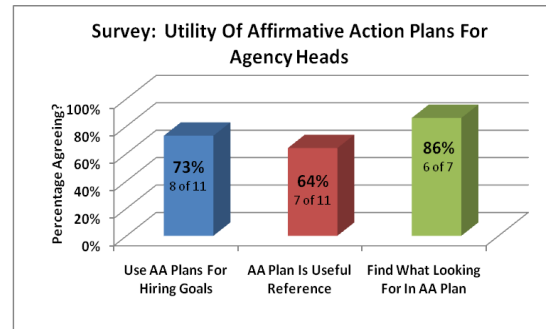


Story behind the baseline: This measure has an indirect and limited contribution to the ultimate result because approval is based on how well the plan complies with the CHRO's detailed and technical regulations, not specifically on the quality of the EEO activities. The usefulness of this measure is further weakened because many of the elements in the plan build on one another, such that a single error in one element may be repeated throughout the plan, compounding some deficiencies when there is conditional approval or disapproval. Most importantly, disapproval and conditional approvals have been very low incident occurrences so the value of this metric over time is questionable because there is so little variability. It should be noted that the number of plans submitted by DAS to the legislature went from 12 in 2011 to 5 in 2012, as a result of P.A.11-51, which directed that agencies with 25 to 250 employees should file plans biennially, instead of annually.

Trend: ▲

How Well Did We Do It?

Performance Measure: Utility of the plans to agency heads.



Story behind the baseline: In 2010 DAS asked the "SmART agency" heads the following "yes" or "no" questions:

- Do you look at your agency's AA plan (as opposed to calling your Human Resources or Affirmative Action officer) to determine your hiring goals?
RESPONSE: 8 out of 11 said YES
- Do you find that the AA plan is a useful reference tool in making decisions about agency programs and activities?
RESPONSE: 7 out of 11 said YES
- If you answered "yes" to #2, are you able to find what you are looking for in the AA plan readily?
RESPONSE: 6 out of 7 said YES

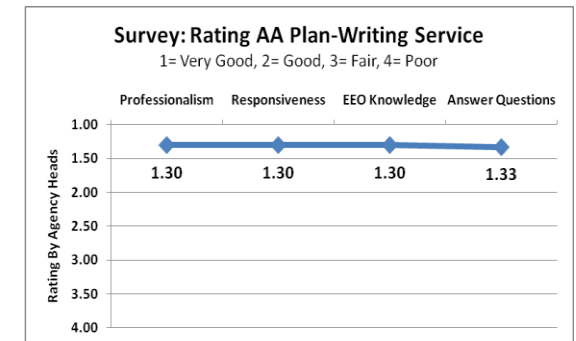
The % of "yes" responses indicate that plan documents are somewhat useful resources to agency heads but we do not have enough data to identify how agency heads use the plans and what changes are necessary to make

the plans more useful. DAS did not repeat the survey in 2011 because most of the "SmART agencies" had different leadership due to the change in administration and agency consolidations; as such it is difficult to identify any trends relating to this measure. DAS did not repeat the survey in 2012 because the transfer of responsibility of two "SmART agencies" to other agencies pursuant to PA 12-1 (June Spec. Sess.) perpetuated the difficulty in identifying trends.

Trend: ◀▶

How Well Did We Do It?

Performance Measure: Agency's satisfaction with the service provided by DAS in connection with the SmART Unit's plan-writing function.



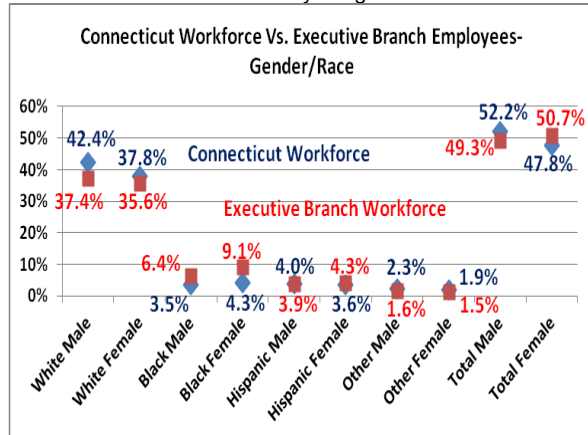
Quality of Life Result: All Connecticut residents are treated in a fair and non-discriminatory manner.

Story behind the baseline: In 2010, DAS asked the heads of the SmART agencies to assess how well DAS serves them in connection with the plan writing function of the DAS SmART team in terms of: professionalism, responsiveness, EEO knowledge and ability to answer questions about AA plans and the plan writing process. Out of a scale from 1 to 4 (1 = Very Good, 4 = Poor), the average score from the 11 responders was as follows: Professionalism: 1.3; Responsiveness: 1.3; EEO Knowledge: 1.3; and Ability to Answer Questions: 1.33. DAS did not repeat the survey in 2011 because most of the “SmART agencies” had different leadership due to the change in administration and agency consolidations; as such it is difficult to identify any trends relating to this measure. DAS did not repeat the survey in 2012 because the transfer of responsibility of two “SmART agencies” to other agencies pursuant to PA 12-1 (June Spec. Sess.) perpetuated the difficulty in identifying trends.

Trend: ◀▶

Is Anyone Better Off?

Performance Measure: Diversity of agencies' workforce



Story behind the baseline: The data above comparing the total Connecticut workforce with the employees who work in state government is taken from the 2009 CHRO annual report on Affirmative Action in Connecticut State Agencies. (This is the most recent report published by the CHRO) (Although not included in the graph, the 2009 numbers vary from the 2005, 2006, 2007 and 2008 numbers by less than 1%).

As the CHRO explains on its website, race-conscious affirmative action plans may be proper if there is sufficient evidence of a history of discrimination in the particular setting at issue and if the proscribed affirmative action is narrowly tailored to meet a compelling governmental interest. That the race and gender distribution in the state government workforce has closely tracked the race and gender distribution in the CT labor force raises questions about how often new goals should be developed and reported in plans (since there is not much variability with the reference group) and whether or not there may be more value in setting goals for groups of agencies (e.g., law enforcement agencies; general administration agencies) as compared to separate agencies or other levels of analyses (e.g. occupational groups within state government).

Trend: ◀▶

Proposed actions to turn the curve: DAS believes that AA plans *could be* useful educational and analytical tools but believes that the way they are currently required to be constructed and are evaluated is counterproductive.

Currently, a plan's adherence to the technical elements of the regulations (including requiring statistical calculations on extremely small populations) is more important than the quality of an agency's EEO activities. Moreover, the drafting requirements and assessment process place no value on whether plans are, in fact, being used as educational or analytical tools. Additionally, writing a plan that conforms to the current requirements is a time consuming process that to some extent diverts the time and resources of agencies and affirmative action staff away from actions that more directly contribute to the goal of a fair and non-discriminatory workplace, like training, outreach and intervention.

For the past few years, DAS has been working with the CHRO, other partners and the legislature to enact statutory or regulatory changes to streamline the AA plan requirements to eliminate unnecessary or redundant elements and to organize the structure and content of the plans to make them more readable and useful to agencies and employees.

Drastic changes to affirmative action plans were proposed in the 2011 legislative session (SB 1010), including moving the review responsibility from CHRO to DAS, significantly streamlining the content of the plans and repealing the existing regulations. DAS worked closely with the administration, legislators, CHRO and the

Connecticut Association of Diversity and Equity Professionals (CADEP) to explore the issues that led to the proposed legislation and to develop alternative solutions. As a result of this collaborative effort, language codified in Public Act 11-51 was developed. Per P.A. 11-51, agencies with fewer than 25 employees do not have to file plans and agencies with 26 to 249 employees may file plans biennially. P.A. 11-51 also directed CHRO to convene a working group to review the existing AA Plan regulations and to recommend changes to such regulations. Two DAS employees are actively participating in this work group, together with representatives from other agencies, CADEP, PCSW and AAAC.

Throughout 2012, DAS staff continued to work with CHRO and representatives from other agencies, CADEP, PCSW and AAAC to draft revised regulations in accordance with P.A. 11-51.

Additionally, in an effort to improve the utility of the plans drafted in accordance with the existing (unchanged) regulations, DAS has begun including an 'executive summary' in the plans it drafts. The executive summary highlights key elements of the plan in a "user-friendly" format.