

1                   **COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**  
2                   **AFFIRMATIVE ACTION PLANS**

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4                   **PART I. DEFINITIONS**

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7                   **Sec. 46a-68-75. Definitions**

8                   As used in Sections 46a-68-75 to 46a-68-115, inclusive, of these regulations:

9                   (a)        "Adverse impact" means a substantially different rate of selection,  
10                  generally a selection rate for any protected group less than four-fifths (4/5) of the  
11                  rate for the group most favored by the selection device.

12  
13                  (b)        "Affirmative action" means positive action, undertaken with conviction and  
14                  effort to overcome the present effects of past practices, policies or barriers to  
15                  equal employment opportunity and to achieve the full and fair participation of  
16                  women, blacks and Hispanics and any other protected group found to be  
17                  underutilized in the workforce or affected by policies or practices having an  
18                  adverse impact.

19  
20                  (c)        "Affirmative action plan" or "plan" means a detailed, result-oriented set of  
21                  procedures, prepared and approved in accordance with section 46a-68 of the  
22                  Connecticut General Statutes and sections 46a-68-75 through 46a-68-115,  
23                  inclusive, of the regulations of Connecticut state agencies, which blueprints a  
24                  strategy to combat discrimination and achieve affirmative action.

25  
26                  (d)        "Agency" means each state agency, department, board, educational  
27                  institution, or commission required to file an affirmative action plan pursuant to  
28                  section 46a-68 of the Connecticut General Statutes.

29  
30                  (e)        "Applicant" means a person applying for employment with an agency or  
31                  having on file with the Department of Administrative Services or an agency an  
32                  application for admission to a test used to establish an employment list for  
33                  appointment to a position or position classification.

34  
35                  (f)        "Appointing authority" means a board, commission, officer, commissioner,  
36                  person or group of persons having the power to make appointments by virtue of  
37                  a statute or by other lawfully delegated authority.

38  
39                  (g)        "Availability base" means the number of persons in the relevant labor  
40                  market currently possessing skills, abilities and qualifications necessary for the  
41                  performance of a job or reasonably capable of acquiring in a reasonable period  
42                  of time the requisite skills through training.

43  
44                  (h)        "Commission" means the nine member commission appointed pursuant to  
45                  46a-52 of the Connecticut General Statutes."  
46

- 47 (i) "Commission complaint" means an action initiated under Section 46a-  
48 82(b) or Section 46a-82(c) Section 46a-82(d) of the Connecticut General  
49 Statutes or Section 46a-68-113 of the Regulations of Connecticut State Agencies  
50 to enforce the provisions of any state or federal antidiscrimination or affirmative  
51 action law.  
52
- 53 (j) "Compliance" means conformity with the requirements set forth in Section  
54 46a-68 of the Connecticut General Statutes and regulations promulgated  
55 thereunder.  
56
- 57 (k) "Discriminatory practice" means any discriminatory practice as defined in  
58 Section 46a-51 (8) of the Connecticut General Statutes unless the context  
59 indicates a more specific definition.  
60
- 61 (l) "Employee" means any person holding a position in state service subject  
62 to appointment by an appointing authority.  
63
- 64 (m) "Employment analyses" means a review of the employment process to  
65 identify potential barriers to equal employment opportunity and affirmative action.  
66
- 67 (n) "Employment list" means the list of the names of persons arranged in the  
68 order of merit as determined under the provisions of Chapter 67 of the  
69 Connecticut General Statutes and regulations issued in accordance therewith,  
70 which persons have been found qualified through suitable tests for employment.  
71
- 72 (o) "Equal employment opportunity" means employment of individuals without  
73 consideration of protected classes in Chapter 814c of the Connecticut General  
74 Statutes unless there is a bona fide occupational qualification excluding persons  
75 in a protected group. Equal employment opportunity is the purpose and goal of  
76 affirmative action.  
77
- 78 (p) "Form" or "Forms" means a paper or electronic item possessing blanks for  
79 the insertion of details or information. Such information shall be submitted in  
80 paper form until an electronic version of the affirmative action plan has been  
81 adopted pursuant to section 46a-68-115.  
82
- 83 (q) "Full-time employee" means an employee holding a **permanent** position  
84 normally requiring thirty-five hours or more of service in each week.  
85
- 86 (r) "Goal" means a hiring, promotion or program goal that an agency strives  
87 to attain.  
88
- 89 (s) "Good faith effort" means the initiatives delineated in Section 46a-68-92  
90 including that degree of care and diligence which a reasonable person would  
91 exercise in the performance of legal duties and obligations. At a minimum, it  
92 includes all those efforts reasonably necessary to achieve full compliance with

93 the law. Further, it includes additional or substituted efforts when initial  
94 endeavors will not meet statutory or regulatory requirements. Finally, it includes  
95 documentary evidence of all action undertaken to achieve compliance, especially  
96 where requirements have not or will not be achieved within the allotted time  
97 frames as delineated in section 46a-68-92 of the Regulations of Connecticut  
98 State Agencies.

99

100 (t) "Labor market" or "Labor market area" means a geographical area from which  
101 an agency may reasonably recruit or expect to recruit an employee for hire,  
102 promotion or transfer.

103

104 (u) "Occupational category" means an office, offices, position, positions,  
105 position classification, position classifications or any combination thereof,  
106 grouped by job content or primary occupational activity into categories according  
107 to instructions contained in paragraph 3 of the appendix to the United States  
108 Equal Employment Opportunity Commission.

109

110 (v) "Office" means any position or position classification in state service  
111 established by statute, including appointing authorities, except those job titles set  
112 out in Sections 5-198(a) through 5-198(c), inclusive, of the Connecticut General  
113 Statutes and members of boards and commissions.

114

115 (w) "Original appointment" means an appointment to a position or position  
116 classification made in accordance with Section 5-228(d) of the Connecticut  
117 General Statutes and, for the purpose of Sections 46a-68-75 through 46a-68-  
118 115, inclusive, of the Regulations of Connecticut State Agencies Section 46a-  
119 82(c) appointments to the unclassified service.

120

121 (x) "Other Employee" means a full-time employee who does not have  
122 permanent status.

123

124 (y) "Overutilization" means a condition where the percentage of  
125 representation of a protected class in the workforce, occupational category, or  
126 job title exceeds the percentage of such persons in the availability base as  
127 determined in accordance with Section 46a-68-84.

128

129 (z) "Parity" means a condition where the percentage of the representation of  
130 a protected class in the workforce, occupational category, or job title equals the  
131 percentage of such persons in the availability base as determined in accordance  
132 with Section 46a-68-84.

133

134 (aa) "Part-time employee" means an employee holding a position normally  
135 requiring less than thirty-five hours of service in each week.

136

137 (bb) "Position" means a group of duties and responsibilities currently assigned  
138 or designed by competent authority to require the services of one employee.

139

140 (cc) "Position classification" means a group of positions within an agency  
141 sufficiently similar in respect to the duties, responsibilities and authority thereof  
142 that the same title may be used to designate each position allocated to the  
143 classification; that similar requirements as to education, experience, capacity,  
144 knowledge, proficiency, ability and other qualifications shall be required of the  
145 incumbents; that similar tests of fitness may be used to choose qualified  
146 employees; and that the same schedule of compensation may be made to apply  
147 with equity.

148

149 (dd) "Program goal" means a target established to respond to an identified  
150 obstacle to equal employment opportunity.

151

152 (ee) "Promotional appointment" or "promotion" means an appointment to a  
153 position or position classification made in accordance with Section 5-228(b) or 5-  
154 228(c) of the Connecticut General Statutes and, for the purpose of Sections 46a-  
155 68-75 through 46a-68-115, inclusive, of the Regulations of Connecticut State  
156 Agencies appointments to the unclassified service.

157

158 (ff) "Protected class" or "protected group" means those classes or groups of  
159 persons specified in and protected by applicable state or federal  
160 antidiscrimination laws, except that, for equal employment opportunity purposes,  
161 the limitations set forth in Section 46a-61 of the Connecticut General Statutes  
162 shall apply.

163

164 (gg) "Qualified Applicant" is a person who meets the minimum requirements  
165 stipulated in a job description and has passed the examination for such job.

166

167 (hh) "Race/sex" or "race/sex group" means the following groups of persons:  
168 white males, black males, Hispanic males, other males, white females, black  
169 females, Hispanic females and other females.

170

171 (ii) "Underutilization" or "**Underutilized**" means a condition where the  
172 percentage of representation of a protected class in the workforce, occupational  
173 category or job title is less than the percentage of such persons in the availability  
174 base.

175

176 (jj) "Utilization analysis" means a comparison between the race/sex  
177 composition of the workforce, occupational category or job title with the  
178 availability base of such persons in the relevant labor market.

179

180 (kk) "Workforce analysis" means a comprehensive inventory of all employees  
181 by race/sex, job title and occupational category.

182

183

184

## PART II.

## AN AFFIRMATIVE ACTION PLAN

185

186

### 187 **Sec. 46a-68-76. Submission of a plan electronically**

188 An affirmative action plan shall be submitted to the commission in  
189 electronic form using an electronic program proscribed by the commission  
190 pursuant to section 46a-68-115. Such program shall contain instructions  
191 regarding the operation of the program and the attachment of scanned  
192 documents, if required.

193

### 194 **Sec. 46a-68-77. Elements of an affirmative action plan**

195 To satisfy the requirements of Section 46a-68 of the Connecticut General  
196 Statutes, and Sections 46a-68-75 through 46a-68-115, inclusive, of the  
197 Regulations of Connecticut State Agencies an affirmative action plan shall be  
198 submitted to the commission in electronic form using an electronic program  
199 proscribed by the commission and shall contain or reference the following  
200 elements:

- 201 (a) policy statement;
- 202 (b) internal communication;
- 203 (c) external communication and recruitment strategies;
- 204 (d) assignment of responsibility and monitoring;
- 205 (e) organizational analysis;
- 206 (f) workforce analysis;
- 207 (g) availability analysis;
- 208 (h) utilization analysis and hiring and promotion goals;
- 209 (j) employment analyses;
- 210 (k) identification of problem areas;
- 211 (l) upward mobility program and goals;
- 212 (m) program goals;
- 213 (n) discrimination complaint process;
- 214 (o) goals analysis;
- 215 (p) innovative programs; and
- 216 (q) concluding statement and signature.

217

### 218 **Sec. 46a-68-78. Policy statement**

- 219 (a) An affirmative action plan shall contain a policy statement that:
  - 220 (1) identifies the purpose and need for affirmative action/equal
  - 221 employment opportunity;
  - 222 (2) identifies the classes protected under all federal and state
  - 223 constitutions, laws, regulations, and executive orders that prohibit or
  - 224 outlaw discrimination, as may from time to time be amended;
  - 225 (3) establishes affirmative action as an immediate and necessary
  - 226 agency objective;
  - 227 (4) pledges the agency to take affirmative steps to provide services
  - 228 and programs in a fair and impartial manner;
  - 229 (5) recognizes the hiring difficulties experienced by individuals with
  - 230 disabilities and by many older persons and sets program goals for action

231 to overcome the present effects of past discrimination, if any, to achieve  
232 the full and fair utilization of such persons in the workforce;  
233 (6) advises employees of the existence of the agency's internal  
234 complaint procedures; and  
235 (7) identifies the agency equal employment opportunity officer or  
236 person assigned affirmative action duties by name, position or position  
237 classification, address and telephone number.

238  
239 (b) The policy statement shall be signed and dated by the appointing authority  
240 and each subsequent appointing authority and shall evidence his or her  
241 commitment to achieve the goals set forth in the plan.

242

243 **Sec. 46a-68-79. Internal communication**

244 (a) The policy statement and a summary of the objectives of the plan shall be  
245 posted and distributed, electronically where practicable, and in written form  
246 where electronic distribution is not practicable, at least annually to all employees.  
247 All employees shall be notified of their right to a reasonable period to review and  
248 comment upon the agency affirmative action plan. All comments thereto shall be  
249 addressed to the equal employment opportunity officer, who shall be identified by  
250 name and address in all communications.

251

252 (b) The agency shall maintain, as required by the agency's state library  
253 records retention schedules for state agencies, copies of all affirmative action-  
254 related internal communications and comments received and note the date such  
255 statements were received.

256

257 (c) The agency shall outline what steps it took during the reporting period to  
258 comply with the requirements of 46a-54(15)(A) and 46a-54(16) of the  
259 Connecticut General Statutes. The plan shall note all participants trained during  
260 the reporting period by race and sex.

261

262 (d) The plan shall state the period of time employees have been given to  
263 review and comment upon the agency affirmative action plan and shall include a  
264 summary of all comments from employees concerning the plan and note any  
265 changes made to the plan based on those comments. The plan shall further  
266 indicate the activities undertaken during the reporting period to comply with this  
267 section.

268

269 **Sec. 46a-68-80. External communication and Recruitment Strategies**

270 (a) Each agency shall develop means of recruiting goal candidates for current  
271 positions.

272

273 (b) Each agency shall put itself on public record as an affirmative action/equal  
274 employment opportunity employer. Consistent with that posture:

275

276 (1) written expression of the agency's commitment to equal  
employment opportunity/affirmative action and notice of job availability

277 shall be sent regularly to recruiting sources and organizations which are  
278 capable of referring qualified applicants for employment; and  
279 (2) notice that the agency is an affirmative action/equal employment  
280 opportunity employer shall be sent to all unions that represent agency  
281 employees for collective bargaining purposes. Such notice shall contain  
282 an invitation to review and comment upon the agency's affirmative action  
283 plan.

284  
285 (c) Each agency shall initiate and undertake vigorous, positive relationship-  
286 building activity to ensure that affirmative action is more than a paper  
287 commitment. Each agency shall work to secure ongoing relationships and  
288 develop additional recruiting sources while cultivating outreach recruitment  
289 programs and maintaining contact with protected class members and resource  
290 agencies.

291  
292 (d) The affirmative action plan shall list the activity undertaken by the agency  
293 during the reporting period to comply with this section. Activities undertaken to  
294 achieve hiring, promotion, and program goals shall be discussed in section 46a-  
295 68-92 "Goals Analysis."

296  
297 **Sec. 46a-68-81. Assignment of responsibility and monitoring**

298 (a) Each appointing authority shall have the ultimate responsibility for the  
299 development, implementation, and monitoring of the agency's affirmative action  
300 plan.

301  
302 (b) Subject to the provisions of Chapters 67 and 68 of the Connecticut  
303 General Statutes, the appointing authority may assign to any employee such  
304 duties and responsibilities necessary for the development, implementation and  
305 monitoring of the agency affirmative action program. To acquaint employees with  
306 their specific responsibilities under the plan, the appointing authority shall  
307 schedule regular meetings that emphasize:

- 308 (1) human relations and intergroup relations;  
309 (2) nondiscriminatory employment practices;  
310 (3) the legal authority for affirmative action and equal employment  
311 opportunity and the appointing authority's commitment to affirmative  
312 action;  
313 (4) review of the affirmative action plan; and  
314 (5) identification of obstacles in meeting the goals of the plan.

315  
316 (c) Each agency shall designate a full-time or part-time equal employment  
317 opportunity officer. The equal employment opportunity officer shall report directly  
318 to the appointing authority on all matters concerning affirmative action,  
319 discrimination, and equal employment opportunity and shall have access to all  
320 records and shall receive prompt cooperation from the personnel necessary for  
321 the effective performance of his or her duties. Equal employment opportunity  
322 officers shall, at a minimum:

- 323 (1) develop, maintain and monitor the agency affirmative action plan;  
324 (2) initiate and maintain contact with recruiting sources and  
325 organizations serving members of protected classes;  
326 (3) inform the agency of developments in affirmative action law; and  
327 (4) mitigate any discriminatory conduct and investigate discrimination  
328 complaints.

329  
330 (d) Each agency of one hundred (100) or more employees shall consider the  
331 feasibility of establishing an employee advisory/diversity committee. The  
332 committee, if established, may consider any matter appropriate to the  
333 development and implementation of the affirmative action plan. Members of the  
334 committee may be appointed by the appointing authority, in consultation with the  
335 equal employment opportunity officer or other individual, or elected by the  
336 employees at large. The committee should include representatives from a  
337 geographical, occupational category and protected class cross-section of the  
338 workforce. Subject to Chapters 55 and 68 of the Connecticut General Statutes,  
339 the committee shall have access to agency records necessary for the effective  
340 performance of its duties.

341  
342 (e) The agency shall maintain and submit a record of each member of the  
343 employee advisory/diversity committee, identified by name; race; sex; position or  
344 position classification; and percentage of time devoted to such duties. Copies of  
345 all committee meeting minutes, recommendations made to the equal  
346 employment opportunity officer, including whether the recommendations were  
347 accepted or rejected by the agency, shall be likewise retained, as required by the  
348 agency's records retention schedules for state agencies. If the agency  
349 determines that an employee advisory/diversity committee is unnecessary to the  
350 development or implementation of the affirmative action plan, the affirmative  
351 action plan shall so note.

352  
353 (f) Each agency shall evaluate and monitor the affirmative action  
354 performance of any employee assigned affirmative action responsibilities.  
355 Subject to Chapters 67 and 68 of the Connecticut General Statutes, such  
356 performance shall be considered in promotion and merit increase decisions, and  
357 the plan shall so state.

358  
359 (g) No employee shall be coerced, intimidated or retaliated against by the  
360 agency or any person for performing any of the duties recited in this section. Any  
361 person so aggrieved may file a complaint with the commission on human rights  
362 and opportunities, provided that nothing herein shall preclude an agency from  
363 disciplining or discharging an employee for just cause.

364  
365 (h) The agency shall maintain and submit a record of each person performing  
366 any duty related to the development or implementation of the affirmative action  
367 plan by name; job title, percentage of time devoted to affirmative action duties;

368 and outline specific responsibilities. If the equal employment opportunity officer  
369 performs other duties, the plan will identify such duties.

370

371 (i) Each agency shall develop an internal reporting system to continually  
372 audit, monitor and evaluate programs essential for a successful affirmative action  
373 plan. A system providing for goals, timetables for goals and initiatives, and  
374 periodic evaluations shall be established and implemented. Consideration  
375 should be given to the following actions:

376 (1) an ongoing review and evaluation of the agency's progress towards  
377 the goals of the affirmative action plan. The evaluation should be directed  
378 toward results accomplished, not only at efforts made;

379 (2) establishing a system for evaluating supervisor's performance on  
380 affirmative action consistent with chapters 67 and 68 of the Connecticut  
381 General Statutes; and

382 (3) reviewing the affirmative action plan at least annually. The equal  
383 employment officer should make an annual report to the head of the  
384 agency, containing the overall status of the program, results achieved  
385 toward established objectives, identification of any particular problems  
386 encountered and recommendations for corrective actions needed.

387

388 **Sec. 46a-68-82. Organizational analysis**

389 (a) Each agency shall prepare an occupational category and job title study in  
390 the following manner:

391 (1) Each agency shall conduct a job title classification study. The study  
392 shall use job titles authorized by the Department of Administrative  
393 Services or established by statute which shall be arranged into lines of  
394 progression that depict the order of jobs through which an employee may  
395 advance. Titles without promotional opportunity shall be listed separately.  
396 Unclassified titles shall be so identified.

397 (2) Each agency shall conduct an occupational category study. Each  
398 job title listed in the job title classification study shall be placed in an  
399 occupational category with other job titles having similar job content,  
400 compensation schedules and opportunity. Titles within an occupational  
401 category shall be ranked from the highest to lowest compensation  
402 schedule. The salary range for each office, position and position  
403 classification shall be noted.

404 (3) Organizational charts shall be included in this section of the plan to  
405 illustrate lines of progression and reporting.

406

407 **Sec. 46a-68-83. Workforce analysis**

408 (a) Each agency shall report the racial and sexual composition of its full-time  
409 employees for each office, position and position classification identified in the job  
410 title study on forms proscribed by the commission. A separate analysis shall be  
411 performed for part-time and other employees. The workforce analysis shall  
412 inventory the:

- 413 (1) total agency workforce by occupational category with percentages  
414 of race/sex groups calculated for each occupational category;  
415 (2) total agency workforce by office(s), position(s) and position  
416 classification(s) within each occupational category;  
417 (3) agency work force in each relevant labor market area by  
418 occupational category; and  
419 (4) agency work force in each relevant labor market area by office(s),  
420 position(s) and position classification(s) within each occupational category.

421  
422 (b) Each agency shall report the age groupings of its full-time workforce by  
423 occupational category, in five year increments as proscribed by the commission;  
424 and

425  
426 (c) Each agency shall report the number of physically disabled persons in its  
427 full-time workforce by occupational category.

428

429 **Sec. 46a-68-84. Availability analysis**

430 (a) As a preparatory step in determining whether protected classes are fully  
431 and fairly utilized in the workforce, each agency shall conduct, at a minimum, an  
432 analysis by occupational category to determine the availability base of protected  
433 group members for employment. A separate availability analysis shall be  
434 conducted for any position classification within an occupational category  
435 employing twenty-five (25) or more employees. A separate analysis may be  
436 performed for any job title requiring unique skills, abilities or educational  
437 qualifications. The availability analysis shall:

- 438 (1) examine the job content of each office; position and position  
439 classification within an occupational category or, where appropriate, the  
440 job content of a position classification;  
441 (2) identify the relevant labor market area; and  
442 (3) match each office, position and position classification within an  
443 occupational category or, where appropriate, a position classification, with  
444 the most nearly parallel job title contained in the data source consulted.

445

446 (b) In calculating availability, the following information and data sources shall  
447 be consulted:

- 448 (1) employment figures;  
449 (2) unemployment figures; and  
450 (3) the racial and sexual composition of persons in promotable and  
451 transferable offices, positions and position classifications.

452

453 (c) In calculating availability, the following information and data sources may  
454 be consulted:

- 455 (1) population figures;  
456 (2) client population figures;  
457 (3) figures for educational, technical and training program graduates  
458 and participants; or

459 (4) any other relevant source.

460

461 (d) For each occupational category, position classification or job title  
462 analyzed, the plan shall provide the name of each source consulted, explain the  
463 basis for selection of each source, and include copies of the specific data.

464 Additionally, where job titles in the source consulted are not identical to the job  
465 titles employed by the agency, the plan shall document the job titles deemed  
466 most similar to office(s), position(s) and position classification(s) within an  
467 occupational category or, where appropriate, position classification or job title,  
468 and substantiate the manner in which the availability base is calculated.

469

470 (e) For job titles with 25 or more employees in occupational categories where  
471 only the entry level positions are filled by hiring and the other job titles in the  
472 series are filled by promotion, the availability base shall be calculated for  
473 the entire series and goals will be set for the entire series.

474

475 (f) The availability base is calculated by determining the sources used to fill  
476 positions and the percentage of positions filled from that source. This  
477 percentage is the weight assigned to each source. The total weight for all  
478 sources cannot exceed 100%. The percent of each race/sex group from each  
479 relevant source is multiplied by the weight given to the corresponding source  
480 resulting in a weighted factor. The weighted factors for each race/sex group are  
481 added to determine the availability base for each race/sex group in each  
482 occupational category, position classification, or job title analyzed.

483

484 (g) The plan must substantiate the manner in which the availability base is  
485 calculated.

486

487 (h) As part of its review the commission reserves the right to determine the  
488 appropriateness of information and data used in subsection (c) of this section  
489 and reserves the right to accept or reject such information or data. An agency,  
490 with the consent of the commission's executive director, may analyze additional  
491 labor market areas when specific requirements of a job profile, such as  
492 geographic proximity, so requires.

493

494 **Sec. 46a-68-85. Utilization analysis and hiring and promotion goals**

495 (a) To determine whether protected classes are fully and fairly utilized, the  
496 representation of protected group persons in the workforce shall be compared, in  
497 form or format proscribed by the commission, to the availability of such persons  
498 for employment. Comparisons between the agency workforce and the availability  
499 base calculated in Section 46a-68-84 shall be made by occupational category,  
500 position classifications employing a significant number of persons and job titles  
501 for which a separate base was calculated.

502

503 (b) For each instance of underutilization identified in the utilization analysis,  
504 Employment goals shall be set to increase the representation of protected class

505 members in the agency workforce. Employment goals shall be set for job titles  
506 filled through original appointment or promotional appointment. The objective of  
507 such goals shall be to attain parity with the availability base for such protected  
508 class members.

509  
510 (c) Where the underutilization of race/sex groups, considered individually,  
511 does not rise to the level to require a hiring or promotion goal, but where the  
512 underutilization of race/sex groups, considered collectively is .5 or greater a goal  
513 shall be set based on the race/sex group most underutilized in the occupational  
514 category, position classification or job title under consideration or for the race/sex  
515 group with the highest availability base, as the agency elects.

516  
517 **Sec. 46a-68-86. Employment analyses**

518 (a) Each agency shall undertake a comprehensive review of the employment  
519 activity during the reporting period to identify policies and practices that  
520 perpetuate or build in barriers to equal employment. The following analyses shall  
521 be performed:

522 (1) The agency shall conduct a separate analysis for any occupational  
523 category or position classification for which a separate availability base  
524 has been calculated and employment activity has occurred during the  
525 reporting period through hire, termination or other personnel activity.

526 (2) Appointments to job titles shall be further analyzed. The applicant  
527 flow analysis shall track applicants through the hiring or promotional  
528 process to identify the step at which they were no longer candidates for  
529 employment. Information shall be provided as required for reductions in  
530 force.

531 (3) Each agency shall further provide information by occupational  
532 category on all matters involving personnel evaluations, discipline or other  
533 reductions in force.

534  
535 **Sec. 46a-68-87. Identification of problem areas**

536 (a) Where an occupational category, position classification within an  
537 occupational category employing a significant number of persons or position  
538 classification for which a separate availability base is calculated has experienced  
539 an increase or reduction in force the agency shall examine its personnel policies  
540 and practices to identify those nonquantifiable aspects of the employment  
541 process which may impede or prevent the full and fair participation of protected  
542 race/sex group members in the employment process. Where applicable, the  
543 following aspects of employment should be addressed:

544 (1) employment applications;

545 (2) job qualifications;

546 (3) recruitment practices;

547 (4) personnel policies;

548 (5) orientation;

549 (6) training;

550 (7) counseling;

- 551 (8) discrimination complaint process;  
552 (9) evaluation;  
553 (10) layoffs; and  
554 (11) termination.

555  
556 (b) For each occupational category or job title examined in subsection (a)  
557 herein, the plan shall list all non-quantifiable elements of the employment  
558 process that have been identified as a problem area.

559  
560 (c) Each agency shall examine all aspects of the employment process  
561 itemized in subsection (a) herein to identify whether any employment policy or  
562 practice may impede or prevent the full and fair participation of individuals with  
563 disabilities and older persons in the workforce.

564  
565 **Sec. 46a-68-88. Program goals**

566 (a) Where an agency has identified, under Sections 46a-68-87, any  
567 employment policy or practice adversely affecting protected race/sex group  
568 members, individuals with disabilities or older persons, it shall develop and  
569 implement program goals.

570  
571 (b) Program goals shall be meaningful, measurable and reasonably attainable  
572 and shall be consistent with Section 46a-68-92 to ensure:

- 573 (1) the promotion of equal opportunity and to achieve a workplace free  
574 of discrimination  
575 (2) to ensure opportunities for all qualified applicants including  
576 underutilized groups;  
577 (3) the utilization of a fair and nondiscriminatory recruitment and  
578 selection process, and  
579 (4) to provide career development opportunities available to all  
580 interested and qualified employees, including minorities and women.

581  
582 (c) A proposed timetable, not exceeding the agency's reporting period, shall  
583 be developed for the achievement of the program goal.

584  
585 (d) Where the cooperation of another agency is essential to the  
586 implementation of a program goal, the agency shall keep a record of each  
587 instance of contact with the agency whose cooperation is requested and the  
588 outcome of the request.

589  
590 (e) An agency may elect to set program goals or the commission may require  
591 that program goals be set for any employment policy or practice having adverse  
592 impact upon a race/sex group or for any protected group not covered by this  
593 section whether or not that policy or practice was identified as having an adverse  
594 impact pursuant to Section 46a-68-87.

595  
596 **Sec. 46a-68-89. Discrimination complaint process**

597 (a) The plan shall report on the system to process and resolve employee  
598 allegations of discrimination consistent with Chapter 67 and 68 of the  
599 Connecticut General Statutes. Such system shall provide for the expeditious  
600 resolution of grievances to assure that legal options for filing complaints with  
601 enforcement agencies are not foreclosed. The discrimination complaint process  
602 shall include:

- 603 (1) periodic training in counseling and grievance investigations for  
604 agency counselors;
- 605 (2) confidential counseling and procedures for informal resolution at  
606 the agency level by the equal employment opportunity officer;
- 607 (3) notice to employees that an agency discrimination complaint  
608 process is available;
- 609 (4) a guarantee of non-retaliation for the exercise of rights granted  
610 pursuant to this section
- 611 (5) advisement of legal options to file complaints with the Connecticut  
612 Commission on Human Rights and Opportunities; United States Equal  
613 Employment Opportunity Commission; United States Department of  
614 Labor, Wage and Hour Division; and any other agencies, state, federal or  
615 local, that enforce laws concerning discrimination in employment; and  
616 (6) time frames not exceeding ninety (90) days for filing, processing  
617 and resolution of such matters.

618  
619 (b) All records of grievances and dispositions thereof shall be maintained and  
620 reviewed on a regular basis by the equal employment opportunity officer to  
621 detect any patterns in the nature of the grievances. Records so retained shall be  
622 confidential except where disclosure is required by law.

623  
624 (c) The plan shall contain a summary of the matters alleged, the results  
625 thereof and the length of time required to resolve the grievance the plan shall  
626 provide information on the number of such complaints, investigating agency,  
627 whether such matter is currently pending or the outcome thereof. All records  
628 relevant to employee grievances filed under this section shall be maintained by  
629 the agency for examination by the commission.

630  
631 **Sec. 46a-68-90. Goals analysis**

632 (a) Each agency shall prepare a report on all activity undertaken to achieve  
633 the hiring, promotion, and program goals contained in the previous affirmative  
634 action plan and a probing self-analysis of the progress made toward those ends.  
635 If the analysis reveals additional problems areas or finds any current course of  
636 action ineffective, the agency shall undertake corrective action as set forth in the  
637 Program goals section 46a-68-89.

- 638  
639 (b) For each search, the agency shall provide the race and gender of:
- 640 (1) The total applicant pool
  - 641 (2) The qualified applicant pool
  - 642 (3) The applicants interviewed

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(c) When a goal is met, the applicant shall be identified as a goal candidate. No other information is required.

(d) Each unmet goal shall be accompanied by a narrative outlining the agency's good faith efforts to achieve that goal by explaining why each goal candidate was eliminated. Each unmet goal, by job search, shall be separately addressed by narrative and the discussion of each goal applicant shall be detailed and complete.

**Sec. 46a-68-91. Career Mobility**

(a) All departments and agencies of state government shall, pursuant to section 4-61u of the Connecticut General Statutes, establish an effective program of career mobility as part of their affirmative action program, as required by section 46a-68, for occupational groups, which shall include, but not be limited to, secretarial, clerical, supervisory clerical, semiskilled, crafts and trades, supervisory crafts and trades, custodial, supervisory custodial and laborers. All departments and agencies of state government shall provide, or make provision for, career counseling for such occupational groups.

(b) Each department and agency of state government shall establish an effective program of accommodation and entry level training of persons with disabilities. Such programs shall be part of department and agency affirmative action programs required by section 46a-68.

**Sec. 46a-68-92. Good Faith Efforts**

An agency has demonstrated good faith efforts when it has engaged in the initiatives articulated in subsections (a) through (d), inclusive, of this section:

- (a) Promoted equal opportunity to achieve a workplace that is free of discrimination;
  - (1) Communicate the agency's commitment to EEO/AA to all employees.
  - (2) Ensure that employees are aware of nondiscrimination policies and procedures; post policies in a visible location.
  - (3) Ensure that departmental processes, procedures, and systems are nondiscriminatory and free of bias.
  - (4) Evaluate supervisors for making good faith efforts in EEO/AA; document in performance appraisals.
  - (5) Ensure that reasonable accommodations are made for disabled employees.
  - (6) Take appropriate and timely action when there's been an allegation of sexual harassment.
  - (7) Provide training to employees to enhance their knowledge of non-discrimination

- 688 (b) Developed recruitment strategies that ensure opportunities for all qualified  
689 applicants, including underutilized groups;
- 690 (1) Identify affirmative action placement goal(s) for all job openings.  
691 (2) Make efforts to attract a large and diverse pool of qualified  
692 applicants, particularly inclusive of groups associated with  
693 affirmative action recruitment goals.
- 694 (3) Develop a contingency strategy if the initial recruitment effort does  
695 not bring in a sufficiently diverse pool. However, it is best to make  
696 your initial recruitment as inclusive as possible.
- 697 (4) Contacting special interest organizations, groups and individuals.  
698 (5) Or other means of outreach utilized to hire goal candidates.  
699
- 700 (c) Ensured a fair and nondiscriminatory selection process, and
- 701 (1) Review the selection process to ensure that it treats each applicant  
702 fairly and consistently.
- 703 (2) Review the interview format and questions for possible bias.  
704 (3) Ensure that reasonable accommodations are made for applicants.  
705 (4) If using a group interview process, create a diverse selection panel.  
706 (5) Assess all applicants using the same selection criteria.  
707 (6) Consider all skills that qualify the applicant, including volunteer and  
708 professional experience.
- 709 (7) Interview as many applicants as possible to increase opportunity.  
710 (8) Keep written records of all applicants interviewed and be certain  
711 that the information recorded relates to the individual's ability to  
712 perform the duties.
- 713 (9) Ensure that selection panel members are aware of the impact of  
714 common biases such as stereotyping, unsubstantiated first  
715 impressions that may influence a decision, and assessments based  
716 on different "comfort levels" with people of dissimilar groups.  
717 (10) Document the selection process fully. Retain all records.  
718
- 719 (d) Provided career development opportunities to all interested and qualified  
720 employees, with emphasis on those groups found to be underutilized in the  
721 workforce.
- 722 (1) Encourage staff to participate on agency committees to enhance  
723 development.
- 724 (2) Inform all staff of internal staff development and promotional  
725 opportunities.
- 726 (3) Promote and support employee training and development for all  
727 employees.
- 728 (4) Provide career counseling.  
729
- 730 (e) Nothing in this section shall absolve an agency of its obligations under  
731 sections 46a-68-60, 46a-68-78, 46a-68-79, 46a-68-80, 46a-68-81, 46a-68-85,  
732 46a-68-87, 46a-68-89, 46a-68-90, and 46a-68-92.  
733

734 **Sec. 46a-68-93. Innovative programs**

735 (a) The development and implementation of programs not covered elsewhere  
736 in the plan is an important part of the road to equal employment opportunity.

737 Accordingly, within the framework of the affirmative action plan is an open  
738 invitation to each agency to structure comprehensive programs to create  
739 opportunities not otherwise available to achieve the full and fair participation of all  
740 protected group members. Such programs may include, but are not limited to:

- 741 (1) summer employment programs;
- 742 (2) youth programs;
- 743 (3) apprenticeships;
- 744 (4) work-study programs;
- 745 (5) job sharing arrangements;
- 746 (6) internships;
- 747 (7) day care programs;
- 748 (8) creation of new positions;
- 749 (9) outreach for high school and college students;
- 750 (10) reassignments; or
- 751 (11) any positive, result-oriented program designed to achieve  
752 affirmative action.

753

754 (b) The plan shall describe any program planned or operated pursuant to this  
755 section and report the results achieved.

756

757 **Sec. 46a-68-94. Concluding statement**

758 (a) The affirmative action plan shall contain a concluding provision that:

- 759 (1) Acknowledges that the ultimate responsibility for promoting and  
760 enforcing affirmative action rests with the appointing authority, who shall  
761 account for the success or failure of the plan.
- 762 (2) Acknowledges that every good faith effort to achieve the objectives  
763 and goals set forth in the plan has been made.
- 764 (3) Attests that the agency's equal employment opportunity officer  
765 reports directly to the agency head.

766

767 (b) The concluding statement shall be signed and dated by the appointing  
768 authority.

769

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**PART III. REVIEW AND MONITORING**

771

772 **Sec. 46a-68-95. Filing standards**

773 (a) The following factors shall determine whether an agency shall file on a  
774 biennial, annual or a semiannual schedule:

- 775 (1) the timeliness of prior submissions;
- 776 (2) the degree to which prior plans are in compliance with applicable  
777 law and Sections 46a-68-75 through 46a-68-115, inclusive; and
- 778 (3) whether the agency has demonstrated good faith efforts to achieve  
779 the goals of the plan.

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(b) The commission may rescind the biennial or annual filing privilege at any time for failure to maintain the level of performance required in subsection (a) of this section.

(c) Pursuant to subsection (d) of section 46a-68 of the Connecticut General Statutes any plan that is filed more than ninety days after the date such plan is due to be filed shall be deemed disapproved.

**Sec. 46a-68-96. Compliance summary reports; reporting periods**

For purposes of compliance with Sections 46a-68(d) of the Connecticut General Statutes, each agency shall file an annual compliance summary report capturing the race and sex composition of the agency workforce in a format proscribed by the commission. Each agency shall provide CHRO the information by January 15th of every year, and the report shall be filed with the commission not more than thirty (30) days thereafter.

**Sec. 46a-68-97. Affirmative action plan reporting periods**

(a) All agencies shall file an affirmative action plan with reporting periods and filing dates established by the executive director pursuant to Section 46a-68 of the Connecticut General Statutes.

(b) Agencies shall have thirty 30 days after formal submission of its affirmative action plan to make corrections to such plan

**Sec. 46a-68-98. Record retention**

All records related to affirmative action plans and all personnel or employment records made or kept shall be preserved for a period of two (2) years from the date of the making of the record or the personnel action involved, whichever occurs later. Where a charge or complaint of discrimination has been filed, the agency shall preserve all personnel records relevant to the charge or action until final disposition of the matter. Nothing herein shall be construed to supersede a record retention schedule established elsewhere by state or federal law in excess of two (2) years.

**Sec. 46a-68-99. Access to records and personnel**

Each agency shall permit reasonable access to the commission staff pursuant to sections 46a-68-101 through 46a-104, inclusive of the Regulations of Connecticut State Agencies during normal business hours to its premises for the purpose of conducting on-site compliance reviews or monitoring. Reasonable access shall include interviewing employees and inspecting, and copying books, records, accounts, electronic records or other materials relevant to the evaluation of the plan under review or pertinent to compliance with Chapter 814c, Sections 4-61u to 4-61w or Section 4a-60 of the Connecticut General Statutes and regulations or guidelines issued thereunder.

826

827 **Sec. 46a-68-100. Methods of review**

828 (a) Review of an affirmative action plan shall be conducted by one or more of the  
829 following methods:

830 (1) a desk audit of the documents, electronic records and material  
831 forming the submission;

832 (2) a desk audit of documents and material received pursuant to  
833 Sections 46a-68-75 and 46a-68-115;

834 (3) an on-site analysis of documents and material required by law or  
835 Sections 46a-68-75 through 46a-68-115, inclusive, to be retained by the  
836 agency; or

837 (4) an off-site study of documents and material copied and removed  
838 from agency premises.

839

840 **Sec. 46a-68-101. Requests for information**

841 (a) In addition to the plan and documents retained on-site pursuant to law or  
842 Sections 46a-68-75 through 46a-68-115, inclusive, any other information  
843 reasonably necessary to assist in the completion of a review or monitoring may  
844 be discovered by the commission. Such information shall include, but not be  
845 limited to:

846 (1) production of documents;

847 (2) examination of persons upon oral deposition or other method; and

848 (3) interrogatories.

849

850 **Sec. 46a-68-102. Standard of review**

851 (a) To receive approved status, a plan must contain all elements required by  
852 Sections 46a-68-75 through 46a-68-115, inclusive.

853

854 (b) Additionally a plan shall be approved only if:

855 (1) the workforce, considered as a whole and by occupational  
856 category, is in parity; **or**

857 (2) at a minimum, seventy percent (70%) of each of an agency's hiring,  
858 promotion, and program goals have been met during the reporting period

859 **or**

860 (3) the agency has demonstrated every good faith effort to achieve  
861 such goals and, despite these efforts, has been unable to do so; **and,**

862 (4) the agency has addressed deficiencies previously noted by the  
863 commission.

864

865 **Sec. 46a-68-103. Plan review and analysis**

866 (a) As part of the review process, a written evaluation of the plan shall be  
867 prepared. Such evaluation shall:

868 (1) assess the degree of procedural compliance with these regulations;

869 (2) identify and comment upon the deficiencies and weaknesses of the  
870 plan;

- 871 (3) appraise the performance and effort of the agency in meeting  
872 goals;  
873 (4) evaluate the effectiveness of the affirmative action program; and  
874 (5) suggest remedial action in addition to or in lieu of that proposed in  
875 the plan to achieve a balanced workforce and eliminate discriminatory  
876 practices.

877

878 **Sec. 46a-68-104. Staff review; transmittal**

- 879 (a) Commission staff shall review affirmative action plans and transmit a  
880 recommendation that a plan be approved, conditionally approved or disapproved  
881 to the Commissioners and simultaneously to the agency via email. The staff shall  
882 include in its transmittal the reasons for its recommendation.

883

884 **Sec. 46a-68-105. Commission review**

- 885 (a) The commission comprised of the nine appointed members shall formally  
886 approve, conditionally approve or disapprove an affirmative action plan. Plans so  
887 approved shall be designated commission approved plans and plans so  
888 disapproved shall be designated commission disapproved plans.

889

- 890 (b) If the commission fails to formally approve, conditionally approve or  
891 disapprove an affirmative action plan within ninety (90) days of the date such  
892 plan is submitted, the plan shall be deemed to be approved. Such plans shall be  
893 designated commission approved plans by default.

894

- 895 (c) The commission shall provide notification to an agency via email of its  
896 approval, conditionally approved, conditionally approved or disapproval of that  
897 agency's plan.

898

- 899 (d) Agencies that have been approved the previous year may be approved or  
900 conditionally approved with technical mathematical corrections as noted in the  
901 AA review within thirty (30) days after Commission action. The failure to submit  
902 corrections shall be considered in the agency's next year review.

903

904 **Sec. 46a-68-106. Training and technical assistance**

905 The commission shall provide training and technical assistance to appointing  
906 authorities and equal employment opportunity officers in the development and  
907 implementation of affirmative action plans. Such training and technical assistance  
908 shall include notification of the provisions of state and federal equal opportunity  
909 legislation and amendments hereto.

910

911 **Sec. 46a-68-107. Delegation of authority**

912 To assure effective and efficient implementation and enforcement of Section 46a-  
913 68 of the Connecticut General Statutes the commission finds that it is necessary  
914 to delegate certain responsibilities to its staff. Accordingly, pursuant to Section  
915 46a-54 (2) and (5) of the Connecticut General Statutes, the commission  
916 delegates and assigns the following responsibilities and duties:

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- (a) Staff shall review affirmative action plans filed with the commission to determine compliance with the relevant statutes and sections 46a-68-75 through 46a-68-115, inclusive, and submit their review in a format approved by the commission with a recommendation of approval, conditional approval or disapproval;
- (b) Staff shall provide technical assistance for agency personnel to acquaint them with the requirements of Section 46a-68 of the Connecticut General Statutes and Sections 46a-68-75 through 46a-68-115, inclusive, and to assist agencies in achieving compliance;
- (c) Staff shall monitor the implementation of affirmative action plans to determine the progress achieved by agencies pursuant to the requirements of the law and Sections 46a-68-75 through 46a-68-115, inclusive;
- (d) Staff shall endeavor to achieve voluntary compliance with the law and Sections 46a-68-75 through 46a-68-115, inclusive. Upon a failure to achieve voluntary compliance, the staff shall make recommendations for further action by the commission; and
- (e) The executive director of the commission shall supervise staff, activities pursuant to this delegation of authority and report to the commission on the activities undertaken, results achieved, and problems encountered and make recommendations for commission or legislative action.

**PART IV. ENFORCEMENT PROCEDURES**

**Sec. 46a-68-108. Letters of commitment**

- (a) If the commission identifies, under the standards announced in Sections 46a-68-75 through 46a-68-115, inclusive, any portion of an agency affirmative action plan or program as deficient for failing to comply in all particulars with the requirements of Section 46a-68 of the Connecticut General Statutes or Sections 46a-68-75 through 46a-68-115, inclusive, the agency shall, within thirty (30) days from the date notice of the commission action is received, accept or reject the commission's proposals to achieve compliance therewith.
- (b) In the event that an agency refuses to adopt the proposals contained in the commission review, the commission may meet with the agency and attempt to resolve any outstanding differences to the mutual satisfaction of the parties. Any agreement reached at such meeting between an agency and the commission shall be in writing and signed by the agency appointing authority and equal employment opportunity officer and accepted by a representative of the commission.

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(c) The staff of the commission shall closely monitor the agency's efforts to attain the goals contained in the letter of commitment and shall report any agency which fails to comply with its letter of commitment to the commission and the governor. Absent good cause shown, failure to honor, implement, or achieve the terms of a letter of commitment shall be viewed as a failure to cooperate with the commission.

**Sec. 46a-68-109. Certificate of noncompliance; service**

(a) The commission may issue a certificate of noncompliance in accordance with Section 46a-68a of the Connecticut General Statutes and Sections 46a-68-75 through 46a-68-115, inclusive, if the affirmative action plan of any agency is disapproved.

(b) The issuance of a certificate of noncompliance shall bar the agency in noncompliance with Section 46a-68 of the Connecticut General Statutes from filling a position or position classification by hire or promotion upon receipt of the certificate, the provisions of any state law or regulation to the contrary notwithstanding, until:

- (1) the commission determines that the agency has achieved compliance with Section 46a-68 of the Connecticut General Statutes, and withdraws the certificate; or
- (2) the commission, at a hearing requested by the agency receiving the certificate and conducted by a hearing officer appointed by the chairperson of the commission, is unable to show cause why the certificate of noncompliance should not be rescinded or a court, upon appeal, so determines; or
- (3) the commissioner of administrative services and the secretary of the office of policy and management certify to the commission that the agency in noncompliance with Section 46a-68 of the Connecticut General Statutes requires immediate filling of the vacancy because failure to fill the position or position classification will cause an emergency situation to exist, jeopardizing the public welfare.

(c) A certificate of noncompliance shall be served upon the agency, the Department of Administrative Services and Office of Policy and Management electronically.

**Sec. 46a-68-110. Petition for withdrawal of certificate; agreements; effect; monitoring; reissuance of certificate**

(a) An agency receiving a certificate of noncompliance may petition the commission for withdrawal of the certificate. A petition for withdrawal shall be addressed to the chairperson of the commission and may be withdrawn by a majority vote of the commissioners present and voting.

1009 (b) The commission may withdraw a certificate of noncompliance if the  
1010 petitioning agency:

1011 (1) shows that it has corrected the deficiencies noted in prior plan  
1012 reviews and achieved compliance with Section 46a-68 of the Connecticut  
1013 General Statutes, and Sections 46a-68-75 through 46a-68-115, inclusive;  
1014 or

1015 (2) enters into an agreement with the commission to do so within  
1016 specified time frames.

1017

1018 (c) Any agreement entered into pursuant to this section shall be in writing and  
1019 signed by the agency appointing authority, equal employment opportunity officer  
1020 and a representative of the commission. Absent good cause shown, failure to  
1021 honor, implement or achieve the terms of the agreement shall be viewed as a  
1022 failure to cooperate with the commission.

1023

1024 (d) Commission staff shall closely monitor the agency's efforts to attain  
1025 compliance with Section 46a-68 of the Connecticut General Statutes. If the staff  
1026 of the commission determines that an agency has failed to satisfy the terms of  
1027 the agreement entered into pursuant to subsection (c) of this section, the staff  
1028 shall report this failure to the commission and the commission may reinstate the  
1029 certificate by a majority vote of the commissioners present and voting.

1030

1031 **Sec. 46a-68-111. Request for rescission of certificate; hearings; appeal**

1032 (a) An agency receiving a certificate of noncompliance may request  
1033 rescission of the certificate.

1034

1035 (b) Upon receipt of a request for rescission, the chairperson of the  
1036 commission shall appoint a presiding officer to determine whether the certificate  
1037 should be rescinded. Such certificate shall be rescinded if the presiding officer  
1038 determines that the commission is unable to show cause why the certificate  
1039 should continue or a court, upon appeal, so decides.

1040

1041 (c) Hearings under this section shall be conducted in accordance with  
1042 Sections 4-177 to 4-182, inclusive, of the Connecticut General Statutes.

1043

1044 (d) A final order of the presiding officer may be appealed pursuant to Section  
1045 46a-95 of the Connecticut General Statutes.

1046

1047 **Sec. 46a-68-112. Certificate of exemption; conciliation; hearings**

1048 (a) An agency receiving a certificate of noncompliance may petition the  
1049 commissioner of the Department of Administrative Services and the secretary of  
1050 the Office of Policy and Management for issuance of a certificate of exemption in  
1051 accordance with section 46a-68a of the Connecticut General Statutes. A  
1052 separate certificate of exemption shall be required for each vacancy in a position  
1053 or position classification. A copy of the petition, together with evidence in support

1054 thereof, shall be served upon the commission. Service shall be made in a  
1055 manner permitted by Section 46a-68-109(c), and the petition shall so state.  
1056  
1057 (b) The commissioner of the Department of Administrative Services and the  
1058 secretary of the Office of Policy and Management may refer the agency to the  
1059 commission to discuss whether an agreement pursuant to section 46a-68-110  
1060 may be reached which would obviate the need for issuance of a certificate of  
1061 exemption. In such event, the agency and commission shall report the results of  
1062 any such discussion to the commissioner of the Department of Administrative  
1063 Services and the secretary of the Office of Policy and Management. Any  
1064 agreement between an agency and the commission shall be in writing and  
1065 signed by the agency appointing authority, equal employment officer and a  
1066 representative of the commission.

1067  
1068 (c) If the agency receiving the certificate and the commission are unable to  
1069 reach an agreement pursuant to Section 46a-68-110 or if the commissioner and  
1070 secretary elect to determine whether an emergency situation exists without  
1071 referring the agency to the commission, as provided in subsection (b) of this  
1072 section, the commissioner and secretary shall determine whether a certificate of  
1073 exemption shall be issued. A certificate of exemption may issue if the  
1074 commissioner and secretary find that the agency receiving the certificate of  
1075 noncompliance has shown that failure to fill a vacant position or position  
1076 classification will cause an emergency situation to exist jeopardizing the public  
1077 welfare. The commission shall respond to requests from the commissioner and  
1078 secretary for information relating to the status of a non-complying agency's  
1079 affirmative action plan.

1080  
1081 **Sec. 46a-68-113. Commission complaints**

1082 The commission may issue a complaint if:

1083 (a) It has reason to believe that any person has been engaged in a  
1084 discriminatory practice in violation of Section 46a-68 of the Connecticut General  
1085 Statutes; or

1086  
1087 (b) An affirmative action plan is in violation of any of the provisions of  
1088 Sections 4-61u to 4-61w, inclusive, Sections 46a-54 to 46a-64, inclusive, or  
1089 Sections 46a-70 to 46a-78, inclusive of the Connecticut General Statutes; or

1090  
1091 (c) An agency, department, board or commission fails to submit the  
1092 affirmative action plan required by Section 46a-68 of the Connecticut General  
1093 Statutes in accordance with the schedule for filing such plans.

1094  
1095 **Sec. 46a-68-114. Complaint investigation and hearing**

1096 The investigation and hearing of a complaint filed pursuant to Section 46a-82 of  
1097 the Connecticut General Statutes and Sections 46a-68-75 through 46a-68-115 ,  
1098 inclusive, shall proceed accordingly to the procedures provided in section 46a-83

1099 to 46a-90, inclusive, 46a-95 and 46a-96 of the Connecticut General Statutes and  
1100 regulations adopted thereunder.

1101

1102 **Sec. 46a-68-115. Implementation date**

1103 (a) The provisions of sections 46a-68-75 to 46a-68-115, inclusive, of the  
1104 Regulations of Connecticut State Agencies shall take effect thirty (30) days after  
1105 filing of the regulations with the secretary of state. On the effective date of  
1106 sections 46a-68-75 to 46a-68-115, inclusive, of the Regulations of Connecticut  
1107 State Agencies sections 46a-68-31 to 46a-68-74, inclusive, of the Regulations of  
1108 Connecticut State Agencies are repealed.

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1110

1111 (b) On and after the date that the commission approves a software program,  
1112 state agencies shall have one (1) year to comply with the filing of their affirmative  
1113 action plans electronically.