COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
AFFIRMATIVE ACTION PLANS

PART I. DEFINITIONS

Sec. 46a-68-75. Definitions

As used in Sections 46a-68-75 to 46a-68-114, inclusive, of these regulations:

(a) "Adverse impact" means a substantially different rate of selection in employment decisions that adversely affects a protected group.

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

(c) "Affirmative action plan" or "plan" means a detailed, result-oriented set of procedures, prepared and approved in accordance with section 46a-68 of the Connecticut general statutes and sections 46a-68-75 through 46a-68-114, inclusive, of the regulations of Connecticut state agencies, which blueprints a strategy to combat discrimination and achieve affirmative action.

(d) "Agency" means each state agency, department, board or commission required to file an affirmative action plan pursuant to section 46a-68.

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

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

(g) "Availability base" means the number of persons in the state currently possessing skills, abilities and qualifications necessary for the performance of a job or reasonably capable of acquiring in a reasonable period of time the requisite skills through training.

(h) "Commission" means the commission on human rights and opportunities

(i) "Commission complaint" means an action initiated under Section 46a-82(b) or Section 46a-82(c) of the Connecticut General Statutes or Section 46a-
68-113 of the Regulations of Connecticut State Agencies to enforce the provisions of any state or federal antidiscrimination or affirmative action law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II.
AN AFFIRMATIVE ACTION PLAN

Sec. 46a-68-76. Submission of a plan electronically
An affirmative action plan shall be submitted to the commission in electronic form using an electronic program proscribed by the commission. Such program shall contain instructions regarding the operation of the program and the attachment of documents, if required. An affirmative action plan shall not be submitted in written form, nor can the commission request a written copy from an agency.

Sec. 46a-68-77. Elements of an affirmative action plan
To satisfy the requirements of Section 46a-68 of the Connecticut General Statutes, and Sections 46a-68-75 through 46a-68-114, inclusive, an affirmative action plan shall be submitted to the commission in electronic form using an electronic program proscribed by the commission and shall contain or reference the following elements:

(a) policy statement;
(b) internal communication;
(c) external communication;
(d) assignment of responsibility and monitoring;
Sec. 46a-68-78. Policy statement

(a) An affirmative action plan shall contain a policy statement that:

(1) acknowledges the purpose and need for affirmative action and equal employment opportunity;

(2) acknowledges the classes protected under all federal and state constitutions, laws, regulations, and executive orders that prohibit or outlaw discrimination, as may from time to time be amended;

(3) establishes affirmative action as an immediate and necessary agency objective;

(4) pledges the agency to take affirmative steps to provide services and programs in a fair and impartial manner;

(5) recognizes the hiring difficulties experienced by individuals with disabilities and by many older persons and sets program goals for action to overcome the present effects of past discrimination, if any, to achieve the full and fair utilization of such persons in the work force; and

(6) identifies the agency equal employment opportunity officer or person assigned affirmative action duties by name, position or position classification, address and telephone number.

(b) The policy statement shall be signed and dated by the appointing authority and each subsequent appointing authority and shall evidence his or her commitment to achieve the goals set forth in the plan. An appointing authority may elect to author his or her own policy statement despite the existence of a policy statement or statements previously approved by the commission.

Sec. 46a-68-79. Internal communication

(a) The policy statement and a summary of the objectives of the plan shall be posted and distributed, electronically where practicable, and in written form where electronic distribution is not practicable, at least annually to all employees. In lieu of the policy statement, the appointing authority may substitute a statement of his or her commitment to affirmative action, provided such
statement satisfies generally the requirements of Section 46a-68-78 and is acceptable to the commission. All employees shall be notified of their right to a reasonable period to review and comment upon the agency affirmative action plan. All comments thereto shall be addressed to the equal employment opportunity officer, who shall be identified by name and address in all communications.

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

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

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

Sec. 46a-68-80. External communication

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

1. written expression of the agency’s commitment to equal employment opportunity/affirmative action and notice of job availability shall be sent regularly to recruiting sources and organizations which are capable of referring qualified applicants for employment; and

2. employment advertising shall clearly convey the desire of the agency to employ members of protected classes; and

3. notice that the agency is an affirmative action employer shall be sent to all unions which represent agency employees for collective bargaining purposes. Such notice shall contain an invitation to review and comment upon the agency’s affirmative action plan.

(b) Each agency shall initiate and undertake vigorous, positive relationship-building activity to ensure that affirmative action is more than a paper commitment. Each agency shall work to secure ongoing relationships and develop additional recruiting sources while cultivating outreach recruitment programs and maintaining contact with protected class members and resource agencies.
(c) The affirmative action plan shall list the activity undertaken by the agency during the reporting period to comply with this section. Activities undertaken towards the achievement of employment and programmatic goals shall be discussed in section 46a-68-92 “Goals Analysis.”

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

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

(1) human relations and intergroup relations;
(2) nondiscriminatory employment practices;
(3) the legal authority for affirmative action and the appointing authority’s commitment to affirmative action;
(4) review of the affirmative action plan; and
(5) identification of obstacles in meeting the goals of the plan.

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

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

(c) Each agency of one hundred (100) or more employees shall consider the feasibility of establishing an employee advisory/diversity committee. The committee, if established, may consider any matter appropriate to the development and implementation of the affirmative action plan. Members of the committee may be appointed by the appointing authority, in consultation with the equal employment opportunity officer or other individual, or elected by the employees at large. The committee should include representatives from a geographical, occupational category and protected class cross-section of the work force. Subject to Chapters 55 and 68 of the Connecticut General Statutes, the committee shall have access to agency records necessary for the effective performance of its duties.
(d) The agency shall maintain a record of each member of the employee advisory/diversity committee, identified by name; race; sex; position or position classification; and percentage of time devoted to such duties. Copies of all committee meeting minutes, recommendations made to the equal employment opportunity officer, including whether the recommendations were accepted or rejected by the agency, shall be likewise retained, as required by the agency’s records retention schedules for state agencies. If the agency determines that an employee advisory/diversity committee is unnecessary to the development or implementation of the affirmative action plan, the affirmative action plan shall so note.

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

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

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

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

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

2. establishing a system for evaluating supervisor’s performance on affirmative action consistent with chapters 67 and 68 of the Connecticut General Statutes;

3. reviewing the affirmative action plan at least annually. The equal employment officer should make an annual report to the head of the agency, containing the overall status of the program, results achieved toward established objectives, identification of any particular problems encountered and recommendations for corrective actions needed; and
as part of the plan, each agency shall list the steps it has taken to create an internal evaluation procedure and the results of the internal review for the reporting period. All writings pertaining to each internal program evaluation shall be retained pursuant to, the agency’s records retention schedules for state agencies, in-house for examination by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

1. examine the job content of each office; position and position classification
within an occupational category or, where appropriate, the job content of a
position classification;

2. match each office, position and position classification within an
occupational category or, where appropriate, a position classification, with
the most nearly parallel job title contained in the data source consulted.

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

1. employment figures;
2. unemployment figures; and
3. the racial and sexual composition of persons in promotable and
transferable offices, positions and position classifications.

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

1. population figures;
2. client population figures;
3. figures for educational, technical and training program graduates and
participants; or
4. any other relevant source.

(d) Agencies may elect to conduct availability analyses by age, physical
disability, or other protected class status recognized in Chapter 814c of the
Connecticut General Statutes.

(e) For each occupational category, position classification or job title
analyzed, the plan shall provide the name of each source consulted and explain
the basis for selection of each source. Additionally, where job titles in the source
consulted are not identical to the job titles employed by the agency, the plan shall
document the job titles deemed most parallel to office(s), position(s) and position
classification(s) within an occupational category or, where appropriate, position
classification or job title, and substantiate the manner in which the availability
base is calculated.

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

Sec. 46a-68-85. Utilization analysis and employment goals
(a) To determine whether protected classes are fully and fairly utilized, the representation of protected group persons in the work force shall be compared to the availability of such persons for employment. Comparisons between the agency work force and the availability base calculated in Section 46a-68-84 shall be made by occupational category, position classifications employing a significant number of persons and job titles for which a separate base was calculated.

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

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

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

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

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

Sec. 46a-68-86. Employment analyses
(a) Each agency shall undertake a comprehensive review of the employment process to identify policies and practices that perpetuate or build in barriers to equal employment. For each instance of underutilization in an occupational category or position classification separate employment analyses shall be conducted to target the cause of the imbalance. The agency shall then design specific corrective measures, in the form of program goals, to eradicate all policies and practices that contribute to the underutilization. The following analyses shall be performed:
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.

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.

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

Sec. 46a-68-91. Outreach strategies and career mobility
(a) Each agency shall develop means of recruiting goal candidates for current positions and positions expected to be filled over the next five (5) years. Agencies shall pay particular attention to outreach for high school and college students and shall, to the extent possible, provide them with development opportunities for careers in state government.

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

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

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 nondiscrimination.

(b) Developed recruitment strategies that ensure opportunities for all qualified applicants, including underutilized groups;
   (1) Identify affirmative action placement goal(s) for all job openings.
(2) Make efforts to attract a large and diverse pool of qualified applicants, particularly inclusive of groups associated with affirmative action recruitment goals.

(3) Develop a contingency strategy if the initial recruitment effort does not bring in a sufficiently diverse pool. However, it is best to make your initial recruitment as inclusive as possible.

(4) Contacting special interest organizations, groups and individuals.

(5) Or other means of outreach utilized to hire goal candidates.

(c) Ensured a fair and nondiscriminatory selection process, and

(1) Review the selection process to ensure that it treats each applicant fairly and consistently.

(2) Review the interview format and questions for possible bias.

(3) Ensure that reasonable accommodations are made for applicants.

(4) If using a group interview process, create a diverse selection panel.

(5) Assess all applicants using the same selection criteria.

(6) Consider all skills that qualify the applicant, including volunteer and professional experience.

(7) Interview as many applicants as possible to increase opportunity.

(8) Keep written records of all applicants interviewed and be certain that the information recorded relates to the individual's ability to perform the duties.

(9) Ensure that selection panel members are aware of the impact of common biases such as stereotyping, unsubstantiated first impressions that may influence a decision, and assessments based on different "comfort levels" with people of dissimilar groups.

(10) Document the selection process fully. Retain all records.

(d) Provided career development opportunities to all interested and qualified employees, with emphasis on those groups found to be underutilized in the workforce.

(1) Encourage staff to participate on agency committees to enhance development.

(2) Inform all staff of internal staff development and promotional opportunities.

(3) Promote and support employee training and development for all employees.

(4) Provide career counseling.

Sec. 46a-68-93. Concluding statement

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

(1) Acknowledges that the ultimate responsibility for promoting and enforcing affirmative action rests with the appointing authority, who shall account for the success or failure of the plan.

(2) Acknowledges that every good faith effort to achieve the objectives and goals set forth in the plan has been made.
(3) Attests that the agency's equal employment opportunity officer reports directly to the agency head.

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

PART III. REVIEW AND MONITORING

Sec. 46a-68-94. Filing standards
(a) The following factors shall determine whether an agency shall file on a biennial, annual or a semiannual schedule:
(1) the timeliness of prior submissions;
(2) the degree to which prior plans are in compliance with applicable law and Sections 46a-68-75 through 46a-68-114, inclusive; and
(3) whether the agency has demonstrated good faith efforts to achieve the goals of the plan.

(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.

Sec. 46a-68-95. 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 work force in a format proscribed by the commission. The commission shall request the information from the agencies by January 15th of each year and the report shall be filed with the commission not more than thirty (30) days thereafter.

Sec. 46a-68-96. Affirmative action plan reporting periods
(a) For agencies filing affirmative action plans biennially, information reported therein shall be for the period commencing on the first day of the month twenty-seven (27) months prior to the date upon which the plan is to be filed and ending on the last day of the month three (3) months prior to the filing.

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

(c) For agencies filing affirmative action plans semiannually, information and activity reported therein shall be for the period commencing on the first day of the
month nine (9) months prior to the date upon which the plan is to be filed and
eading on the last day of the month three (3) months prior to the filing date.

Sec. 46a-68-97. 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-68-98. Access to records and personnel
Each agency shall permit reasonable access to the commission 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.

Sec. 46a-68-99. Methods of review
(a) Review of an affirmative action plan shall be conducted by one or more of the
following methods:
(1) a desk audit of the documents, electronic records and material forming the
submission;
(2) a desk audit of documents and material received pursuant to Sections
46a-68-75 and 46a-68-114;
(3) an on-site analysis of documents and material required by law or Sections
46a-68-75 through 46a-68-114, inclusive, to be retained by the agency; or
(4) an off-site study of documents and material copied and removed from
agency premises.

Sec. 46a-68-100. Requests for information
(a) In addition to the plan and documents retained on-site pursuant to law or
Sections 46a-68-75 through 46a-68-114, inclusive, any other information
reasonably necessary to assist in the completion of a review or monitoring may
be discovered by the commission. Such information shall include, but not be
limited to:
production of documents;
(2) examination of persons upon oral deposition or other method; and
(3) interrogatories.

Sec. 46a-68-101. Standard of review
(a) To receive approved status, a plan must contain all elements required by Sections 46a-68-75 through 46a-68-114, inclusive.

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

Sec. 46a-68-102. Plan review and analysis
(a) As part of the review process, a written evaluation of the plan shall be prepared. Such evaluation shall:
(1) assess the degree of procedural compliance with these regulations;
(2) identify and comment upon the relative strengths and weaknesses of the plan;
(3) appraise the performance and effort of the agency in meeting goals;
(4) evaluate the effectiveness of the affirmative action program; and
(5) suggest remedial action in addition to or in lieu of that proposed in the plan to achieve a balanced work force and eliminate discriminatory practices.

(b) (1) Such plan shall be reviewed within sixty (60) days of filing with the commission. If any errors or omissions are identified which would lead to a recommendation other than approval the agency head shall be immediately informed of any areas of the plan not found to be in compliance and shall be provided fifteen (15) days to correct any noted errors or omissions and resubmit such plan to the commission.
(2) Within fifteen (15) days of receipt of the corrected plan the commission shall make a recommendation of approval if all such noted errors or omissions have been corrected. The commission may not make a recommendation other than approval based on errors or omissions not previously noted unless they occurred as the result of changes the agency made to the plan in correcting the returned plan.
(3) If an agency rejects the opportunity to make corrections or resubmits the plan late the commission staff shall make a recommendation of disapproval.
(4) Any plan submitted more than ninety (90) days after its scheduled date shall be deemed to be disapproved.
Submission, review, resubmission and action by the commission shall be completed no longer than ninety (90) days after the submission of the plan to the commission.

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

Sec. 46a-68-104. Commission review
(a) The commission shall formally approve, or disapprove an affirmative action plan. Plans so approved shall be designated commission approved plans and plans so disapproved shall be designated commission disapproved plans.
(b) If the commission fails to formally approve or disapprove an affirmative action plan within ninety (90) days of the date such plan is submitted, the plan shall be deemed to be approved. Such plans shall be designated commission approved plans by default.
(c) The commission shall provide electronic notification to an agency of its approval or disapproval of that agency’s plan.

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:
(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
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-68-108. 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-68-114, inclusive, if the affirmative action plans 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 Department of Administrative Services and office of policy and management electronically.

Sec. 46a-68-109. 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.

(b) The commission may withdraw a certificate of noncompliance if the petitioning agency:
shows that is has corrected the deficiencies noted in prior plan reviews

achieved compliance with Section 46a-68 of the Connecticut General Statutes, and Sections 46a-68-75 through 46a-68-114, inclusive; or

enters into an agreement with the commission to do so within specified time frames.

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

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

Sec. 46a-68-110. Request for rescission of certificate; hearings; appeal

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

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

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

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

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

(a) An agency receiving a certificate of noncompliance may petition the commissioner of the Department of Administrative Services and the secretary of the Office of Policy and Management for issuance of a certificate of exemption in accordance with section 46a-68a of the Connecticut General Statutes. A separate certificate of exemption shall be required for each vacancy in a position or position classification. A copy of the petition, together with evidence in support thereof, shall be served upon the commission. Service shall be made in a manner permitted by Section 46a-68-109(c), and the petition shall so state.
(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.
Sec. 46a-68-114. Implementation date

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

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