

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Agency

Commission on Human Rights and Opportunities

Subject

Affirmative Action Plans by State Government Agencies

Inclusive Sections

§§ 46a-68-1—46a-68-114

CONTENTS

Equal Employment Opportunity in Apprenticeship and Training

Sec. 46a-68-1.	Scope and purpose
Sec. 46a-68-2.	Definitions
Sec. 46a-68-3.	State of Connecticut authority
Sec. 46a-68-4.	Equal opportunity standards
Sec. 46a-68-5.	Affirmative action plans
Sec. 46a-68-6.	Selection of apprentices
Sec. 46a-68-7.	Record keeping
Sec. 46a-68-8.	Compliance reviews
Sec. 46a-68-9.	Non-compliance with equal opportunity requirement
Sec. 46a-68-10.	Complaint procedure
Sec. 46a-68-11.	Adjustments in schedules
Sec. 46a-68-12.	Sanctions
Sec. 46a-68-13.	Reinstatement of program registration
Sec. 46a-68-14.	Intimidatory or retaliatory acts
Sec. 46a-68-15.	Nondiscrimination
Sec. 46a-68-16.	Requests for exemption
Sec. 46a-68-17.	Cooperation with the commission on human rights and opportunities
Sec. 46a-68-18—46a-68-29.	Reserved

Schedule for Semiannual and Annual Filing of Affirmative Action Plans by State Agencies

Sec. 46a-68-30.	Repealed
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Affirmative Action by State Government

Part I

Definitions

Sec. 46a-68-31.	Definitions (Repealed)
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Part II

Required Elements of an Affirmative Action Plan

Sec. 46a-68-32.	Elements of a plan (Repealed)
Sec. 46a-68-33.	Policy statement (Repealed)
Sec. 46a-68-34.	Internal communication (Repealed)
Sec. 46a-68-35.	External communication (Repealed)
Sec. 46a-68-36.	Assignment of responsibility (Repealed)
Sec. 46a-68-37.	Organizational analysis (Repealed)
Sec. 46a-68-38.	Work force analysis (Repealed)
Sec. 46a-68-39.	Availability analysis (Repealed)
Sec. 46a-68-40.	Utilization analysis (Repealed)
Sec. 46a-68-41.	Hiring/promotion goals and timetables (Repealed)
Sec. 46a-68-42.	Employment analyses (Repealed)
Sec. 46a-68-43.	Identification of problem areas (Repealed)
Sec. 46a-68-44.	Program goals and timetables (Repealed)
Sec. 46a-68-45.	Upward mobility (Repealed)
Sec. 46a-68-46.	Grievance procedure (Repealed)
Sec. 46a-68-47.	Internal program evaluation (Repealed)
Sec. 46a-68-48.	Goals analysis (Repealed)
Sec. 46a-68-49.	Innovative programs (Repealed)
Sec. 46a-68-50.	Concluding statement (Repealed)

Part III

Review and Monitoring

Sec. 46a-68-51.	Filing schedule (Repealed)
Sec. 46a-68-52.	Annual filing standards (Repealed)
Sec. 46a-68-53.	Compliance summary reports; reporting periods (Repealed)
Sec. 46a-68-54.	Affirmative action plan reporting periods (Repealed)
Sec. 46a-68-55.	Record retention (Repealed)
Sec. 46a-68-56.	Access to records and personnel (Repealed)
Sec. 46a-68-57.	Methods of review (Repealed)
Sec. 46a-68-58.	Requests for information (Repealed)
Sec. 46a-68-59.	Standard of review (Repealed)
Sec. 46a-68-60.	Plan review and analysis (Repealed)
Sec. 46a-68-61.	Staff review; transmittal (Repealed)
Sec. 46a-68-62.	Commission review (Repealed)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

- Sec. 46a-68-63. Bona fide occupational qualification determination (Repealed)
Sec. 46a-68-64. Training and technical assistance (Repealed)
Sec. 46a-68-65. Delegation of authority (Repealed)

Part IV

Enforcement Procedures

- Sec. 46a-68-66. Letters of commitment; monitoring (Repealed)
Sec. 46a-68-67. Certificate of noncompliance; service (Repealed)
Sec. 46a-68-68. Petition for withdrawal of certificate; agreements; effect; monitoring; reissuance of certificate (Repealed)
Sec. 46a-68-69. Request for rescission of certificate; hearings; appeal (Repealed)
Sec. 46a-68-70. Certificate of exemption; conciliation; hearings (Repealed)
Sec. 46a-68-71. Commission complaints (Repealed)
Sec. 46a-68-72. Complaint investigation and hearing (Repealed)
Sec. 46a-68-73. Inauguration date (Repealed)
Sec. 46a-68-74. Repealer (Repealed)
Sec. APPENDIX A.

Affirmative Action Plans by State Government Agencies

PART I. DEFINITIONS

- Sec. 46a-68-75. Definitions

PART II. AN AFFIRMATIVE ACTION PLAN

- Sec. 46a-68-76. Submission of a plan electronically
Sec. 46a-68-77. Elements of an affirmative action plan
Sec. 46a-68-78. Policy statement
Sec. 46a-68-79. Internal communication
Sec. 46a-68-80. External communication and Recruitment Strategies
Sec. 46a-68-81. Assignment of responsibility and monitoring
Sec. 46a-68-82. Organizational analysis
Sec. 46a-68-83. Workforce analysis
Sec. 46a-68-84. Availability analysis
Sec. 46a-68-85. Utilization analysis and hiring and promotion goals
Sec. 46a-68-86. Employment analyses
Sec. 46a-68-87. Identification of problem areas
Sec. 46a-68-88. Program goals

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Sec. 46a-68-89.	Discrimination complaint process
Sec. 46a-68-90.	Goals analysis
Sec. 46a-68-91.	Career Mobility
Sec. 46a-68-92.	Good Faith Efforts
Sec. 46a-68-93.	Innovative programs
Sec. 46a-68-94.	Concluding statement

PART III. REVIEW AND MONITORING

Sec. 46a-68-95.	Filing standards
Sec. 46a-68-96.	Compliance summary reports; reporting periods
Sec. 46a-68-97.	Affirmative action plan reporting periods
Sec. 46a-68-98.	Record retention
Sec. 46a-68-99.	Access to records and personnel
Sec. 46a-68-100.	Methods of review
Sec. 46a-68-101.	Requests for information
Sec. 46a-68-102.	Standard of review
Sec. 46a-68-103.	Plan review and analysis
Sec. 46a-68-104.	Staff review; transmittal
Sec. 46a-68-105.	Commission on Human Rights and Opportunities review
Sec. 46a-68-106.	Training and technical assistance
Sec. 46a-68-107.	Delegation of authority

PART IV. ENFORCEMENT PROCEDURES

Sec. 46a-68-108.	Letters of commitment
Sec. 46a-68-109.	Certificate of noncompliance; service
Sec. 46a-68-110.	Petition for withdrawal of certificate; agreements; effect; monitoring; reissuance of certificate
Sec. 46a-68-111.	Request for rescission of certificate; hearings; appeal
Sec. 46a-68-112.	Certificate of exemption; conciliation; hearings
Sec. 46a-68-113.	Commission on Human Rights and Opportunities complaints
Sec. 46a-68-114.	Complaint investigation and hearing

Affirmative Action Plans by State Government Agencies

Equal Employment Opportunity in Apprenticeship and Training

Sec. 46a-68-1. Scope and purpose

This regulation sets forth policies and procedures to promote equality of opportunity in State approved and registered apprentice training programs and to assure coordination with other state and federal equal opportunity statutes, including those enforced by the Connecticut commission on human rights and opportunities. These policies and procedures contained herein apply to the recruitment, selection, employment and training of apprentices. The procedures established provide for processing of complaints and for the deregistration of apprenticeship programs found to be operating in a discriminatory manner. This regulation promotes equal opportunity to encourage affirmative expansion of apprentice training opportunities for a larger number of labor force participants from those segments of the labor force where the need for upgrading levels of skill is greatest. Equality of opportunity in apprenticeship will be promoted by prohibiting discrimination based upon race, color, religious creed, marital status, national origin, ancestry, sex, mental retardation or physical disability, including but not limited to, blindness unless such disability prevents performance of the work involved in apprenticeship programs, and by requiring affirmative action to provide equal opportunity in such apprenticeship programs. Voluntary affirmative action in apprenticeship programs has also been approved and endorsed by the United States Supreme Court. The Connecticut labor department, and the Connecticut commission on human rights and opportunities all encourage the inclusion of persons of all ages.

(Effective March 19, 1982)

Sec. 46a-68-2. Definitions

(a) "Commissioner" means the principal administrator directing and controlling all of the labor department activities including the job service program within the employment security division and the apprentice program within the office of job training and skill development.

(b) "Department" means the state of Connecticut labor department. Those units that will be primarily responsible will be the labor department's office of job training and skill development, which administers the apprenticeship program, the Connecticut state apprenticeship council and the apprentice information centers.

(c) "Council" means the nine member Connecticut state apprenticeship council appointed by the governor with equal representation from labor, management and the public, including the deputy commissioner, who advise and recommend to the commissioner and the department standards of apprenticeship and policies of administration.

(d) "Apprenticeship program" shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices as defined by the commissioner's regulation for apprenticeship programs.

(e) "Sponsor" shall mean any duly established firm, association, committee, organization

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-2

Commission on Human Rights and Opportunities

or corporation permanently located within the state of Connecticut with recognized capability to operate an apprenticeship program and in whose name the program is registered and approved.

(f) “Employer” shall mean any establishment which is party to an apprenticeship program employing an apprentice whether or not such establishment is a party to an apprenticeship agreement with the apprentice.

(g) “CHRO” shall mean the Connecticut commission on human rights and opportunities and its designated representatives administering fair employment practices under chapter 814 (c) of the Connecticut General Statutes, human rights and opportunities.

(h) “Race/ethnic and gender designations”

(1) White (not of Hispanic origin) a person having origins in any of the original peoples of Europe, North Africa or the Middle East.

(2) Minority

(a) Black (not of Hispanic origin): a person having origins in any of the Black racial groups of Africa.

(b) Hispanic: a person of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.

(c) Asian or Pacific Islander: a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent or the Pacific Islands. The area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

(d) American Indian or Alaskan Native: a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(3) Female - as referred to in this regulation means either minority or nonminority women.

(i) “Eligibility pools” means a grouping of applicants who meet the qualifications of minimum legal working age; or a grouping of applicants who meet lawful qualification standards in addition to the minimum legal working age, provided that such pool shall be composed of applicants so qualified sufficiently representative of members of protected classes in order to make possible the achievement of goals and timetables.

(j) “Affirmative action” includes procedures, methods and programs, including projection of specific goals and timetables, which encourage the expansion of training opportunities and involve larger numbers of participants from those segments of the labor force where the need for upgrading is the greatest. It includes procedures, methods and programs for the identification, recruitment and training of present and potential minority and female apprentices. It is action which will equalize opportunity in state approved and registered apprentice programs and is not merely passive nondiscrimination.

(k) “Good faith efforts” are a program sponsor’s actions to fulfill commitment to achievement of equal opportunity in the recruitment, selection, training and employment of apprentices, its actions to comply with the provisions of its written affirmative action plan and the attainment of its goals. Each case in which good faith efforts are in question shall be considered separately on its merits.

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-4

(l) “Goal” means a numerical objective fixed realistically in term of the number of vacancies expected within the sponsor’s projected business conditions and planning, keyed to the availability of qualified applicants. A goal shall not be interpreted as a quota.

(m) “Timetable” means a specific reasonable period of time established by the sponsor to measure results within the sponsor’s affirmative action plan.

(Effective March 19, 1982)

Sec. 46a-68-3. State of Connecticut authority

The authority for the implementation and adoption of these equal opportunity/affirmative action policies and procedures is vested in the commissioner under section 31-51d.* Further authority for promotion and enforcement of equal employment opportunities is contained in section 46a-72(d) (formerly section 4-61e(c)), section 46a-75 (formerly section 4-61h), and section 46a-68 (formerly section 4-61s) of the Connecticut General Statutes in order to comply with all responsibilities under the provisions of the Connecticut human rights and opportunities law, Conn. Gen. Stat. chapter 814(c).

* Which requires development of skill training opportunities for disadvantaged workers by inclusion thereof in apprenticeship agreements.

(Effective March 19, 1982)

Sec. 46a-68-4. Equal opportunity standards

(a) **Obligations of sponsors.** Each sponsor of an apprenticeship program agrees to:

(1) Recruit, select, employ and train apprentices during their apprenticeship without discrimination because of race, color, religious creed, sex, mental retardation, marital status, national origin, ancestry, or physical disability, including, but not limited to blindness.

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action and all aspects of the administration of the apprenticeship program; and

(3) Adopt an affirmative action plan as required by this regulation and to take affirmative action to provide equal opportunity in apprenticeship.

(b) **Equal opportunity pledge.** Each sponsor of an affirmative action program agrees to include in its standards and its announcement for apprentice openings the following pledge: “The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religious creed, sex, mental retardation, marital status, national origin, ancestry or physical disability, including but not limited to, blindness. The sponsor will take affirmative action to provide equal opportunity in applicable laws and regulations.”

(c) **Programs presently registered and newly registered sponsors.** Such programs and sponsors shall, within 60 days of the effective date of these regulations, take the following

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-5

Commission on Human Rights and Opportunities

action:

(1) Assure inclusion in the standards of its apprenticeship program the equal opportunity pledge in section 46a-68-4(b).

(2) Adopt and implement an affirmative action plan as required by these regulations, unless section 46a-68-4(d) applies.

(3) Adopt and implement a selection procedure as required by these regulations.

(4) Submit the requested documentation to the department, including copies of its standards, affirmative action plan and selection procedure.

(5) Make documents which support the above available at the worksite for inspection and review by the department.

(d) Sponsors subject to federal laws and executive orders shall be judged in compliance with the requirements of this regulation pertaining to recruitment standards, affirmative action plans and selection procedures if it submits to the department satisfactory evidence that it is already subject to a federal equal employment opportunity program. Satisfactory evidence is defined as a letter from the sponsor's federal compliance review agency indicating that the sponsor's equal employment opportunity program has been reviewed and has been found to be in compliance with federal laws and executive orders. Alternatively, if a letter from the federal compliance review agency is unavailable, the sponsor shall send a letter to the department indicating that it has developed an equal employment opportunity program pursuant to appropriate federal laws and executive orders, that to the best of its knowledge it is in compliance with said laws and executive orders.

(e) **Programs with fewer than a total of five apprentices.** A sponsor of a program in which fewer than a total of five apprentices are employed shall not be required to adopt an affirmative action plan under section 46a-68-5 or a selection procedure under section 46a-68-6 provided that such program was not adopted to circumvent, and does not have the effect of circumventing, the requirements of this regulation. Exceptions to this requirement may be granted in accordance with section 46a-68-16.

(Effective October 22, 1982)

Sec. 46a-68-5. Affirmative action plans

(a) **Adoption of affirmative action plans.** A sponsor's commitment to equal opportunity in recruitment, selection, employment and training shall include the adoption of a written affirmative action plan as required by this regulation.

(b) **Outreach and positive recruitment.** Acceptable affirmative action plans should include provisions for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeships by expanding the opportunities of minorities and females to become eligible for apprenticeship selection.

Each sponsor shall effectively communicate its equal opportunity policy in such a manner as to foster understanding, acceptance and support among the sponsor's various officers, supervisors, employees and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under these regulations.

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-5

Each sponsor shall disseminate information concerning the nature of apprenticeship requirements, availability of apprenticeship opportunities, sources of applications and explanation of the equal opportunity policy of the sponsor. Such information shall be given as openings in the program arise, to the department and the Connecticut apprenticeship information job service network, which in turn will disseminate it to local schools, women's centers, outreach programs, the permanent commission on the status of women and community organizations which can effectively reach minorities and females in the sponsor's labor market area.

In recognition of the fact that the scope of a particular affirmative action plan will be determined by the size of the apprenticeship program and the amount of a particular sponsor's resources, any individual sponsor will not necessarily be requested to take specific steps in all the areas listed below. However, the affirmative action plan shall set forth those specific steps the sponsor does intend to take. Suggested actions follow:

(1) Each sponsor may cooperate with local school boards and vocational educational systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(2) Each sponsor may make provision in its affirmative action program that those who complete pre-apprenticeship and preparatory trade training programs are afforded equal opportunity to participate in the sponsor's apprentice training program. It is understood that the completion of such training programs in no way confers favored status upon such applicants, and that those eventually selected for the apprenticeship program will be selected on the basis of merit.

(3) Each sponsor may utilize journeypersons to assist in the implementation of the affirmative action program.

(4) Each sponsor may grant advanced standing or credit on the basis of previously acquired experience, training, skills or aptitude for program applicants.

(5) Each sponsor may admit to apprenticeship programs persons whose age exceeds the usually preferred maximum age for admission to the program providing such individuals possess equal skills and aptitudes as those applicants whose age does not exceed the usually preferred maximum age.

(6) Each sponsor may take any other action needed to ensure the implementation of the objectives of its affirmative action program. Nothing in this section is meant to perform any violation of an existing, valid collective bargaining agreement, so long as such collective bargaining agreement was not written to circumvent or discourage affirmative action in apprenticeship programs and so long as such collective bargaining agreement does not have the effect of circumventing or discouraging affirmative action in apprenticeship programs.

(c) **Department obligations.** The department will provide technical assistance in the development and maintenance of a suitable affirmative action plan. Specifically, the department will:

(1) Provide a model affirmative action plan to be modified to meet the sponsor's employment situation.

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-5

Commission on Human Rights and Opportunities

(2) Provide, on at least an annual basis, the availability data necessary to maintain and update a sponsor's affirmative action plan.

(3) Provide individual counseling by department personnel to program sponsors with specific problems in the affirmative action plans upon request of such sponsors.

(4) Provide, through its offices, information on a pool of qualified applicants in the geographical area of any program sponsor.

(5) Expand its apprentice information system advisory and coordinating committee to include persons representing community-level organizations and apprenticeship outreach agencies as well as representatives of industry program sponsors.

(6) Expand the development of programs with the state department of education, the state community college system, the state technical college system and local boards of education in establishing trade preparatory classes, work experience foundation studies and pre-apprenticeship training programs to prepare for apprenticeship.

(7) Promote, with program sponsors in selected trades, their participation in the state's apprentice scholarship program or other special projects.

(8) Continue to offer, within the limits of existing funding, financial assistance to program sponsors for special training needs.

(d) **Goals and timetables.** A sponsor shall establish goals and timetables in its affirmative action plan regarding the utilization of minorities and women (minority and non-minority). Goals and timetables shall be related to the following factors:

(1) The size of the working age minority and female population in the program sponsor's labor market area.

(2) The size of the minority and female labor force in the program sponsor's labor market area.

(3) The percentage of minority and female participation as apprentices in the particular craft.

(4) The percentage of minority and female participation as journey persons employed by the employer or employers participating in the program.

(5) The general availability of minorities and females with present or potential capacity for apprenticeship in the program sponsor's labor market area. Such capacity or potential capacity shall be determined in part by the experience of the department and other outreach agencies.

(e) **Attainment of goals and timetables.** The department recognizes that goals and timetables cannot be inflexibly established or achieved by program sponsors and that each sponsor's goals and timetables must be subject to periods of reevaluation and modification. Compliance with these regulations shall be determined by the department to the degree that (1) a sponsor has met its goals within its timetables or (2) failing that, it has made a good faith effort to meet its goals and timetables. "Good faith effort" shall be as defined in section 46a-68-2(k). The department shall make all data relevant to minority and female labor force characteristics for the sponsor's labor market area, as specified in section 46a-68-5(c),

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-7

available to all program sponsors.

(Effective March 19, 1982)

Sec. 46a-68-6. Selection of apprentices

Each sponsor shall provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following paragraphs (a) through (d) of this section, provided that the method chosen be appropriate and sufficient to the achievement of the sponsor's goals and timetables. Whichever method is adopted apprentices shall be selected on the basis of fair, objective and specific qualification standards stated in detail. If a sponsor's selection from the pool is not consistent with its goals and timetables, the sponsor shall be required to demonstrate that the qualification standards for selection are directly related to job performance.

(a) **Selection for a pool of current employees.** The sponsor may select apprentices from a representative eligibility pool of qualified applicants already employed by the program sponsor in a manner prescribed either by an existing collective bargaining agreement between the sponsor and its union or by the sponsor's established promotion policy.

(b) **Selection from a pool of new applicants.** The sponsor may select apprentices from a representative eligibility pool of qualified applicants established through public notice which allows at least a two week application period with at least a 30 day prior notice to the department. Applications may be received at any time prior to a public notice but all applicants must compete for selection preference at the same time. A new public notice and selection procedure may be established for each year's class of apprentices. All interested applicants must reapply.

(c) **Selection from the department's pools.** The sponsor may select apprentices from a representative eligibility pool of qualified applicants established by the department in conjunction with its apprenticeship information system. Each pool will be maintained by the department in cooperation with various apprentice outreach agencies. The department will assure that each pool contains qualified applicants representative of all affected classes. A goal of 20 percent minorities and 40 percent females is established for the pool.

(d) **Alternative selection methods.** The sponsor may select apprentices by any other method providing that the sponsor demonstrates good faith efforts within the intent of these regulations.

(e) **Notification of applicants.** Each applicant will be notified whether or not he has been admitted to the appropriate eligibility pool based on meeting the minimum requirements established by the program sponsor.

(Effective March 19, 1982)

Sec. 46a-68-7. Record keeping

(a) **Sponsors.** Each sponsor shall keep the following records relevant to its apprenticeship program (1) the application of each applicant; (2) the qualifications of each applicant; (3) total applicants, applicants accepted and rejected by race, sex and physical

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-8

Commission on Human Rights and Opportunities

disability; (federal reporting records may be used as a base format) (4) apprentice program information.

(b) **Affirmative action plans.** Sponsors shall review their affirmative action plans for apprenticeship on an annual basis and update them where necessary.

(c) **Qualifications.** Each sponsor must maintain evidence that its qualification standards and selection methods are in accordance with the requirement set forth in section 46a-68-6 herein.

(d) The department will assist the sponsor upon request in establishing the above selection and record keeping procedures.

(e) **Records of the department.** The department shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations and any other records pertinent to a determination of compliance with this regulation.

(f) **Maintenance of records.**

(1) Apprentice applications - Each sponsor shall keep all apprentice applications for at least a one-year period unless a complaint has been filed, in which case it will be retained until the matter is resolved through all possible appeals.

(2) Applicant flow data shall be submitted to the department by the sponsor prior to the disposal of applications.

(3) Program information - Information relevant to the operation of the apprenticeship program shall be maintained for a period of one year subsequent to the term of the apprenticeship agreement unless a complaint has been filed, in which case pertinent records will be retained until the matter is resolved through all possible appeals.

(Effective March 19, 1982)

Sec. 46a-68-8. Compliance reviews

(a) **Conduct of compliance reviews.** The department will conduct regular reviews of apprenticeship programs to insure compliance with these regulations. Compliance reviews shall be of two types:

(1) A regular audit of each sponsor's program to be conducted as often as department resources and personnel allow, but not more than once in any 12-month period.

(2) A special audit to be conducted when the department has reason to believe such review is warranted. In both cases, the program sponsor will be notified at least one week in advance of the audit so that a mutually convenient appointment can be arranged.

(b) Where a compliance review indicates that the sponsor is not operating in accordance with this regulation, the department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under section 46a-68-12. In case of sponsors seeking new registration, the department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for recognition purposes.

(Effective March 19, 1982)

Sec. 46a-68-9. Non-compliance with equal opportunity requirement

A consistent pattern or practice of non-compliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with federal and state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with section 12 if such compliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this regulation. When such a pattern or practice is determined not to be in compliance with applicable laws and regulations, the department shall notify the sponsor that it will be given 60 days to bring its program into compliance with these laws and regulations. The sponsor shall take affirmative steps to assist and cooperate with employees and unions in voluntarily fulfilling their equal opportunity obligations.

(Effective March 19, 1982)

Sec. 46a-68-10. Complaint procedure

(a) Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, creed, sex, mental retardation, marital status, national origin, ancestry or physical disability, including but not limited to blindness, with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, alone, or through an authorized representative, file a complaint with the department. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this regulation.

(b) The department will immediately refer all such discrimination complaints to the Connecticut commission on human rights and opportunities for the filing of a separate complaint with that commission pursuant to Conn. Gen. Stat. chapter 814(c). The department will use its good offices to resolve its complaint on an informal basis. All apprenticeship complaints received by the Connecticut commission on human rights and opportunities will be referred to the department to resolve on an informal basis. If the department is not able to resolve complaints informally, the Connecticut commission on human rights and opportunities will implement its regular complaint procedure on the separate complaint filed with it under chapter 814(c). If the department is able to resolve the complaint, the Connecticut commission on human rights and opportunities will determine whether the resolution of the complaint complies with the Connecticut human rights and opportunities law, and will resolve its separate complaint in a manner appropriate to that determination.

(c) The department will notify all applicants and apprentices of the above complaint procedure.

(Effective March 19, 1982)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-11

Commission on Human Rights and Opportunities

Sec. 46a-68-11. Adjustments in schedules

If, in the judgment of the department, a particular situation warrants and re-requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party effected by such determination will be prejudiced by such special processing.

(Effective March 19, 1982)

Sec. 46a-68-12. Sanctions

(a) Where the department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is operating in a discriminatory manner, and corrective action has not been taken by the program sponsor, the department shall immediately undertake corrective action. If compliance is not forthcoming within a reasonable time, then the department shall immediately refer the matter and all pertinent information to the commission on human rights and opportunities for a determination through procedures conducted in accordance with chapter 814c.

(b) Deregistration proceedings shall be conducted either as a result of a compliance review conducted by the department, or as a result of a formal determination by the commission on human rights and opportunities. Deregistration shall be conducted in accordance with the following procedures:

(1) The department shall notify the sponsor, in writing, that a determination of discriminatory practices has been made and that the apprenticeship program will be deregistered based on the compliance review conducted by the department or a formal determination of the commission on human rights and opportunities.

(2) In each case which deregistration is ordered, the department shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the United States labor department. The department shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the secretary in accordance with the procedures in federal regulations, 29 CFR 30.15.

(Effective March 19, 1982)

Sec. 46a-68-13. Reinstatement of program registration

Any apprenticeship program deregistered pursuant to this regulation may be reinstated upon presentation of adequate evidence to the department that the apprenticeship program will operate in accordance with this regulation in a non-discriminatory manner. Adequate evidence shall include, but not be limited to, a showing that the deficiency has been corrected, either by means of make-whole relief, prospective relief, or such other relief as shall be necessary to operate the program in a nondiscriminatory manner.

(Effective March 19, 1982)

Sec. 46a-68-14. Intimidatory or retaliatory acts

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-17

against any person or persons for the purpose of interfering with a right or privilege secured by Title VII of the Civil Rights Acts of 1964, as amended, Executive Order 11246, as amended, Conn. Gen. Stat. sec. 46a-60(a)(4), or because he or she had made a complaint, testified, assisted or participated in any manner in any investigative proceedings or hearings under this regulation or under the regulations issued by the commission on human rights and opportunities pursuant to Connecticut's human rights and opportunities laws shall be considered noncompliance with the equal opportunity standards of this regulation. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this regulation including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

(Effective March 19, 1982)

Sec. 46a-68-15. Nondiscrimination

The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, creed, national origin, sex, mental retardation, marital status, ancestry or physical disability, including but not limited to blindness.

(Effective March 19, 1982)

Sec. 46a-68-16. Requests for exemption

Requests for exemptions from these regulations, or any part thereof, shall be made in writing to the commissioner and shall contain a statement of reasons supporting the request. The department shall consult with the commission on human rights and opportunities before granting such requests. Exemptions may be granted for good cause shown. The department shall notify the United States Labor Department of any such exemptions granted affecting a substantial number of employees and the reason therefor.

(Effective March 19, 1982)

Sec. 46a-68-17. Cooperation with the commission on human rights and opportunities

The department, pursuant to the statutory obligation of Conn. Gen. Stat. sec. 46a-77, shall cooperate with the commission on human rights and opportunities in its enforcement of the requirements of this section and other applicable provisions of state and federal equal opportunity law. The commission on human rights and opportunities will cooperate with the department's efforts to enforce this section and to otherwise comply with the requirements of state and federal equal opportunity law.

(Effective March 19, 1982)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

~~§46a-68-18—46a-68-29~~

Commission on Human Rights and Opportunities

Sec. 46a-68-18—46a-68-29. Reserved

Schedule for Semiannual and Annual Filing of Affirmative Action Plans by State Agencies

Sec. 46a-68-30. Repealed

Repealed September 21, 1984.

Affirmative Action by State Government

Part I

Definitions

Sec. 46a-68-31. Definitions (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Part II

Required Elements of an Affirmative Action Plan

Sec. 46a-68-32. Elements of a plan (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-33. Policy statement (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-34. Internal communication (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-35. External communication (Repealed)

Repealed April 17, 2015.

(Effective October 1, 1989; Repealed April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-44

Sec. 46a-68-36. Assignment of responsibility (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-37. Organizational analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-38. Work force analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-39. Availability analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-40. Utilization analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-41. Hiring/promotion goals and timetables (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-42. Employment analyses (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-43. Identification of problem areas (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Amended December 30, 2008; Repealed April 17, 2015)

Sec. 46a-68-44. Program goals and timetables (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-45

Commission on Human Rights and Opportunities

Sec. 46a-68-45. Upward mobility (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-46. Grievance procedure (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-47. Internal program evaluation (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-48. Goals analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-49. Innovative programs (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-50. Concluding statement (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Part III

Review and Monitoring

Sec. 46a-68-51. Filing schedule (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Amended January 13, 1999; Amended July 7, 2006; Repealed April 17, 2015)

Sec. 46a-68-52. Annual filing standards (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-61

Sec. 46a-68-53. Compliance summary reports; reporting periods (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-54. Affirmative action plan reporting periods (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-55. Record retention (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-56. Access to records and personnel (Repealed)

Repealed April 17, 2015.

(Effective October 1, 1989; Repealed April 17, 2015)

Sec. 46a-68-57. Methods of review (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-58. Requests for information (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-59. Standard of review (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-60. Plan review and analysis (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-61. Staff review; transmittal (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-62

Commission on Human Rights and Opportunities

Sec. 46a-68-62. Commission review (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-63. Bona fide occupational qualification determination (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-64. Training and technical assistance (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-65. Delegation of authority (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Part IV

Enforcement Procedures

Sec. 46a-68-66. Letters of commitment; monitoring (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-67. Certificate of noncompliance; service (Repealed)

Repealed April 17, 2015.

(Effective March 22, 1988; Repealed April 17, 2015)

Sec. 46a-68-68. Petition for withdrawal of certificate; agreements; effect; monitoring; reissuance of certificate (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-69. Request for rescission of certificate; hearings; appeal (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§APPENDIX A

Sec. 46a-68-70. Certificate of exemption; conciliation; hearings (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-71. Commission complaints (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-72. Complaint investigation and hearing (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-73. Inauguration date (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. 46a-68-74. Repealer (Repealed)

Repealed April 17, 2015.

(Effective September 21, 1984; Repealed April 17, 2015)

Sec. APPENDIX A.

January 15

—Connecticut Valley Hospital (Department
of Mental Health and Addiction Services)
—Department of Revenue Services
—Division of Special Revenue

January 30

—Office of the State Treasurer
—Office of Consumer Counsel
—Department of Information Technology

February 15

—Commission on Human Rights and Op-
portunities
—Department of Emergency Management
and Homeland Security
—Office of Health Care Access

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

<i>§APPENDIX A</i>	<i>Commission on Human Rights and Opportunities</i>
March 1	—Office of the Governor —Department of Consumer Protection —Office of Protection and Advocacy for Persons with Disabilities —Department of Veterans' Affairs —Department of Public Works
March 15	—Board of Trustees for Community-Technical Colleges (Central Office) —Commission on the Deaf and Hearing Impaired —Board for State Academic Awards (Charter Oak State College and Connecticut Distance Learning Consortium)
March 30	—Capital Community-Technical College —Manchester Community-Technical College —Connecticut State Library —Department of Social Services
April 15	—Naugatuck Valley Community-Technical College —Middlesex Community-Technical College —Tunxis Community-Technical College —Military Department —Capitol Region Mental Health Center (Department of Mental Health and Addiction Services)
April 30	—Three Rivers Community-Technical College —Quinebaug Valley Community-Technical College —Connecticut Commission on Culture and Tourism —Office of the Child Advocate
May 15	—Department of Transportation —Northwestern Connecticut Community-Technical College —Asnuntuck Community-Technical College —Teachers' Retirement Board

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§APPENDIX A

May 30	—Norwalk Community-Technical College —Gateway Community-Technical College —Housatonic Community-Technical College —Office of State Ethics
June 15	—Department of Economic and Community Development —State Department of Education —Western Connecticut Mental Health Network (Department of Mental Health and Addiction Services)
June 30	—Board of Trustees for the Connecticut State University System —Central Connecticut State University —Office of the State Comptroller —Office of the Chief Medical Examiner
July 15	—Office of the Attorney General —Eastern Connecticut State University —Police Officer Standards and Training Council —Department of Public Health
July 30	—Western Connecticut State University —Office of the Secretary of the State —Soldiers', Sailors' and Marines' Fund
August 15	—Labor Department —Workers' Compensation Commission —Southern Connecticut State University —State Elections Enforcement Commission
August 30	—Connecticut Siting Council —Freedom of Information Commission
September 15	—Department of Administrative Services —Department of Agriculture —Department of Mental Health and Addiction Services (Central Office)
September 30	—Department of Public Safety —Department of Motor Vehicles —Division of Criminal Justice

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

<i>§46a-68-75</i>	<i>Commission on Human Rights and Opportunities</i>
October 15	—Board of Education and Services for the Blind —Office of Policy and Management —Department of Higher Education —Connecticut Agricultural Experiment Station
October 30	—University of Connecticut Health Center —Department of Banking —Southeastern Mental Health Authority (Department of Mental Health and Addiction Services)
November 15	—Department of Children and Families —University of Connecticut —Department of Environmental Protection
November 30	—Southwest Connecticut Mental Health System (Department of Mental Health and Addiction Services) —Department of Mental Retardation —Commission on Fire Prevention and Control
December 15	—Cedarcrest Hospital (Department of Mental Health and Addiction Services) —Department of Public Utility Control —Department of Correction
December 30	—Connecticut Mental Health Center (Department of Mental Health and Addiction Services) —Insurance Department

(Effective February 17, 1994; Amended January 13, 1999; Amended July 7, 2006)

Affirmative Action Plans by State Government Agencies

PART I. DEFINITIONS

Sec. 46a-68-75. Definitions

As used in sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Adverse impact” means a substantially different rate of selection, generally a selection rate for any protected group less than four-fifths (4/5) of the rate for the group

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-75

most favored by the selection device.

(2) “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 workforce or affected by policies or practices having an adverse impact.

(3) “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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies, which blueprints a strategy to combat discrimination and achieve affirmative action.

(4) “Agency” means each state agency, department, board, educational institution, commission or entity required to file an affirmative action plan pursuant to section 46a-68 of the Connecticut General Statutes.

(5) “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.

(6) “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 other lawfully delegated authority.

(7) “Availability base” means the number of persons in the relevant labor market 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.

(8) “Compliance” means conformity with the requirements set forth in section 46a-68 of the Connecticut General Statutes and regulations promulgated thereunder.

(9) “Discriminatory practice” means any discriminatory practice as defined in section 46a-51(8) of the Connecticut General.

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

(11) “Employment analyses” means a review of the employment process to identify potential barriers to equal employment opportunity and affirmative action.

(12) “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.

(13) “Full-time employee” means an employee holding a permanent position normally requiring thirty-five hours or more of service in each week.

(14) “Goal” means a hiring, promotion or program objective that an agency strives to attain.

(15) “Good faith effort” means the initiatives delineated in section 46a-68-92 of the

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-75

Commission on Human Rights and Opportunities

Regulations of Connecticut State Agencies including that degree of care and diligence which a reasonable person would exercise in the performance of legal duties and obligations. At a minimum, it includes all those efforts reasonably necessary to achieve full compliance with the law. Further, it includes additional or substituted efforts when initial endeavors will not meet statutory or regulatory requirements. Finally, it includes documentary evidence of all action undertaken to achieve compliance, especially where requirements have not or will not be achieved within the reporting period established pursuant to section 46a-68-92 of the Regulations of Connecticut State Agencies.

(16) “Labor market” or “Labor market area” means a geographical area from which an agency may reasonably recruit or expect to recruit an employee for hire, promotion or transfer.

(17) “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 the appendices published by the United States Equal Employment Opportunity Commission.

(18) “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(1) to 5-198(3), inclusive, of the Connecticut General Statutes and members of boards and commissions.

(19) “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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies, appointments to the unclassified service.

(20) “Other employee” means a full-time employee who does not have permanent status.

(21) “Parity” means a condition where the percentage of the representation of a protected class in the workforce, occupational category, or job title equals the percentage of such persons in the availability base as determined in accordance with section 46a-68-84 of the Regulations of Connecticut State Agencies.

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

(23) “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.

(24) “Program goal” means a target established to respond to an identified obstacle to equal employment opportunity.

(25) “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

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-77

Connecticut General Statutes and, for the purpose of sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies, appointments to the unclassified service.

(26) “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.

(27) “Qualified applicant” is a person who meets the minimum requirements stipulated in a job description and has passed the examination for such job.

(28) “Race and sex” or “race and 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.

(29) “Underutilization” or “underutilized” means a condition where the percentage of representation of a protected class in the workforce, occupational category or job title is less than the percentage of such persons in the availability base.

(30) “Utilization analysis” means a comparison between the race and sex composition of the workforce, occupational category or job title with the availability base of such persons in the relevant labor market.

(31) “Workforce analysis” means a comprehensive inventory of all employees by race, sex, job title and occupational category.

(Effective April 17, 2015)

PART II. AN AFFIRMATIVE ACTION PLAN

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

In accordance with the provisions of 46a-68 of the Connecticut General Statutes the commission shall supply each agency required to file a state affirmative action plan with notification by first class mail, facsimile machine, electronic mail or a file transfer protocol not less than one year before the agency’s next plan is to be submitted that the Commission on Human Rights and Opportunities has approved an electronic filing system and such system shall be used to file state affirmative action plans electronically. An agency may opt to file a state affirmative action plan electronically prior to receiving notification to do so if the agency so chooses.

(Effective April 17, 2015)

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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies an agency shall submit an affirmative action plan to the Commission on Human Rights and Opportunities in electronic form upon notification pursuant to section 46a-68-76 of the Regulations of Connecticut State Agencies using an electronic program prescribed

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-78

Commission on Human Rights and Opportunities

by the Commission on Human Rights and Opportunities and such affirmative action plan shall contain or reference the following elements:

1. policy statement;
2. internal communication;
3. external communication and recruitment strategies;
4. assignment of responsibility and monitoring;
5. organizational analysis;
6. workforce analysis;
7. availability analysis;
8. utilization analysis and hiring and promotion goals;
9. employment analyses;
10. identification of problem areas;
11. upward mobility program and goals;
12. program goals;
13. discrimination complaint process;
14. goals analysis;
15. innovative programs; and
16. concluding statement and signature.

(Effective April 17, 2015)

Sec. 46a-68-78. Policy statement

(a) An agency shall submit an affirmative action plan which shall contain a policy statement that:

- (1) identifies the purpose and need for affirmative action and equal employment opportunity;
- (2) identifies the classes protected under all federal and state constitutions, laws, regulations, and executive orders that prohibit or outlaw discrimination;
- (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 workforce;
- (6) advises employees of the existence of the agency's internal complaint procedures; and
- (7) 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

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-80

goals set forth in the plan.

(Effective April 17, 2015)

Sec. 46a-68-79. Internal communication

(a) The policy statement and a summary of the objectives of the plan shall be posted by the agency in a prominent and accessible location and distributed, electronically where practicable, and in written form where electronic distribution is not practicable, at least annually to all agency employees. All employees shall be notified, by the agency head or designee of their right to a reasonable period to review and comment upon the agency affirmative action plan. All comments regarding the agency affirmative action plan shall be addressed to the equal employment opportunity officer, who shall be identified by name and address in all agency affirmative action plan 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 pursuant to subsection (a) of this section and note the date such comments were received.

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

(d) The agency's plan shall state the period of time employees of such agency 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.

(Effective April 17, 2015)

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

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

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

(1) written expression of the agency's commitment to affirmative action and equal employment opportunity 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) notice that the agency is an affirmative action and equal employment opportunity employer shall be sent to all unions that represent agency employees for collective bargaining purposes. Such notice shall contain an invitation to review and comment upon the agency's affirmative action plan.

(c) Each agency shall initiate and undertake vigorous, positive relationship-building activity to ensure that affirmative action is more than a paper commitment. Each agency

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-81

Commission on Human Rights and Opportunities

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.

(Effective April 17, 2015)

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

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

(b) Subject to the provisions of chapters 67 and 68 of the Connecticut General Statutes, the appointing authority may assign to any employee of the agency such duties and responsibilities necessary for the development, implementation and monitoring of the agency affirmative action plan. 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 equal employment opportunity 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.

(c) 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 affirmative action, discrimination, and equal employment opportunity and shall have access to all records and shall receive prompt cooperation from the 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.

(d) Each agency of one hundred (100) or more employees shall consider the feasibility of establishing an employee advisory and 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 shall include representatives from a geographical, occupational category and protected class cross-section of the workforce. 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.

(e) The agency shall maintain and submit a record of each member of the employee advisory and diversity committee, identified by name, race, sex, position or position

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-82

classification and percentage of time devoted to such duties. Copies of all committee meeting minutes and of any 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 and diversity committee is unnecessary to the development or implementation of the affirmative action plan, the affirmative action plan shall so state.

(f) 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 affirmative action plan shall so state.

(g) 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.

(h) The agency shall maintain and submit a record of each person performing any duty related to the development or implementation of the affirmative action plan by name, job, title and 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.

(i) 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 shall be given to the following actions:

(1) conducting an ongoing review and evaluation of the agency's progress towards the goals of the affirmative action plan. The evaluation shall 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; and

(3) reviewing the affirmative action plan at least annually. The equal employment officer shall 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.

(Effective April 17, 2015)

Sec. 46a-68-82. Organizational analysis

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

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-83

Commission on Human Rights and Opportunities

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.

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

(Effective April 17, 2015)

Sec. 46a-68-83. Workforce 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 forms prescribed by the Commission on Human Rights and Opportunities staff. A separate analysis shall be performed for part-time and other employees. The workforce analysis shall inventory the:

(1) total agency workforce by occupational category with percentages of race and sex groups calculated for each occupational category;

(2) total agency workforce by office, position and position classification within each occupational category;

(3) agency workforce in each relevant labor market area by occupational category; and

(4) agency workforce in each relevant labor market area by office, position and position classification within each occupational category.

(b) Each agency shall report the age groupings of its full-time workforce by occupational category, in five year increments as prescribed by the Commission on Human Rights and Opportunities staff; and

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

(Effective April 17, 2015)

Sec. 46a-68-84. Availability analysis

(a) As a preparatory step in determining whether protected classes are fully and fairly utilized in the workforce, 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, by each agency, for any position classification within an occupational category employing twenty-five (25) or more employees. A separate analysis may be performed by an agency 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

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-84

occupational category or, where appropriate, the job content of a position classification;

(2) identify the relevant labor market area; and

(3) 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 information and data sources shall be consulted by each agency:

(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 by an agency:

(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) For each occupational category, position classification or job title analyzed, the plan shall provide the name of each source consulted, explain the basis for selection of each source, and include copies of the specific data. 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 similar to office, position and position classification within an occupational category or, where appropriate, position classification or job title, and substantiate the manner in which the availability base is calculated.

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

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

(g) The plan shall substantiate the manner in which the availability base is calculated.

(h) As part of its review the Commission on Human Rights and Opportunities 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,

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-85

Commission on Human Rights and Opportunities

with the consent of the executive director of the Commission on Human Rights and Opportunities, may analyze additional labor market areas when specific requirements of a job profile, such as geographic proximity, so require.

(Effective April 17, 2015)

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

(a) To determine whether protected classes are fully and fairly utilized, the representation of protected group persons in the workforce shall be compared, in form or format prescribed by the Commission on Human Rights and Opportunities staff, to the availability of such persons for employment. Comparisons between the agency workforce and the availability base calculated in section 46a-68-84 of the Regulations of Connecticut State Agencies 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) For each instance of underutilization identified in the utilization analysis, employment goals shall be set by an agency to increase the representation of protected class members in the agency workforce. Employment goals shall be set by an agency 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.

(c) Where the underutilization of race and sex groups, considered individually, does not rise to the level to require a hiring or promotion goal, but where the underutilization of race and sex groups, considered collectively is fifty percent (50%) or greater, a goal shall be set by an agency, based on the race and sex group most underutilized in the occupational category, position classification or job title under consideration or for the race and sex group with the highest availability base, as the agency elects.

(Effective April 17, 2015)

Sec. 46a-68-86. Employment analyses

Each agency shall undertake a comprehensive review of the employment activity during the reporting period to identify policies and practices that perpetuate or build in barriers to equal employment. Each agency shall perform the following analyses:

(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 workforce.

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

(Effective April 17, 2015)

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 workforce 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 and sex group members in the employment process. Where applicable, the agency shall address the following aspects of employment:

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

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

(c) Each agency shall examine all aspects of the employment process itemized in subsection (a) of this section 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 workforce.

(Effective April 17, 2015)

Sec. 46a-68-88. Program goals

(a) Where an agency has identified, under section 46a-68-87 of the Regulations of Connecticut State Agencies, any employment policy or practice having an adverse impact upon protected race and 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 of the Regulations of Connecticut State Agencies to ensure:

- (1) the promotion of equal opportunity and to achieve a workplace free of discrimination;
- (2) opportunities for all qualified applicants including underutilized groups;
- (3) the utilization of a fair and nondiscriminatory recruitment and selection process; and
- (4) that career development opportunities are available to all interested and qualified employees, including minorities and women.

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-89

Commission on Human Rights and Opportunities

(c) 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.

(d) An agency may elect to set program goals or the Commission on Human Rights and Opportunities may require that program goals be set for any employment policy or practice having an adverse impact upon a race and 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 of the Regulations of Connecticut State Agencies.

(Effective April 17, 2015)

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

(a) The plan shall include a 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 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. 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 on Human Rights and Opportunities staff.

(Effective April 17, 2015)

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-92

Sec. 46a-68-90. Goals analysis

(a) Each agency shall prepare a report on all activity undertaken to achieve the hiring, promotion, 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 section 46a-68-88 of the Regulations of Connecticut State Agencies.

(b) For each job search, the agency shall provide the race and gender of:

- (1) the total applicant pool;
- (2) the qualified applicant pool; and
- (3) the applicants interviewed.

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

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

(Effective April 17, 2015)

Sec. 46a-68-91. Career Mobility

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

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

(Effective April 17, 2015)

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) to (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 equal employment opportunity and affirmative action to all employees;
 - (2) ensure that employees are aware of nondiscrimination policies and procedures; post

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-92

Commission on Human Rights and Opportunities

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 equal employment opportunity and affirmative action; document in performance appraisals;

(5) ensure that reasonable accommodations are made for disabled employees;

(6) take appropriate and timely action when there has been an allegation of sexual harassment; and,

(7) provide training to employees to enhance their knowledge of non-discrimination.

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

(1) identify affirmative action placement goals 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.

(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.

(e) Nothing in this section shall be construed to absolve an agency of its obligations

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-94

under sections 46a-68-78, 46a-68-79, 46a-68-80, 46a-68-81, 46a-68-85, 46a-68-87, 46a-68-89, and 46a-68-90 and 46a-68-92 of the Regulations of Connecticut State Agencies.

(Effective April 17, 2015)

Sec. 46a-68-93. Innovative programs

(a) The development and implementation of programs not covered elsewhere in the plan is an important part of the road to equal employment opportunity. Accordingly, within the framework of the affirmative action plan is an open invitation to each agency to structure comprehensive programs to create opportunities not otherwise available to achieve the full and fair participation of all protected group members. Such programs may include, but are not limited to:

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

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

(Effective April 17, 2015)

Sec. 46a-68-94. Concluding statement

(a) The affirmative action plan shall contain a concluding statement 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; and
- (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.

(Effective April 17, 2015)

PART III. REVIEW AND MONITORING

Sec. 46a-68-95. 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies; and
- (3) whether the agency has demonstrated good faith efforts to achieve the goals of the plan.

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

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

(Effective April 17, 2015)

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

For purposes of compliance with section 46a-68(f) of the Connecticut General Statutes, each agency shall file, by January 15th of every year, an annual compliance summary report capturing the race and sex composition of the agency workforce in a format prescribed by the Commission on Human Rights and Opportunities.

(Effective April 17, 2015)

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

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

(b) Agencies shall have thirty (30) days after its affirmative action plan filing schedule to make corrections to such plan.

(Effective April 17, 2015)

Sec. 46a-68-98. Record retention

All records related to affirmative action plans and all personnel or employment records made or kept shall be preserved by the agency 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

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-102

elsewhere by state or federal law in excess of two (2) years.

(Effective April 17, 2015)

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

Each agency shall permit reasonable access to the Commission on Human Rights and Opportunities staff pursuant to sections 46a-68-101 to 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 sections 4-61u, 4-61w, 4a-60 or chapter 814 of the Connecticut General Statutes and regulations issued pursuant to said sections or chapter.

(Effective April 17, 2015)

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

Review of an affirmative action plan shall be conducted by Commission on Human Rights and Opportunities staff using 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies;
- (3) an on-site analysis of documents and material required by law or sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies to be retained by the agency; or
- (4) an off-site study of documents and material copied and removed from agency premises.

(Effective April 17, 2015)

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

In addition to the plan and documents retained on-site pursuant to law or sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies any other information reasonably necessary to assist in the completion of a review or monitoring may be discovered by the Commission on Human Rights and Opportunities staff. Such information shall include, but not be limited to:

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

(Effective April 17, 2015)

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

(a) To receive approved status, a plan shall contain all elements required by sections 46a-68-76 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies.

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-103

Commission on Human Rights and Opportunities

- (b) Additionally a plan shall be approved only if:
- (1) the workforce, considered as a whole and by occupational category, is in parity; or
 - (2) the agency has met all or substantially all of its hiring, promotion, and program goals during the reporting period; or
 - (3) the agency has demonstrated every good faith effort to achieve such goals and, despite these efforts, has been unable to do so; and,
 - (4) the agency has addressed deficiencies previously noted by the Commission on Human Rights and Opportunities.

(Effective April 17, 2015)

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

As part of the review process, a written evaluation of the plan shall be prepared by Commission on Human Rights and Opportunities staff. Such evaluation shall:

- (1) assess the degree of procedural compliance with the Regulations of Connecticut State Agencies;
- (2) identify and comment upon the deficiencies 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 workforce and eliminate discriminatory practices.

(Effective April 17, 2015)

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

Commission on Human Rights and Opportunities staff shall review affirmative action plans and transmit a recommendation that a plan be approved, conditionally approved or disapproved to the Commission on Human Rights and Opportunities and simultaneously to the agency via email. The Commission on Human Rights and Opportunities staff shall include in its transmittal the reasons for its recommendation.

(Effective April 17, 2015)

Sec. 46a-68-105. Commission on Human Rights and Opportunities review

(a) The Commission on Human Rights and Opportunities shall formally approve, conditionally approve or disapprove an affirmative action plan. Plans so approved or conditionally approved shall be designated Commission on Human Rights and Opportunities approved plans and plans so disapproved shall be designated Commission on Human Rights and Opportunities disapproved plans.

(b) If the Commission on Human Rights and Opportunities fails to formally approve, conditionally 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 on Human Rights and Opportunities approved plans by default.

(c) The Commission on Human Rights and Opportunities shall provide notification to

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-107

an agency via email of its approval, conditional approval, or disapproval of that agency's plan.

(Effective April 17, 2015)

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

The Commission on Human Rights and Opportunities staff 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 law.

(Effective April 17, 2015)

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

(a) To assure effective and efficient implementation and enforcement of section 46a-68 of the Connecticut General Statutes the Commission on Human Rights and Opportunities finds that it is necessary to delegate certain responsibilities to its staff. Accordingly, pursuant to section 46a-54 (2), (4) and (5) of the Connecticut General Statutes, the Commission on Human Rights and Opportunities delegates and assigns the following responsibilities and duties:

(1) staff shall review affirmative action plans filed with the Commission on Human Rights and Opportunities to determine compliance with the relevant statutes and sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies and submit their review in a format approved by the Commission on Human Rights and Opportunities with a recommendation of approval, conditional approval or disapproval;

(2) 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies and to assist agencies in achieving compliance;

(3) 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies; and

(4) staff shall endeavor to achieve voluntary compliance with the law and sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies. Upon a failure to achieve voluntary compliance, the staff shall make recommendations for further action by the Commission on Human Rights and Opportunities.

(b) The executive director of the Commission on Human Rights and Opportunities shall supervise staff activities pursuant to this delegation of authority and report to the Commission on Human Rights and Opportunities on the activities undertaken, results achieved, and problems encountered and make recommendations for the Commission on Human Rights and Opportunities or legislative action.

(Effective April 17, 2015)

PART IV. ENFORCEMENT PROCEDURES

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

(a) If the Commission on Human Rights and Opportunities identifies, under the standards announced in sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies the agency shall, within thirty (30) days from the date notice of the Commission on Human Rights and Opportunities action is received, accept or reject the Commission on Human Rights and Opportunities' proposals to achieve compliance therewith.

(b) In the event that an agency refuses to adopt the proposals contained in the Commission on Human Rights and Opportunities review, the Commission on Human Rights and Opportunities 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 on Human Rights and Opportunities shall be in writing and signed by the agency appointing authority and equal employment opportunity officer and accepted by a representative of the Commission on Human Rights and Opportunities.

(c) The staff of the Commission on Human Rights and Opportunities 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 on Human Rights and Opportunities 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 on Human Rights and Opportunities within the meaning of section 46a-77 of the Connecticut General Statutes..

(Effective April 17, 2015)

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

(a) The Commission on Human Rights and Opportunities may issue a certificate of noncompliance in accordance with section 46a-68a of the Connecticut General Statutes and sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies if the affirmative action plan of any agency is disapproved.

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

(1) the Commission on Human Rights and Opportunities determines that the agency has achieved compliance with section 46a-68 of the Connecticut General Statutes, and withdraws the certificate; or

(2) the Commission on Human Rights and Opportunities, at a hearing requested by the

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-110

agency receiving the certificate and conducted by a presiding officer appointed by the chairperson of the Commission on Human Rights and Opportunities, 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 on Human Rights and Opportunities that the agency in noncompliance with section 46a-68 of the Connecticut General Statutes requires immediate filling of the vacancy because failure to fill the position or position classification will cause an emergency situation to exist, jeopardizing the public welfare.

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

(Effective April 17, 2015)

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

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

(b) The Commission on Human Rights and Opportunities may withdraw a certificate of noncompliance if the petitioning agency:

(1) shows that it has corrected the deficiencies noted in prior plan reviews and achieved compliance with section 46a-68 of the Connecticut General Statutes, and sections 46a-68-75 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies; or

(2) enters into an agreement with the Commission on Human Rights and Opportunities 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, the agency equal employment opportunity officer and a representative of the Commission on Human Rights and Opportunities. 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 on Human Rights and Opportunities within the meaning of section 46a-77 of the Connecticut General Statutes.

(d) Commission on Human Rights and Opportunities 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 on Human Rights and Opportunities determines that an agency has failed to satisfy the terms of the agreement entered into pursuant to subsections (b) and (c) of this section, the staff shall report this failure to the Commission on Human Rights and Opportunities and the Commission on Human Rights and Opportunities may reinstate the certificate by a majority vote of the commissioners present

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

§46a-68-111

Commission on Human Rights and Opportunities

and voting.

(Effective April 17, 2015)

Sec. 46a-68-111. 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 on Human Rights and Opportunities 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 on Human Rights and Opportunities 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-94a and 4-183 of the Connecticut General Statutes.

(Effective April 17, 2015)

Sec. 46a-68-112. 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 on Human Rights and Opportunities. Service shall be made in a manner permitted by section 46a-68-109(c) of the Regulations of Connecticut State Agencies, 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 on Human Rights and Opportunities to discuss whether an agreement pursuant to section 46a-68-110 of the Regulations of Connecticut State Agencies may be reached which would obviate the need for issuance of a certificate of exemption. In such event, the agency and Commission on Human Rights and Opportunities 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 on Human Rights and Opportunities shall be in writing and signed by the agency appointing authority, the agency equal employment opportunity officer and a representative of the Commission on Human Rights and Opportunities.

(c) If the agency receiving the certificate and the Commission on Human Rights and Opportunities are unable to reach an agreement pursuant to section 46a-68-110 of the Regulations of Connecticut State Agencies or if the Commissioner of the Department of Administrative Services and the Secretary of the Office of Policy and Management elect to

Regulations of Connecticut State Agencies

TITLE 46a. Human Rights

Commission on Human Rights and Opportunities

§46a-68-114

determine whether an emergency situation exists without referring the agency to the Commission on Human Rights and Opportunities, as provided in subsection (b) of this section, the Commissioner of the Department of Administrative Services and Secretary of the Office of Policy and Management shall determine whether a certificate of exemption shall be issued. A certificate of exemption may issue if the Commissioner of the Department of Administrative Services and Secretary of the Office of Policy and Management 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 on Human Rights and Opportunities shall respond to requests from the Commissioner of the Department of Administrative Services and Secretary of the Office of Policy and Management for information relating to the status of a non-complying agency's affirmative action plan.

(Effective April 17, 2015)

Sec. 46a-68-113. Commission on Human Rights and Opportunities complaints

The Commission on Human Rights and Opportunities may issue a complaint if:

(1) it has reason to believe that any person has been engaged in a discriminatory practice as defined by section 46a-51(8) of the Connecticut General Statutes; or

(2) an affirmative action plan is in violation of any of the provisions of sections 4-61u, 4-61w, or 46a-70 to 46a-78, inclusive, of the Connecticut General Statutes or sections 46a-68-97 to 46a-68-106, inclusive of the Regulations of Connecticut State Agencies; or

(3) 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.

(Effective April 17, 2015)

Sec. 46a-68-114. 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 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies shall proceed according to the procedures provided in sections 46a-83 to 46a-89a, inclusive, 46a-94a, 46a-95 and 46a-96 of the Connecticut General Statutes and regulations adopted thereunder.

(Effective April 17, 2015)