

Annual Report to the Connecticut General Assembly and Governor



AFFIRMATIVE ACTION PLAN DATA REPORT

FY 2020

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 filing of the Affirmative Action Plans during the 2020 fiscal year.

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 if they show a pattern of non-compliance

The Process

The process that an agency must follow in order to submit an Affirmative Action Plan that will likely be recommended for approval by CHRO Staff Recommendation and approved 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 have considered in any hiring or promotions. A report is then compiled 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 CHRO's Commissioners at the monthly Commission meeting.

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. The CHRO holds one-day training sessions 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.

While Sec. 46a-68-106 requires the CHRO to provide this training, however, 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 2000 U.S. Census. The most difficult regulation to comply with is Parity. Only one of the Affirmative Action Plans analyzed for this report was 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.

Diversity Training and Education Requirements

Pursuant to CONN. GEN. STAT. § 46a-54(16), each state agency must provide a minimum of three hours of diversity training and education to all supervisory and nonsupervisory employees. The training and education must include information concerning the federal and state statutory provisions concerning discrimination and hate crimes directed at protected classes and remedies available to victims of discrimination and hate crimes, standards for working with and serving persons from diverse populations and strategies for addressing differences that may arise from diverse working environments. Agencies must also submit an annual report to the Commission concerning the status of the required diversity training and education.

Forty-two state agencies provided information regarding their diversity training and education efforts during FY 2020. Agencies typically do not submit annual reports regarding their education efforts. Instead, this information is included in their Affirmative Action Plans submitted to the CHRO.

Of the forty-two agencies, all agencies reported engaging in diversity and inclusion efforts.

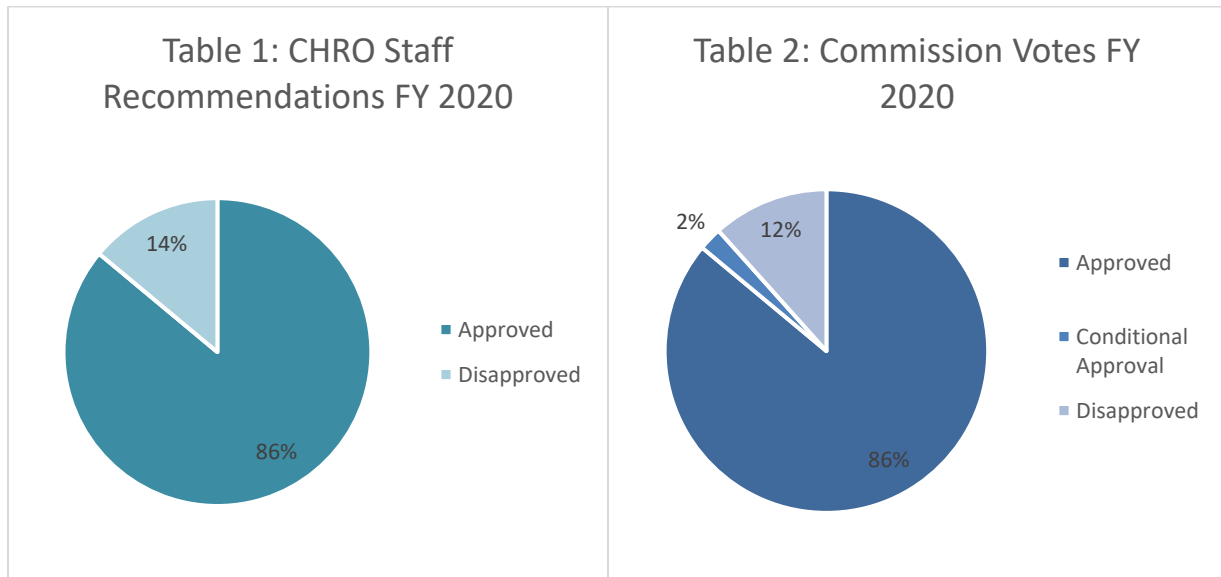
For a complete list of reporting state agencies and whether they met their diversity training and education requirements, see the Appendix of this report.

Statistical Analysis of State Agency Affirmative Action Plan Approval Ratings

The data analyzed in this report comes from the forty-two state agencies that filed Affirmative Action Plans voted on by the CHRO during the last fiscal year.¹ Each agency is required to file on either a semi-annual, annual, or biennial basis. As a result of the filing status, not every agency was required to submit an Affirmative Action Plan during the analyzed fiscal year. Out of the forty-two plans that were voted on, CHRO Staff recommended that seven of them be disapproved. These numbers are depicted in Table 1 below. There were thirty-five plans recommended for approval, all of which were voted for approval by the Commissioners. The remaining Affirmative Action Plans were recommended for either

¹ Due to the Covid-19 pandemic, the June, 2020 Commission meeting was cancelled.

conditional approval or disapproval. Of those plans, one was voted conditionally approved and six were voted disapproved. The overall results of Commission’s voting on each of the submitted Affirmative Action Plans are depicted in Table 2 below.



For full information regarding Affirmative Action Plans filed with the CHRO in FY 2020, see the Appendix.

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 serve as a nation-wide example for state-run Affirmative Action Programming.

Appendix: Agency AA Plans Filed in FY 2020

Agency	Filing Status	Timeliness Of Filing	Staff Recommendation	Commission Action	Diversity and Inclusion Requirements Met	Justification		
						(A)	(B 1-3)	(B4) Deficiencies Addressed
Asnuntuck Community College	Biennial	Timely	Approved	Approved	Y	Y	3	NA
Central Connecticut State University	Annual	Untimely - 2 days late	Approved	Approved	Y	Y	3	NA
Connecticut Agricultural Experiment Station	Biennial	Timely	Disapproved	Conditionally Approved	Y	Y	N	NA
Department of Administrative Services	Annual	Timely	Approved	Approved	Y	Y	3	NA
Department of Agriculture	Biennial	Timely	Approved	Approved	Y	Y	3	NA
Department of Children and Families	Annual	Untimely - 1 day late	Approved	Approved	Y	Y	3	Y
Department of Consumer Protection	Biennial	Timely	Approved	Approved	Y	Y	2,3	NA
Department of Correction	Annual	Untimely - 60 days late	Approved	Approved	Y	Y	3	NA
Department of Developmental Services	Annual	Untimely - 17 days late	Approved	Approved	Y	Y	3	Y
Department of Education	Annual	Untimely - 1 day late	Approved	Approved	Y	Y	3	NA
Department of Energy & Environmental Protection	Annual	Untimely - 88 days late	Approved	Approved	Y	Y	3	NA
Department of Housing	Biennial	Timely	Approved	Approved	Y	Y	3	NA
Department of Labor	Annual	Timely	Disapproved	Disapproved	Y	Y	N	NA
Department of Mental Health & Addiction Services	Annual	Untimely - 31 days late	Disapproved	Disapproved	Y	Y	N	NA
Department of Motor Vehicles	Annual	Timely	Approved	Approved	Y	Y	3	NA
Department of Public Health	Annual	Timely	Approved	Approved	Y	Y	3	NA
Department of Revenue Services	Annual	Timely	Approved	Approved	Y	Y	3	NA
Department of Social Services	Annual	Untimely - 1 day late	Approved	Approved	Y	Y	3	Y
Department of Transportation	Annual	Untimely - 17 days late	Approved	Approved	Y	Y	3	NA
Department of Veterans Affairs	Biennial	Timely	Disapproved	Disapproved	Y	Y	N	Y

Agency	Filing Status	Timeliness Of Filing	Staff Recommendation	Commission Action	Diversity and Inclusion Requirements Met	Justification		
						(A)	(B 1-3)	(B4) Deficiencies Addressed
Dept. of Emergency Services & Public Protection	Annual	Timely	Approved	Approved	Y	Y	3	NA
Eastern Connecticut State University	Annual	Timely	Approved	Approved	Y	Y	3	Y
Gateway Community College	Annual	Timely	Disapproved	Disapproved	Y	Y	N	Y
Manchester Community College	Annual	Untimely - 38 days late	Approved	Approved	Y	Y	2, 3	NA
Metropolitan District Commission	Annual	Timely	Approved	Approved	Y	Y	3	NA
Middlesex Community College	Annual	Timely	Approved	Approved	Y	Y	3	Y
Military Department	Biennial	Timely	Disapproved	Disapproved	Y	Y	N	NA
Naugatuck Valley Community College	Annual	Timely	Approved	Approved	Y	Y	3	NA
Northwestern Connecticut Community College	Biennial	Timely	Approved	Approved	Y	Y	3	NA
Norwalk Community College	Annual	Timely	Disapproved	Disapproved	Y	Y	N	Y
Office of Early Childhood	Biennial	Timely	Approved	Approved	Y	Y	3	NA
Office of Policy & Management	Biennial	Timely	Approved	Approved	Y	Y	3	Y
Office of the Attorney General	Annual	Untimely - 1 day late	Approved	Approved	Y	Y	3	NA
Office of the Chief Medical Examiner	Annual	Untimely - 17 days late	Approved	Approved	Y	Y	3	Y
Office of the Chief State's Attorney	Annual	Timely	Approved	Approved	Y	Y	3	NA
Office of the Secretary of the State	Annual	Timely	Approved	Approved	Y	Y	3	NA
Office of the State Comptroller	Annual	Untimely - 1 day late	Approved	Approved	Y	Y	3	Y
Southern Connecticut State University	Annual	Timely	Approved	Approved	Y	Y	3	Y
UConn Health	Annual	Timely	Approved	Approved	Y	Y	3	NA
University of Connecticut	Annual	Timely	Approved	Approved	Y	Y	3	NA
Western Connecticut State University	Annual	Timely	Approved	Approved	Y	Y	3	NA
Workers' Compensation Commission	Biennial	Timely	Approved	Approved	Y	Y	3	NA