

47 68-113 of the Regulations of Connecticut State Agencies to enforce the
48 provisions of any state or federal antidiscrimination or affirmative action law.

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50 (j) "Compliance" means conformity with the requirements set forth in Section
51 46a-68 of the Connecticut General Statutes and regulations promulgated
52 thereunder.

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54 (k) "Discriminatory practice" means any discriminatory practice as defined in
55 Section 46a-51 (8) of the Connecticut General Statutes unless the context
56 indicates a more specific definition.

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58 (l) "Employee" means any person holding a position in state service subject
59 to appointment by an appointing authority.

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61 (m) "Employment analyses" means a review of the employment process to
62 identify potential barriers to affirmative action.

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64 (n) "Employment list" means the list of the names of persons arranged in the
65 order of merit as determined under the provisions of Chapter 67 of the
66 Connecticut General Statutes and regulations issued in accordance therewith,
67 which persons have been found qualified through suitable tests for employment.

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69 (o) "Equal employment opportunity" means employment of individuals without
70 consideration of protected classes in Chapter 814c of the Connecticut General
71 Statutes unless there is a bona fide occupational qualification excluding persons
72 in a protected group. Equal employment opportunity is the purpose and goal of
73 affirmative action

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75 (p) "Goal" means an employment, program or other objective that an agency
76 strives to obtain.

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78 (q) "Good faith effort" means an agency has exhausted reasonable means to
79 comply with its EEO/AA responsibilities.

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81 (r) "Occupational category" means an office, offices, position, positions,
82 position classification, position classifications or any combination thereof,
83 grouped by job content or primary occupational activity into categories according
84 to instructions contained in paragraph 3 of the appendix to the United States
85 Equal Employment Opportunity Commission (EEOC), Form 164, State and Local
86 Government Information Report (EEO-4); paragraph 2 of the appendix to EEOC
87 Form 168B, Secondary Staff Information (EEO-5); or paragraph 5 of the
88 appendix to EEOC Form 221, Higher Education Staff Information (EEO-6).

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90 (s) "Office" means any position or position classification in state service
91 established by statute, including appointing authorities, except those job titles set

92 out in Sections 5-198(a) through 5-198(c), inclusive, of the Connecticut General
93 Statutes and members of boards and commissions.

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95 (t) "Original appointment" means an appointment to a position or position
96 classification made in accordance with Section 5-228(d) of the Connecticut
97 General Statutes and, for the purpose of Sections 46a-68-75 through 46a-68-
98 114, inclusive, appointments to the unclassified service.

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100 (u) "Overutilization" means a condition where the percentage of
101 representation of a protected class in the work force, occupational category, or
102 job title exceeds the percentage of such persons in the availability base as
103 determined in accordance with Section 46a-68-84.

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105 (v) "Parity" means a condition where the percentage of the representation of
106 a protected class in the work force, occupational category, or job title equals the
107 percentage of such persons in the availability base as determined in accordance
108 with Section 46a-68-84.

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110 (w) "Part time and other employees" means an employee in a position or
111 position classification normally requiring less than thirty-five hours of service in
112 each week or requiring thirty-five hours or more of service in each week for less
113 than a calendar year.

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

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118 (y) "Position classification" means a group of positions within an agency
119 sufficiently similar in respect to the duties, responsibilities and authority thereof
120 that the same title may be used to designate each position allocated to the
121 classification; that similar requirements as to education, experience, capacity,
122 knowledge, proficiency, ability and other qualifications shall be required of the
123 incumbents; that similar tests of fitness may be used to choose qualified
124 employees; and that the same schedule of compensation may be made to apply
125 with equity.

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127 (z) "Program goal" means a target established to respond to an identified
128 obstacle to equal employment opportunity or a program initiative to provide equal
129 access to programs and services.

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131 (aa) "Promotional appointment" or "promotion" means an appointment to a
132 position or position classification made in accordance with Section 5-228(b) or 5-
133 228(c) of the Connecticut General Statutes and, for the purpose of Sections 46a-
134 68-75 through 46a-68-114, inclusive, appointments to the unclassified service.

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136 (bb) "Protected class" or "protected group" means those classes or groups of
137 persons specified in and protected by applicable state or federal

138 antidiscrimination laws, except that, for equal employment opportunity purposes,
139 the limitations set forth in Section 46a-61 of the Connecticut General Statutes
140 shall apply.

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

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145 (dd) "Race/sex" or "race/sex group" means the following groups of persons:
146 white males, black males, Hispanic males, other males, white females, black
147 females, Hispanic females and other females.

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149 (ee) "Underutilization" or "Underutilized" means a condition where the
150 percentage of representation of a protected class in the work force, occupational
151 category or job title is less than the percentage of such persons in the availability
152 base.

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154 (ff) "Utilization analysis" means a comparison between the race/sex
155 composition of the work force, occupational category or job title with the
156 availability base of such persons in the state of Connecticut.

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158 (gg) "Work force analysis" means a comprehensive inventory of all employees
159 by race/sex, job title and occupational category.

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162 **PART II.**
163 **AN AFFIRMATIVE ACTION PLAN**

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Sec. 46a-68-76. Submission of a plan electronically

166 An affirmative action plan shall be submitted to the commission in electronic form
167 using an electronic program proscribed by the commission. Such program shall
168 contain instructions regarding the operation of the program and the attachment of
169 documents, if required. An affirmative action plan shall not be submitted in written
170 form, nor can the commission request a written copy from an agency.

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

174 To satisfy the requirements of Section 46a-68 of the Connecticut General
175 Statutes, and Sections 46a-68-75 through 46a-68-114, inclusive, an affirmative
176 action plan shall be submitted to the commission in electronic form using an
177 electronic program proscribed by the commission and shall contain or reference
178 the following elements:

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- 180 (a) policy statement;
- 181 (b) internal communication;
- 182 (c) external communication;
- 183 (d) assignment of responsibility and monitoring;

- 184 (e) organizational analysis;
- 185 (f) work force analysis;
- 186 (g) availability analysis;
- 187 (h) utilization analysis;
- 188 (i) employment goals;
- 189 (j) employment analyses;
- 190 (k) identification of problem areas;
- 191 (l) program goals;
- 192 (m) discrimination complaint process;
- 193 (n) goals analysis;
- 194 (o) recruitment strategies and career mobility; and
- 195 (p) concluding statement and signature.

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198 **Sec. 46a-68-78. Policy statement**

- 199 (a) An affirmative action plan shall contain a policy statement that:
 - 200 (1) acknowledges the purpose and need for affirmative action and equal
 - 201 employment opportunity;
 - 202 (2) acknowledges the classes protected under all federal and state
 - 203 constitutions, laws, regulations, and executive orders that prohibit or
 - 204 outlaw discrimination, as may from time to time be amended;
 - 205 (3) establishes affirmative action as an immediate and necessary agency
 - 206 objective;
 - 207 (4) pledges the agency to take affirmative steps to provide services and
 - 208 programs in a fair and impartial manner;
 - 209 (5) recognizes the hiring difficulties experienced by individuals with
 - 210 disabilities and by many older persons and sets program goals for action
 - 211 to overcome the present effects of past discrimination, if any, to achieve
 - 212 the full and fair utilization of such persons in the work force; and
 - 213 (6) identifies the agency equal employment opportunity officer or person
 - 214 assigned affirmative action duties by name, position or position
 - 215 classification, address and telephone number.
- 216
- 217 (b) The policy statement shall be signed and dated by the appointing authority
- 218 and each subsequent appointing authority and shall evidence his or her
- 219 commitment to achieve the goals set forth in the plan. An appointing authority
- 220 may elect to author his or her own policy statement despite the existence of a
- 221 policy statement or statements previously approved by the commission.

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

- 225 (a) The policy statement and a summary of the objectives of the plan shall be
- 226 posted and distributed, electronically where practicable, and in written form
- 227 where electronic distribution is not practicable, at least annually to all employees.
- 228 In lieu of the policy statement, the appointing authority may substitute a
- 229 statement of his or her commitment to affirmative action, provided such

230 statement satisfies generally the requirements of Section 46a-68-78 and is
231 acceptable to the commission. All employees shall be notified of their right to a
232 reasonable period to review and comment upon the agency affirmative action
233 plan. All comments thereto shall be addressed to the equal employment
234 opportunity officer, who shall be identified by name and address in all
235 communications.

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

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242 (c) The agency shall outline what steps it took during the reporting period to
243 comply with the requirements of C.G.S 46a-54(15) (A) and 46a-54(16). The plan
244 shall note all participants trained during the reporting period by race and sex.

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

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254 **Sec. 46a-68-80. External communication**

255 (a) Each agency shall put itself on public record as an affirmative action
256 employer. Consistent with that posture:

- 257 (1) written expression of the agency's commitment to equal employment
258 opportunity/affirmative action and notice of job availability shall be sent
259 regularly to recruiting sources and organizations which are capable of
260 referring qualified applicants for employment; and
261 (2) employment advertising shall clearly convey the desire of the agency to
262 employ members of protected classes; and
263 (3) notice that the agency is an affirmative action employer shall be sent to all
264 unions which represent agency employees for collective bargaining
265 purposes. Such notice shall contain an invitation to review and comment
266 upon the agency's affirmative action plan.

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268 (b) Each agency shall initiate and undertake vigorous, positive relationship-
269 building activity to ensure that affirmative action is more than a paper
270 commitment. Each agency shall work to secure ongoing relationships and
271 develop additional recruiting sources while cultivating outreach recruitment
272 programs and maintaining contact with protected class members and resource
273 agencies.

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275 (c) The affirmative action plan shall list the activity undertaken by the agency
276 during the reporting period to comply with this section. Activities undertaken
277 towards the achievement of employment and programmatic goals shall be
278 discussed in section 46a-68-92 "Goals Analysis."
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281 **Sec. 46a-68-81. Assignment of responsibility and monitoring**

282 (a) Subject to the provisions of Chapters 67 and 68 of the Connecticut
283 General Statutes, the appointing authority may assign to any employee
284 such duties and responsibilities necessary for the development,
285 implementation and monitoring of the agency affirmative action program.
286 To acquaint employees with their specific responsibilities under the plan,
287 the appointing authority shall schedule regular meetings that emphasize:

- 288 (1) human relations and intergroup relations;
- 289 (2) nondiscriminatory employment practices;
- 290 (3) the legal authority for affirmative action and the appointing authority's
291 commitment to affirmative action;
- 292 (4) review of the affirmative action plan; and
- 293 (5) identification of obstacles in meeting the goals of the plan.

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295 (b) Each agency shall designate a full-time or part-time equal employment
296 opportunity officer. The equal employment opportunity officer shall report directly
297 to the appointing authority on all matters concerning nondiscrimination and shall
298 have access to all records and personnel necessary for the effective
299 performance of his or her duties. Equal employment opportunity officers shall, at
300 a minimum:

- 301 (1) develop, maintain and monitor the agency affirmative action plan;
- 302 (2) initiate and maintain contact with recruiting sources and organizations
303 serving members of protected classes;
- 304 (3) inform the agency of developments in affirmative action law; and
- 305 (4) mitigate any discriminatory conduct and investigate discrimination
306 complaints.

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308 (c) Each agency of one hundred (100) or more employees shall consider the
309 feasibility of establishing an employee advisory/diversity committee. The
310 committee, if established, may consider any matter appropriate to the
311 development and implementation of the affirmative action plan. Members of the
312 committee may be appointed by the appointing authority, in consultation with the
313 equal employment opportunity officer or other individual, or elected by the
314 employees at large. The committee should include representatives from a
315 geographical, occupational category and protected class cross-section of the
316 work force. Subject to Chapters 55 and 68 of the Connecticut General Statutes,
317 the committee shall have access to agency records necessary for the effective
318 performance of its duties.

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320 (d) The agency shall maintain a record of each member of the employee
321 advisory/diversity committee, identified by name; race; sex; position or position
322 classification; and percentage of time devoted to such duties. Copies of all
323 committee meeting minutes, recommendations made to the equal employment
324 opportunity officer, including whether the recommendations were accepted or
325 rejected by the agency, shall be likewise retained, as required by the agency's
326 records retention schedules for state agencies. If the agency determines that an
327 employee advisory/diversity committee is unnecessary to the development or
328 implementation of the affirmative action plan, the affirmative action plan shall so
329 note.

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331 (e) Each agency shall evaluate and monitor the affirmative action
332 performance of any employee assigned affirmative action responsibilities.
333 Subject to Chapters 67 and 68 of the Connecticut General Statutes, such
334 performance shall be considered in promotion and merit increase decisions, and
335 the plan shall so state.

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337 (f) No employee shall be coerced, intimidated or retaliated against by the
338 agency or any person for performing any of the duties recited in this section. Any
339 person so aggrieved may file a complaint with the commission on human rights
340 and opportunities, provided that nothing herein shall preclude an agency from
341 disciplining or discharging an employee for just cause.

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343 (g) The agency shall maintain a record of each person performing any duty
344 related to the development or implementation of the affirmative action plan by
345 name; job title, percentage of time devoted to affirmative action duties; and
346 outline specific responsibilities. If the equal employment opportunity officer
347 performs other duties, the plan will identify such duties.

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349 (h) Each agency shall develop an internal reporting system to continually
350 audit, monitor and evaluate programs essential for a successful affirmative action
351 plan. A system providing for goals, timetables for goals and initiatives, and
352 periodic evaluations shall be established and implemented. Consideration
353 should be given to the following actions:

- 354 (1) an ongoing review and evaluation of the agency's progress towards the
355 goals of the affirmative action plan. The evaluation should be directed
356 toward results accomplished, not only at efforts made;
- 357 (2) establishing a system for evaluating supervisor's performance on
358 affirmative action consistent with chapters 67 and 68 of the Connecticut
359 General Statutes;
- 360 (3) reviewing the affirmative action plan at least annually. The equal
361 employment officer should make an annual report to the head of the
362 agency, containing the overall status of the program, results achieved
363 toward established objectives, identification of any particular problems
364 encountered and recommendations for corrective actions needed; and

365 (4) as part of the plan, each agency shall list the steps it has taken to create
366 an internal evaluation procedure and the results of the internal review for
367 the reporting period. All writings pertaining to each internal program
368 evaluation shall be retained pursuant to, the agency's records retention
369 schedules for state agencies, in-house for examination by the
370 commission.

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

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

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

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383 (2) Each agency shall conduct an occupational category study. Each job title
384 listed in the job title classification study shall be placed in an occupational
385 category with other job titles having similar job content, compensation
386 schedules and opportunity. Titles within an occupational category shall be
387 ranked from the highest to lowest compensation schedule. The salary
388 range for each office, position and position classification shall be noted.

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391 **Sec. 46a-68-83. Work force analysis**

392 (a) Each agency shall report the racial and sexual composition of its full-time
393 employees for each office, position and position classification identified in the job
394 title study on electronic forms. A separate analysis shall be performed for part-
395 time and other employees. The work force analysis shall inventory the:

396 (1) total agency work force by occupational category; and

397 (2) total agency work force by office(s), position(s) and position
398 classification(s) within each occupational category.

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400 (b) Each agency shall report the age groupings of its full-time work force by
401 occupational category, in five year increments as proscribed by the commission;
402 and

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404 (c) Each agency shall report the number of physically disabled persons in its
405 full-time work force by occupational category.

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

409 (a) As a preparatory step in determining whether protected classes are fully
410 and fairly utilized in the work force, each agency shall conduct, at a minimum, an

411 analysis by occupational category to determine the availability base of protected
412 group members for employment. A separate availability analysis shall be
413 conducted for any position classification within an occupational category
414 employing twenty-five (25) or more employees. A separate analysis may be
415 performed for any job title requiring unique skills, abilities or educational
416 qualifications. The availability analysis shall:

- 417 (1) examine the job content of each office; position and position classification
418 within an occupational category or, where appropriate, the job content of a
419 position classification;
- 420 (2) match each office, position and position classification within an
421 occupational category or, where appropriate, a position classification, with
422 the most nearly parallel job title contained in the data source consulted.
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424 (b) In calculating availability, the following statewide information and data
425 sources shall be consulted:

- 426 (1) employment figures;
- 427 (2) unemployment figures; and
- 428 (3) the racial and sexual composition of persons in promotable and
429 transferable offices, positions and position classifications.
430

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

- 433 (1) population figures;
- 434 (2) client population figures;
- 435 (3) figures for educational, technical and training program graduates and
436 participants; or
- 437 (4) any other relevant source.
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439 (d) Agencies may elect to conduct availability analyses by age, physical
440 disability, or other protected class status recognized in Chapter 814c of the
441 Connecticut General Statutes.
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443 (e) For each occupational category, position classification or job title
444 analyzed, the plan shall provide the name of each source consulted and explain
445 the basis for selection of each source. Additionally, where job titles in the source
446 consulted are not identical to the job titles employed by the agency, the plan shall
447 document the job titles deemed most parallel to office(s), position(s) and position
448 classification(s) within an occupational category or, where appropriate, position
449 classification or job title, and substantiate the manner in which the availability
450 base is calculated.
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452 (f) As part of its review the commission reserves the right to determine the
453 appropriateness of information and data used in subsection (c) of this section
454 and reserves the right to accept or reject such information or data. An agency,
455 with the consent of the commission's executive director, may analyze additional

456 labor market areas when specific requirements of a job profile, such as
457 geographic proximity, so requires.

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460 **Sec. 46a-68-85. Utilization analysis and employment goals**

461 (a) To determine whether protected classes are fully and fairly utilized, the
462 representation of protected group persons in the work force shall be compared to
463 the availability of such persons for employment. Comparisons between the
464 agency work force and the availability base calculated in Section 46a-68-84 shall
465 be made by occupational category, position classifications employing a
466 significant number of persons and job titles for which a separate base was
467 calculated.

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469 (b) The following data shall be entered into the software for each race/sex
470 group: the current work force number taken from the work force analysis; and the
471 current availability base percent taken from the availability analysis.

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473 (c) For each instance of underutilization identified in the utilization analysis,
474 Employment goals shall be set to increase the representation of protected class
475 members in the agency work force. Employment goals shall be set for job titles
476 filled through original appointment or promotional appointment. The objective of
477 such goals shall be to attain parity with the availability base for such protected
478 class members.

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480 (d) The Employment goal shall be obtained by electronic calculation.

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482 (e) Goals so set shall be meaningful, measurable and reasonably attainable.
483 Goals shall be rounded up or down to the closer whole number.

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485 (f) Where the underutilization of race/sex groups, considered individually,
486 does not rise to the level to require an employment goal, but where the
487 underutilization of race/sex groups, considered collectively is .5 or greater a goal
488 shall be set based on the race/sex group most underutilized in the occupational
489 category, position classification or job title under consideration or for the race/sex
490 group with the highest availability base, as the agency elects.

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493 **Sec. 46a-68-86. Employment analyses**

494 (a) Each agency shall undertake a comprehensive review of the employment
495 process to identify policies and practices that perpetuate or build in barriers to
496 equal employment. For each instance of underutilization in an occupational
497 category or position classification separate employment analyses shall be
498 conducted to target the cause of the imbalance. The agency shall then design
499 specific corrective measures, in the form of program goals, to eradicate all
500 policies and practices that contribute to the underutilization. The following
501 analyses shall be performed:

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- (1) The agency shall conduct a separate analysis for any occupational category or position classification for which a separate availability base has been calculated and employment activity has occurred during the reporting period through hire, termination or other personnel activity.
- (2) Appointments to job titles shall be further analyzed. The applicant flow analysis shall track applicants through the hiring or promotional process to identify the step at which they were no longer candidates for employment. Information shall be provided as required for reductions in force.
- (3) Each agency shall further provide information by occupational category on all matters involving personnel evaluations, discipline or other reductions in force.

Sec. 46a-68-87. Identification of problem areas

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

- (1) employment applications;
- (2) job qualifications;
- (3) job specifications;
- (4) recruitment practices;
- (5) personnel policies;
- (6) job structuring;
- (7) orientation;
- (8) training;
- (9) counseling;
- (10) discrimination complaint process;
- (11) evaluation;
- (12) layoffs; and
- (13) termination.

(b) (1) Where an occupational category or position classification for which a separate availability base is calculated and has experienced an increase or reduction in force the agency shall conduct an adverse impact test to determine whether any quantifiable aspect of the employment process has substantially disadvantaged members of a protected race/sex group. Ordinarily, a selection rate for any group less than eighty percent (80%) of the selection rate for the group with the highest rate is substantially different for the purpose of Sections 46a-68-75 through 46a-68-114, inclusive, and constitutes adverse impact. An adverse impact test shall be conducted in the following manner:

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- (2) (A) The qualified applicant pool for each race/sex group shall be compared to the availability of that group for employment.
- (B) The reduction in force rate for each race/sex group shall be compared to the rate for the group least effected by the personnel action.
- (c) For each occupational category or job title examined in subsection (a) herein, the plan shall list all non-quantifiable elements of the employment process that have been identified as a problem area.
- (d) Each agency shall examine all aspects of the employment process itemized in subsection (a) herein to identify whether any employment policy or practice may impede or prevent the full and fair participation of individuals with disabilities and older persons in the work force.

Sec. 46a-68-88. Program goals

- (a) Where an agency has identified, under Sections 46a-68-87, any employment policy or practice adversely affecting protected race/sex group members, individuals with disabilities or older persons, it shall develop and implement program goals.
- (b) Program goals shall be meaningful, measurable and reasonably attainable and shall be consistent with Section 46a-68-92 to ensure:
 - (1) the promotion of equal opportunity and to achieve a workplace free of discrimination
 - (2) to ensure opportunities for all qualified applicants including underutilized groups;
 - (3) the utilization of a fair and nondiscriminatory recruitment and selection process, and
 - (4) to provide career development opportunities available to all interested and qualified employees, including minorities and women.
- (c) A proposed timetable, not exceeding the agency's reporting period, shall be developed for the achievement of the program goal.
- (d) Where the cooperation of another agency is essential to the implementation of a program goal, the agency shall keep a record of each instance of contact with the agency whose cooperation is requested and the outcome of the request.
- (e) An agency may elect to set program goals or the commission, through the executive director, may require that program goals be set for any employment policy or practice having adverse impact upon a race/sex group or for any protected group not covered by this section whether or not that policy or practice was identified as having an adverse impact pursuant to Section 46a-68-87.

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Sec. 46a-68-89. Discrimination complaint process

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

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

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

(c) The plan shall contain a summary of the matters alleged, the results thereof and the length of time required to resolve the grievance. Where informal allegations have resulted in complaints to enforcement agencies, the plan shall provide information on the number of such complaints, investigating agency, whether such matter is currently pending or the outcome thereof. All records relevant to employee grievances filed under this section shall be maintained by the agency for examination by the commission.

Sec. 46a-68-90. Goals analysis

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

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641 (b) Each job search for which a goal was unmet, and one or more goal
642 candidates applied, shall be accompanied by an explanation outlining the
643 agency's good faith efforts to achieve that goal. Each unmet goal, by job search,
644 shall be separately addressed by narrative and the discussion of action taken in
645 furtherance thereof shall be detailed and complete.

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648 **Sec. 46a-68-91. Outreach strategies and career mobility**

649 (a) Each agency shall develop means of recruiting goal candidates for current
650 positions and positions expected to be filled over the next five (5) years.

651 Agencies shall pay particular attention to outreach for high school and college
652 students and shall, to the extent possible, provide them with development
653 opportunities for careers in state government.

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655 (b) Each agency shall create means of career mobility for all employees in
656 proportion to their race and sex as reflected in the agency's employment data.

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658 (c) Each agency shall provide career counseling and encourage educational
659 advancement and training to prepare employees for upward mobility within job
660 categories and occupational categories.

661

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

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

665 (a) Promoted equal opportunity to achieve a workplace that is free of
666 discrimination;

667 (1) Communicate the agency's commitment to EEO/AA to all employees.

668 (2) Ensure that employees are aware of nondiscrimination policies and
669 procedures; post policies in a visible location.

670 (3) Ensure that departmental processes, procedures, and systems are
671 nondiscriminatory and free of bias.

672 (4) Evaluate supervisors for making good faith efforts in EEO/AA; document
673 in performance appraisals.

674 (5) Ensure that reasonable accommodations are made for disabled
675 employees.

676 (6) Take appropriate and timely action when there's been an allegation of
677 sexual harassment.

678 (7) Provide training to employees to enhance their knowledge of non-
679 discrimination

680

681 (b) Developed recruitment strategies that ensure opportunities for all qualified
682 applicants, including underutilized groups;

683 (1) Identify affirmative action placement goal(s) for all job openings.

- 684 (2) Make efforts to attract a large and diverse pool of qualified applicants,
- 685 particularly inclusive of groups associated with affirmative action
- 686 recruitment goals.
- 687 (3) Develop a contingency strategy if the initial recruitment effort does not
- 688 bring in a sufficiently diverse pool. However, it is best to make your initial
- 689 recruitment as inclusive as possible.
- 690 (4) Contacting special interest organizations, groups and individuals.
- 691 (5) Or other means of outreach utilized to hire goal candidates.
- 692
- 693 (c) Ensured a fair and nondiscriminatory selection process, and
- 694 (1) Review the selection process to ensure that it treats each applicant fairly
- 695 and consistently.
- 696 (2) Review the interview format and questions for possible bias.
- 697 (3) Ensure that reasonable accommodations are made for applicants.
- 698 (4) If using a group interview process, create a diverse selection panel.
- 699 (5) Assess all applicants using the same selection criteria.
- 700 (6) Consider all skills that qualify the applicant, including volunteer and
- 701 professional experience.
- 702 (7) Interview as many applicants as possible to increase opportunity.
- 703 (8) Keep written records of all applicants interviewed and be certain that the
- 704 information recorded relates to the individual's ability to perform the duties.
- 705 (9) Ensure that selection panel members are aware of the impact of common
- 706 biases such as stereotyping, unsubstantiated first impressions that may
- 707 influence a decision, and assessments based on different "comfort levels"
- 708 with people of dissimilar groups.
- 709 (10) Document the selection process fully. Retain all records.
- 710
- 711 (d) Provided career development opportunities to all interested and qualified
- 712 employees, with emphasis on those groups found to be underutilized in the
- 713 workforce.
- 714 (1) Encourage staff to participate on agency committees to enhance
- 715 development.
- 716 (2) Inform all staff of internal staff development and promotional opportunities.
- 717 (3) Promote and support employee training and development for all
- 718 employees.
- 719 (4) Provide career counseling.

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721

722 Sec. 46a-68-93. Concluding statement

- 723 (a) The affirmative action plan shall contain a concluding provision that:
- 724 (1) Acknowledges that the ultimate responsibility for promoting and enforcing
- 725 affirmative action rests with the appointing authority, who shall account for
- 726 the success or failure of the plan.
- 727 (2) Acknowledges that every good faith effort to achieve the objectives and
- 728 goals set forth in the plan has been made.

729 (3) Attests that the agency's equal employment opportunity officer reports
730 directly to the agency head.

731

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

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PART III. REVIEW AND MONITORING

737

738 **Sec. 46a-68-94. Filing standards**

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

741 (1) the timeliness of prior submissions;

742 (2) the degree to which prior plans are in compliance with applicable law and
743 Sections 46a-68-75 through 46a-68-114, inclusive; and

744 (3) whether the agency has demonstrated good faith efforts to achieve the
745 goals of the plan.

746

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

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751

752 **Sec. 46a-68-95. Compliance summary reports; reporting periods**

753 For purposes of compliance with Sections 46a-68(d) of the Connecticut General
754 Statutes, each agency shall file an annual compliance summary report capturing
755 the race and sex composition of the agency work force in a format proscribed by
756 the commission. The commission shall request the information from the agencies
757 by January 15th of each year and the report shall be filed with the commission
758 not more than thirty (30) days thereafter.

759

760

761 **Sec. 46a-68-96. Affirmative action plan reporting periods**

762 (a) For agencies filing affirmative action plans biennially, information reported
763 therein shall be for the period commencing on the first day of the month twenty-
764 seven (27) months prior to the date upon which the plan is to be filed and ending
765 on the last day of the month three (3) months prior to the filing.

766

767 (b) For agencies filing affirmative action plans annually, information reported
768 therein shall be for the period commencing on the first day of the month fifteen
769 (15) months prior to the date upon which the plan is to be filed and ending on the
770 last day of the month three (3) months prior to the filing.

771

772 (c) For agencies filing affirmative action plans semiannually, information and
773 activity reported therein shall be for the period commencing on the first day of the

774 month nine (9) months prior to the date upon which the plan is to be filed and
775 ending on the last day of the month three (3) months prior to the filing date.

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778 **Sec. 46a-68-97. Record retention**

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

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789 **Sec. 46a-68-98. Access to records and personnel**

790 Each agency shall permit reasonable access to the commission pursuant to
791 sections 46a-68-101 through 46a-104, inclusive of the Regulations of
792 Connecticut State Agencies during normal business hours to its premises for the
793 purpose of conducting on-site compliance reviews or monitoring. Reasonable
794 access shall include interviewing employees and inspecting, and copying books,
795 records, accounts, electronic records or other materials relevant to the evaluation
796 of the plan under review or pertinent to compliance with Chapter 814c, Sections
797 4-61u to 4-61w or Section 4a-60 of the Connecticut General Statutes and
798 regulations or guidelines issued thereunder.

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800

801 **Sec. 46a-68-99. Methods of review**

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

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

806 (2) a desk audit of documents and material received pursuant to Sections
807 46a-68-75 and 46a-68-114;

808 (3) an on-site analysis of documents and material required by law or Sections
809 46a-68-75 through 46a-68-114, inclusive, to be retained by the agency; or

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

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814 **Sec. 46a-68-100. Requests for information**

815 (a) In addition to the plan and documents retained on-site pursuant to law or
816 Sections 46a-68-75 through 46a-68-114, inclusive, any other information
817 reasonably necessary to assist in the completion of a review or monitoring may
818 be discovered by the commission. Such information shall include, but not be
819 limited to:

- 820 (1) production of documents;
- 821 (2) examination of persons upon oral deposition or other method; and
- 822 (3) interrogatories.

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825 **Sec. 46a-68-101. Standard of review**

826 (a) To receive approved status, a plan must contain all elements required by
827 Sections 46a-68-75 through 46a-68-114, inclusive.

828

- 829 (b) Additionally a plan shall be approved only if:
- 830 (1) the work force, considered as a whole and by occupational category, is in
831 parity; or
- 832 (2) at a minimum, 70% of an agency's hiring and promotional opportunities
833 during the reporting period have met goals; and the agency has met, at a
834 minimum, seventy percent (70%) of its programmatic goals; or
- 835 (3) the agency has demonstrated every good faith effort to achieve such
836 goals and, despite these efforts, has been unable to do so.

837

838 **Sec. 46a-68-102. Plan review and analysis**

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

- 841 (1) assess the degree of procedural compliance with these regulations;
- 842 (2) identify and comment upon the relative strengths and weaknesses of the
843 plan;
- 844 (3) appraise the performance and effort of the agency in meeting goals;
- 845 (4) evaluate the effectiveness of the affirmative action program; and
- 846 (5) suggest remedial action in addition to or in lieu of that proposed in the plan
847 to achieve a balanced work force and eliminate discriminatory practices.

848

849 (b) (1) Such plan shall be reviewed within sixty (60) days of filing with the
850 commission. If any errors or omissions are identified which would lead to a
851 recommendation other than approval the agency head shall be immediately
852 informed of any areas of the plan not found to be in compliance and shall be
853 provided fifteen (15) days to correct any noted errors or omissions and resubmit
854 such plan to the commission.

855 (2) Within fifteen (15) days of receipt of the corrected plan the commission
856 shall make a recommendation of approval if all such noted errors or
857 omissions have been corrected. The commission may not make a
858 recommendation other than approval based on errors or omissions not
859 previously noted unless they occurred as the result of changes the agency
860 made to the plan in correcting the returned plan.

861 (3) If an agency rejects the opportunity to make corrections or resubmits the
862 plan late the commission staff shall make a recommendation of
863 disapproval.

864 (4) Any plan submitted more than ninety (90) days after its scheduled date
865 shall be deemed to be disapproved.

866 (5) Submission, review, resubmission and action by the commission shall be
867 completed no longer than ninety (90) days after the submission of the plan
868 to the commission.
869

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871 **Sec. 46a-68-103. Staff review; transmittal**

872 (a) Commission staff shall review affirmative action plans and transmit a
873 recommendation that a plan be approved or disapproved to the Commissioners
874 and simultaneously to the agency via email. The staff shall include in its
875 transmittal the reasons for its recommendation.
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878 (b) If the commission issues a recommendation that a plan be disapproved
879 after the agency was offered and accepted an opportunity to correct errors or
880 omissions pursuant to section 46a-68-103(b)(3) the commission shall
881 immediately commence an audit of such agency.
882

883

884 **Sec. 46a-68-104. Commission review**

885 (a) The commission shall formally approve, or disapprove an affirmative
886 action plan. Plans so approved shall be designated commission approved plans
887 and plans so disapproved shall be designated commission disapproved plans.
888

889

890 (b) If the commission fails to formally approve or disapprove an affirmative
891 action plan within ninety (90) days of the date such plan is submitted, the plan
892 shall be deemed to be approved. Such plans shall be designated commission
893 approved plans by default.
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896 (c) The commission shall provide electronic notification to an agency of its
897 approval or disapproval of that agency's plan.
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Sec. 46a-68-105. Training and technical assistance

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

Sec. 46a-68-106. Delegation of authority

To assure effective and efficient implementation and enforcement of Section 46a-
68 of the Connecticut General Statutes the commission finds that it is necessary
to delegate certain responsibilities to its staff. Accordingly, pursuant to Section
46a-54 (3) of the Connecticut General Statutes, the commission 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-68-114, inclusive, and submit their review in a format approved by the commission with a recommendation of 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-68-114, 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-68-114, inclusive;

(d) staff shall endeavor to achieve voluntary compliance with the law and Sections 46a-68-75 through 46a-68-114, 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-68-107. Letters of commitment

(a) If the commission identifies, under the standards announced in Sections 46a-68-75 through 46a-68-114, 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-68-114, 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.

(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

958 agency which fails to comply with its letter of commitment to the commission and
959 the governor. Absent good cause shown, failure to honor, implement, or achieve
960 the terms of a letter of commitment shall be viewed as a failure to cooperate with
961 the commission.

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964 **Sec. 46a-68-108. Certificate of noncompliance; service**

965 (a) The commission may issue a certificate of noncompliance in accordance
966 with Section 46a-68a of the Connecticut General Statutes and Sections 46a-68-
967 75 through 46a-68-114, inclusive, if the affirmative action plans of any agency is
968 disapproved.

969

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

975 (1) the commission determines that the agency has achieved compliance with
976 Section 46a-68 of the Connecticut General Statutes, and withdraws the
977 certificate; or

978 (2) the commission, at a hearing requested by the agency receiving the
979 certificate and conducted by a hearing officer appointed by the
980 chairperson of the commission, is unable to show cause why the
981 certificate of noncompliance should not be rescinded or a court, upon
982 appeal, so determines; or

983 (3) the commissioner of administrative services and the secretary of the office
984 of policy and management certify to the commission that the agency in
985 noncompliance with Section 46a-68 of the Connecticut General Statutes,
986 requires immediate filling of the vacancy because failure to fill the position
987 or position classification will cause an emergency situation to exist,
988 jeopardizing the public welfare.

989

990 (c) A certificate of noncompliance shall be served upon the Department of
991 Administrative Services and office of policy and management electronically.

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994 **Sec. 46a-68-109. Petition for withdrawal of certificate; agreements; effect;
995 monitoring; reissuance of certificate**

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

1000

1001 (b) The commission may withdraw a certificate of noncompliance if the
1002 petitioning agency:

- 1003 (1) shows that is has corrected the deficiencies noted in prior plan reviews
1004 and achieved compliance with Section 46a-68 of the Connecticut General
1005 Statutes, and Sections 46a-68-75 through 46a-68-114, inclusive; or
1006 (2) enters into an agreement with the commission to do so within specified
1007 time frames.
1008
1009 (c) Any agreement entered into pursuant to this section shall be in writing and
1010 signed by the agency appointing authority, equal employment opportunity officer
1011 and a representative of the commission. Absent good cause shown, failure to
1012 honor, implement or achieve the terms of the agreement shall be viewed as a
1013 failure to cooperate with the commission.
1014
1015 (d) Commission staff shall closely monitor the agency's efforts to attain
1016 compliance with Section 46a-68 of the Connecticut General Statutes. If the staff
1017 of the commission determines that an agency has failed to satisfy the terms of
1018 the agreement entered into pursuant to subsection (c) of this section, the staff
1019 shall report this failure to the commission and the commission may reinstate the
1020 certificate by a majority vote of the commissioners present and voting.
1021
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1023 **Sec. 46a-68-110. Request for rescission of certificate; hearings; appeal**

- 1024 (a) An agency receiving a certificate of noncompliance may request
1025 rescission of the certificate.
1026
1027 (b) Upon receipt of a request for rescission, the chairperson of the
1028 commission shall appoint a presiding officer to determine whether the certificate
1029 should be rescinded. Such certificate shall be rescinded if the presiding officer
1030 determines that the commission is unable to show cause why the certificate
1031 should continue or a court, upon appeal, so decides.
1032
1033 (c) Hearings under this section shall be conducted in accordance with
1034 Sections 4-177 to 4-182, inclusive, of the Connecticut General Statutes.
1035
1036 (d) A final order of the presiding officer may be appealed pursuant to Section
1037 46a-95 of the Connecticut General Statutes.
1038

1039 **Sec. 46a-68-111. Certificate of exemption; conciliation; hearings**

- 1040
1041 (a) An agency receiving a certificate of noncompliance may petition the
1042 commissioner of the Department of Administrative Services and the secretary of
1043 the Office of Policy and Management for issuance of a certificate of exemption in
1044 accordance with section 46a-68a of the Connecticut General Statutes. A
1045 separate certificate of exemption shall be required for each vacancy in a position
1046 or position classification. A copy of the petition, together with evidence in support
1047 thereof, shall be served upon the commission. Service shall be made in a
1048 manner permitted by Section 46a-68-109(c), and the petition shall so state.

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(b) The commissioner of the Department of Administrative Services and the secretary of the Office of Policy and Management may refer the agency to the commission to discuss whether an agreement pursuant to section 46a-68-110 may be reached which would obviate the need for issuance of a certificate of exemption. In such event, the agency and commission shall report the results of any such discussion to the commissioner of the Department of Administrative Services and the secretary of the Office of Policy and Management. Any agreement between an agency and the commission shall be in writing and signed by the agency appointing authority, equal employment officer and a representative of the commission.

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

Sec. 46a-68-112. Commission complaints

The commission may issue a complaint if:

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

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

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

Sec. 46a-68-113. Complaint investigation and hearing

The investigation and hearing of a complaint filed pursuant to Section 46a-82 of the Connecticut General Statutes and Sections 46a-68-75 through 46a-68-114 , inclusive, shall proceed accordingly to the procedures provided in section 46a-83

1094 to 46a-90, inclusive, 46a-95 and 46a-96 of the Connecticut General Statutes and
1095 regulations adopted thereunder.

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1098 **Sec. 46a-68-114. Implementation date**

1099 (a) The provisions of sections 46a-68-31 to 46a-68-74, inclusive, of the
1100 Regulations of Connecticut State Agencies shall remain in effect and each state
1101 agency shall comply with said sections until a software program is approved
1102 pursuant to subsection (b) of this section.

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1104 (b) On and after the date that the commission approves a software program
1105 that enables each state agency to file affirmative action plans electronically, each
1106 state agency shall comply with the provisions of sections 46a-68-75 to 46a-68-
1107 114, inclusive, of the Regulations of Connecticut State Agencies.