

AFFIRMATIVE ACTION PLAN DATA REPORT

Analysis of Affirmative Action in Connecticut State Agencies
Calendar Years 2008-2015

Commission on Human Rights and Opportunities

Introduction

The Connecticut Commission on Human Rights and Opportunities (CHRO) is responsible for the enforcement of the state's Affirmative Action Statutes, CONN. GEN. STAT. §§ 46a-68 to 46a-68k, inclusive. Under CONN. GEN. STAT. § 46a-68(b)(1), each state agency, department, board, and commission is required to employ either a full-time or part-time equal employment opportunity officer. It is the responsibility of the equal employment officer to ensure that the submitted plan contains all elements required under Regs. Conn. State Agencies § 46a-68-102(a), fulfills at least one of the § 46a-68-102(b)(1-3) requirements, and is in compliance with § 46a-68-102(b)(4). It is then the CHRO's responsibility to review and recommend each plan for disapproval, conditional approval, or approval by the Commissioners. Finally, the Commissioners take the CHRO Staff Recommendation into consideration and vote on the final approval status of each plan. This writing focuses on the Connecticut State Agency Regulations and the process that these regulations outline for the filing of Affirmative Action plans throughout the state.

Frequency of Filing

CONN. GEN. STAT § 46a-68(c) stipulates the frequency in which an agency must file an Affirmative Action Plan based on the size of the agency. For state agencies with less than 25 employees, there is no need to file an Affirmative Action Plan. State agencies that employ more than 25 people, but less than 250, must file biennially. All agencies that employ more than 250 people are statutorily required to file annually. However, if any agency shows a pattern of noncompliance, then they may be asked to file semi-annually, regardless of their size.

Size of Agency	Frequency of Filing
0-25 Employees	No Need to File
26-249 Employees	Biennial*
250+ Employees	Annual*

*Agency may also be asked to file semi-annually

The Process

The process that an agency must follow in order to submit an Affirmative Action Plan that will likely be approved by both CHRO Staff Recommendation and by Commission vote is clearly stated in Sec. 46a-68-76 to 46a-68-114, inclusive. As mentioned above, each agency must have either a full-time or part-time equal employment opportunity officer. Once the officer is chosen, he or she then begins compiling the demographic data of their workforce and of those they've considered in any hiring or promotions. A report is then put together that must meet the CHRO's statutory and regulatory requirements. When the report is complete, it gets sent to the CHRO Affirmative Action (AA) Unit. Next, that Unit reviews the report and notifies the agency of any deficiencies. The agency then has an opportunity to correct those deficiencies by themselves or with the help of the AA unit. The finalized draft is submitted to the CHRO where it gets reviewed for a recommendation. That recommendation and the plan are then submitted to the Commissioners at the monthly Commission meeting.

Although this process is plainly stated in the above mentioned statutes, there still remain state agencies that have consistently been recommended for disapproval or conditional approval by CHRO Staff and the Commissioners. Sec. 46a-68-109 provides that the Commission may issue a Certificate of Noncompliance to any agency whose currently submitted plan is disapproved. A Certificate of Noncompliance bars the agency from hiring or promoting any personnel. Currently, 2 of the 59 reporting agencies are eligible for a certificate of noncompliance because they have been repeatedly disapproved by both recommendation and by the Commissioners. These 2 agencies continue to have disapproved plans as of the end of Fiscal Year 2015. The Commission is not obligated to issue a certificate of noncompliance to an agency that has filed a disapproved plan. However, Sec. 46a-68-109 provides the Commission with the authority to do so as they see fit.

CONN. GEN. STAT. § 46a-68(b)(2), provides that the CHRO shall remain available to give training and technical assistance to each agency's equal employment officer for plan development and implementation. In June 2015, the CHRO held a one-day training session open to all equal employment opportunity officers in order to help each agency to understand the new state agency regulations. The CHRO is also available to help each agency to address individualized plan deficiencies. Each agency can find their existing plan deficiencies in their CHRO issued plan evaluation which will contain a directive to seek technical assistance in the specified deficient areas.

However, while Sec. 46a-68-106 requires the CHRO to provide this training, each agency is not statutorily required to complete it. The CHRO shall provide training only if the agency seeks it from them by request. Otherwise, the agency will be solely responsible for completing their Affirmative Action Plan and submitting it on time.

State Agency Affirmative Action Plan Approval Requirements

In order for an agency's Affirmative Action Plan to be approved, the plan must comply with Regs. Conn. State Agencies § 46a-68-102(a), § 46a-68-102(b)(4) and fulfill at least one of the § 46a-68-102(b)(1-3) requirements.

Sec. 46a-68-102(a) provides that a plan must "contain all elements required by sections 46a-68-76 to 46a-68-114, inclusive, of the Regulations of Connecticut State Agencies." Regs. Conn. State Agencies § 46a-68-102 (2015).

In order to comply with Sec. 46a-68-102(b)(4) (Deficiencies), an agency must have addressed the deficiencies previously noted by the Commission on Human Rights and Opportunities. In their new Affirmative Action Plan, agencies typically show the ways in which they have addressed the deficient areas of their previous plan. They may also file a separate report prior to the submission of their next plan enumerating the actions taken to remedy the deficiencies.

Regs. Conn. State Agencies § 46a-68-102(b)(1) (Parity) requires that the agency's "workforce, considered as a whole or by occupational category, be in parity" with the relevant labor market. The relevant labor market currently stems from the 1990 U.S. Census. The most difficult regulation to comply with is Parity, not one of the 310 Affirmative Action Plans analyzed for this report were in compliance with this regulation.

In order to comply with Sec. § 46a-68-102(b)(2) (Goals), an agency must have "met all or substantially all of its hiring, promotion, and program goals during the reporting period." Hiring, promotion and program goals are set by each agency according to the agency's ability to grow in a given occupational category. If an agency does not have an opening in the relevant goal area during the reporting period, then there will be no goal set in that area. A goal is substantially fulfilled when the agency has met 70% of their hiring, promotion, and program goals overall.

Sec. 46a-68-102(b)(3) (Good Faith) requires that a state agency demonstrate a good faith effort to achieve their hiring, promotion, and program goals. In order to fulfill this requirement, the agency must show that they have made every attempt to fulfill their goals, yet were still unable to do so. An agency may demonstrate this effort by considering every minority applicant. An agency that is able to illustrate that they have fairly evaluated each minority applicant fulfills the good faith effort requirement regardless of the percentage of goals fulfilled.

Statistical Analysis of State Agency Affirmative Action Plan Approval Ratings

The data analyzed in this report comes from the 59 state agencies that currently file Affirmative Action Plans with the CHRO. Each agency is required to file on either a semi-annual, annual, or biennial basis. Of those 59 agencies, 310 Affirmative Action Plans have been filed as a result of their individual five year filing histories. Out of the 310 plans filed CHRO Staff recommended that 22 of the plans be conditionally approved and 36 of them be disapproved. These numbers are depicted in Table 1 below. There were 252 plans recommended for approval, all of which were voted for approval by the Commissioners. The remaining 58 Affirmative Action Plans were recommended for either conditional approval or disapproval. Of those 58 plans, 29 were voted conditionally approved and 24 were voted disapproved. The remaining 5 plans were fully approved by Commissioner vote. The overall result of Commissioner voting for each of the 310 submitted Affirmative Action Plans are depicted in Table 2 below.

Table 1: CHRO Staff Recommendations

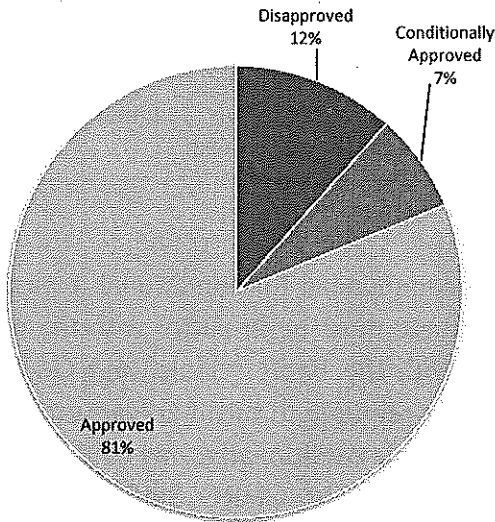
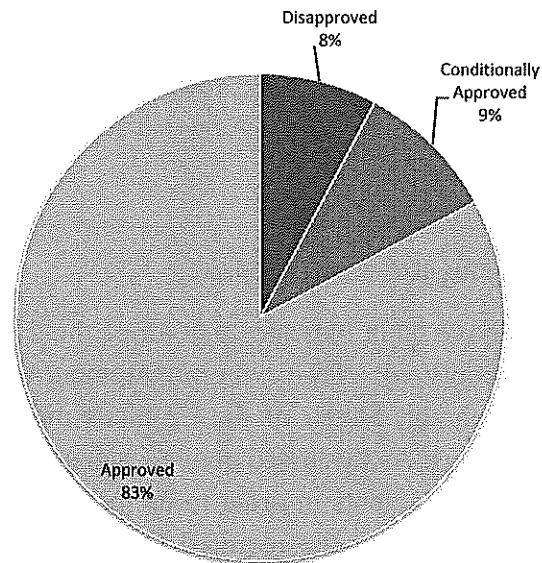


Table 2: Commission Vote



The plans recommended for conditional approval, and disapproval were analyzed in order to determine how many of the abovementioned plans were in noncompliance with each regulation. The 22 plans recommended for conditional approval and their regulatory noncompliances are displayed in Table 3. The 36 plans recommended for disapproval and their regulatory noncompliances are displayed in Table 4.

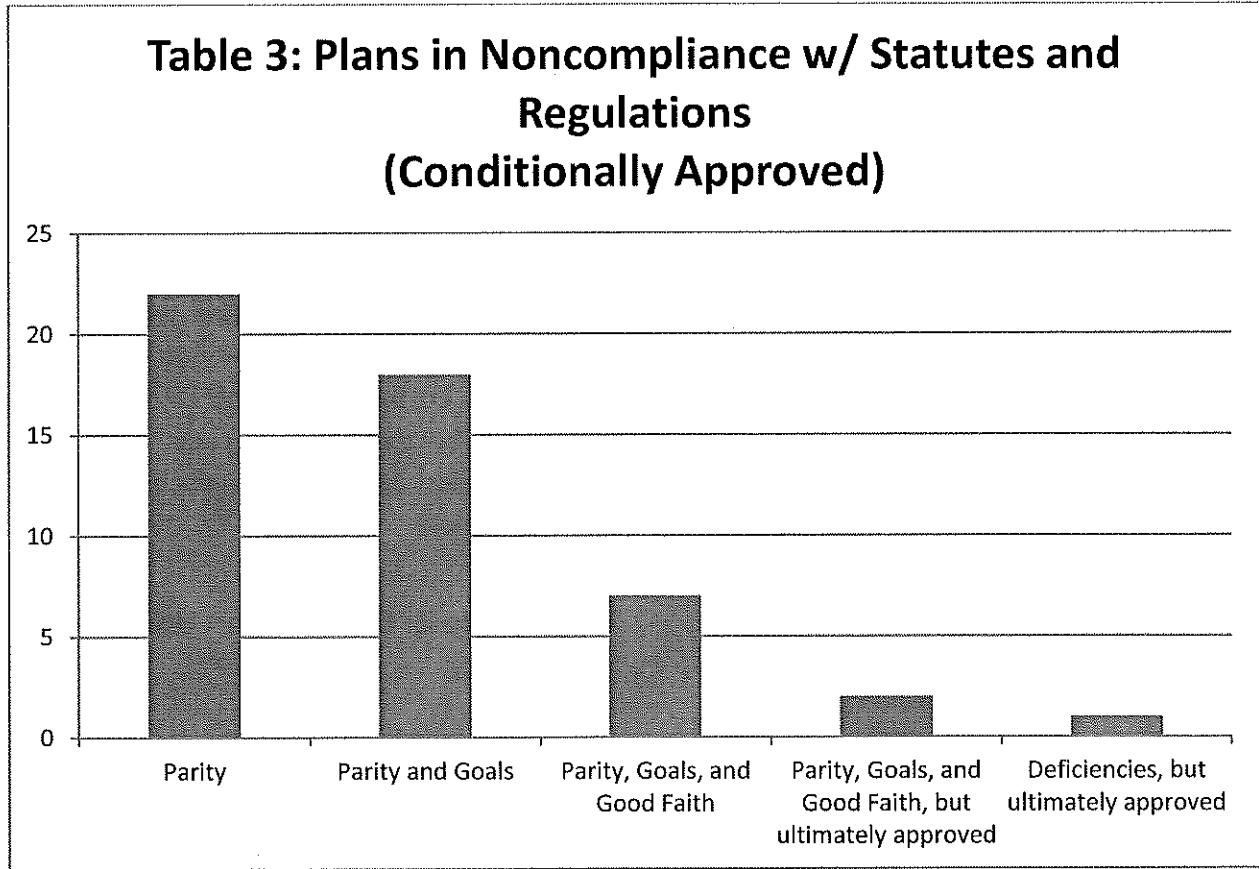


Table 3: Regulation Noncompliance

The above table indicates that all of the 22 agencies recommended for conditional approval did not comply with Parity, the requirement that the workforce must be in parity with the relevant labor market. Seven of the 22 plans did not comply with the Parity, Goals, and Good Faith regulations. As discussed above, each agency is statutorily required to fulfill at least one of these three requirements in order to be recommended for approval. Additionally, one of the plans did not comply with the required Deficiencies regulation. Statutorily, CHRO Staff are prohibited from recommending a plan that did not comply with Deficiencies for approval.

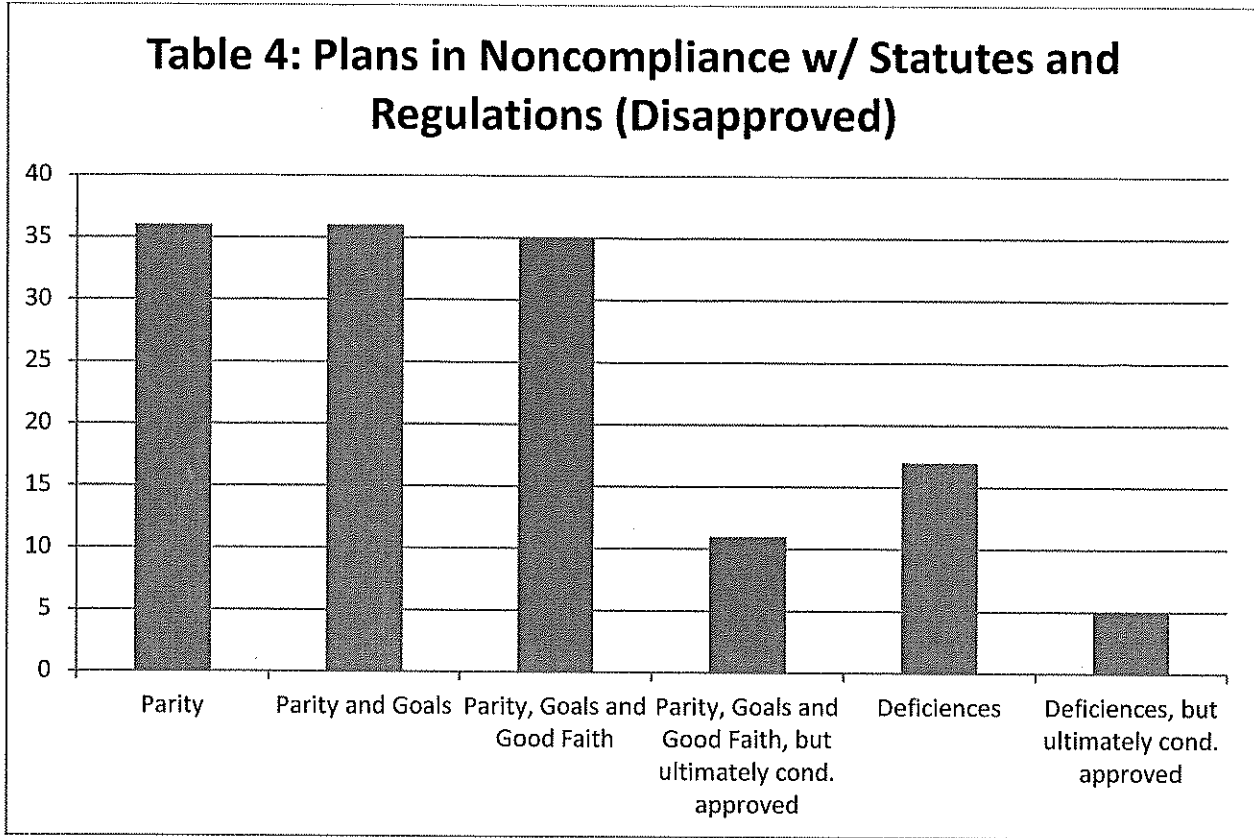


Table 4: Regulation Noncompliance

The above table indicates that all of the 36 agencies recommended for disapproval were noncompliant with both Parity and Goals. Thirty-five of the 36 plans were noncompliant with all three of the Parity, Goals, and Good Faith regulations. As previously mentioned, each agency is required to fulfill at least one of these three requirements in order to be recommended for approval. Eleven of the plans that did not comply with any of the three regulations were ultimately voted conditionally approved. Seventeen of the 36 agencies failed to address the deficiencies in their previous plan. Compliance with this section is deemed standard practice of a consistently approved Affirmative Action Plan filing. Five of the 17 plans that were noncompliant in this area were nonetheless ultimately conditionally approved. After considering the staff recommendation, the Commissioners have the authority to approve, amend or deny a recommendation

The general trend of the data indicated that state educational institutions were more likely than their non-educational counterparts to be recommended for either conditional approval or disapproval. Of the 58 plans recommended for conditional approval or disapproval, 36 of them were submitted by state educational institutions. This data is depicted in Table 5 below. Furthermore, the data suggests that state educational institutions tend to have a more difficult time gathering the necessary resources to generate an Affirmative Action Plan that would be approved rather than conditionally approved or disapproved.

Table 5: Plans Recommended for Conditional Approval or Disapproval

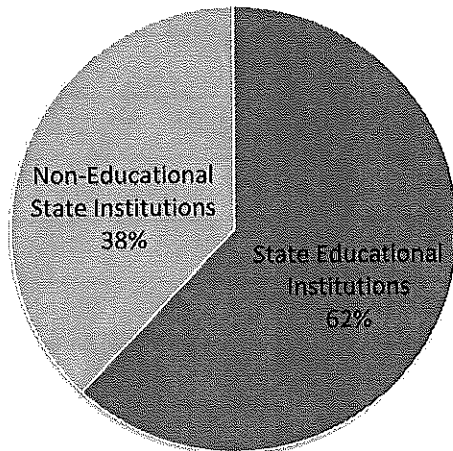


Table 5: Plans Recommended for Conditional Approval or Disapproval

Conclusion

The State of Connecticut, the CHRO, and the state agencies that have been consistently approved are committed to Affirmative Action Programming. The CHRO would like to see those state agencies that have not been consistently approved, seek the technical assistance and training offered to them by the Commission. The CHRO is committed to uniformity in the development and implementation of plans across each reporting state agency. The Commission hopes to be able to one day serve as a nation-wide example for state-run Affirmative Action Programming.