



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

Commission on Human Rights and Opportunities' Responses and Comments on the Streamlining Affirmative Action Plans Recommendation Revised Final Report

The Commission on Human Rights and Opportunities (CHRO) is tasked with eliminating discrimination throughout the State of Connecticut. One of its most effective tools in doing so is through its oversight of the State's Affirmative Action Program. This program monitors equal employment throughout state hiring to ensure Connecticut's workforce can ensure the most qualified applicants are hired, regardless of their race or sex.

Over the past year, the CHRO has worked with other stakeholders in putting together recommendations to streamline that process. The outcome of this effort is a report dated January 5, 2024 that was issued by the Office of Policy and Management. The Commission commends everyone whose efforts contributed to this report for their diligence and thoughtful feedback. In particular, the Commission wants to thank the report's principle drafter, Augusta Irechukwu, for her efforts.

Following comments on the final report from the Commission, revisions were made. These revisions go far in addressing the concerns the Commission had with some of the recommendations. As there are still areas of disagreement and, in order to make the Commission's position on the recommendations clear, the Commission provides the following commentary on the revisions.

Comments on Recommendations

As an initial, general point, it is important to emphasize that the Commission operates under significant resource constraints. Many of the recommendations call for the creation of additional training resources or materials meant to aid state agencies through the process of drafting an affirmative action plan. The Commission currently has two full-time staff members working in the unit with an additional part-time staff member assisting as time allows. Despite this small team, the unit was able to review over thirty state agency affirmative action plans over the last fiscal year and gave 237 technical assistance sessions to work with state agencies in how to draft their report. The unit has worked as part of a taskforce to meet with EEO professionals throughout the state to answer their questions and ensure the process maximizes the state's affirmative action efforts. This is a tremendous amount of work resulting in not only the timely review of affirmative action plans, but the provision of training and resources to every state agency. Given that workload, the Commission cannot enact many of the recommendations in the report without the allocation of additional resources on a permanent basis.

The revisions to the report acknowledge this. In particular, the report notes that there is limited funding already allocated towards updating the affirmative action program. While this allocation

is crucial, it will likely not be enough. A system capable of achieving the results outlined in the report will likely exceed the appropriated funding. If a robust system capable of meaningful efficiencies is to be developed, there must be a strong funding commitment from the State. Moreover, any such system will require a permanent budget item for the service of such a program. Without a service contract, any system that is created will not be sustainable in the long run. Therefore it is crucial to emphasize that the allocated funding is a start but only a start and more, long-term funding will be required to implement the recommendations of the report.

With respect to the numbered recommendations, the Commission provides the following comment:

1. Implement an Online Application Platform

The Commission fully supports the creation of an online application for the creation of affirmative action plans. During the process of researching this report, the Commission was able to review applications in use in other jurisdictions. While these examples provided streamlined means for the submission of plans, none of the examples were suitable for the creation of plans. This means that a solution will require either creation of a new program or else heavy modification of an existing program in order to meet the requirements of Connecticut. As such, the Commission is excited to work with vendors to build a platform to streamline the affirmative action process while prioritizing the program's goal of ensuring equal opportunity throughout state employment.

2. Developing CHRO Approved Templates

This recommendation focuses on the creation of Excel workbooks for use by EEO professionals as an interim measure while an online application is built. This is again a recommendation the Commission fully supports. The Commission is glad that OPM has already begun work on these workbooks and is excited to test them vigorously. It will be essential for CHRO staff to be familiar with how these workbooks function, to know what their limitations are, and to be able to identify any issues attributed to the workbook that might be present in the submitted plans.

3. Developing STARS Queries to Extract Data

This recommendation is directed more at the Office of Policy and Management and the creation of additional queries to be used by EEO staff. The Commission supports this endeavor and any other measures aimed at providing up-to-date data to EEO professionals in putting together affirmative action plans.

4. Improving Core-CT Data Quality

This recommendation has seen significant revision from its original content which has addressed many of the Commission's concerns. In particular, the emphasis on supporting an individual's right to self-identification is greatly appreciated. While data integrity must be a concern in gathering demographic information, there must always be a recognition that how or whether a person identifies is a deeply personal choice that cannot be made by another. What may look like an misidentification or a data gap could be a profound part of a person's identity. With the revisions

to the report, the Commission supports working with OPM, DAS, and other stakeholders to create a system that gathers the necessary information in a respectful and appropriate manner.

5. Enhancing Training and Resources Available for EEO Officers

The Commission fully supports this recommendation with the reminder once again that creating additional training resources is a matter of agency resources. Without additional staff and support, the Commission is limited in how many materials it can make available to EEO staff.

6. Providing Improved Access to Standard Census Data

The Commission fully supports this recommendation. While outside the control of the CHRO, the creation of standardized data tools would be an asset to EEO professionals throughout the state.

7. Ensure EEO Officers have access to Applicant Data for Goals Analysis

The Commission is not involved with access to data sources in other agencies. To the extent that data can be provided to EEO professionals without compromising any confidential information, the Commission supports this recommendation.

8. Ensure Consistent Demographic Categories Across Connecticut Data Systems

The Commission supports this recommendation and its revisions to note that demographic categories are far more than a technical matter. They are a sociological one with profound implications for where lines are drawn. Ensuring categories are consistent not only with one another and other data sources but with how each community identifies is crucial. The Commission is excited to work with a multi-disciplinary group dedicated to getting these categories right amidst many competing considerations.

9. Review Reporting and Correction Timeline After Automation

The Commission supports this recommendation to the extent that consideration of changes only occurs after implementation of the earlier ones. There are many factors that impact an agency's ability to submit thorough and complete affirmative action plans on time. With the efficiencies put in place with a new system, hopefully many of the delays and revisions the Commission currently sees will be reduced and the cause any additional delays or need for multiple revisions will be able to be addressed as precisely as possible.

10. Reduce Agency Burden by Increasing Threshold for Availability Analysis

Finally, the report recommends increasing the threshold for availability analyses from positions with 25 or more employees to only those with 100 or more employees. Doing so would reduce the number of analyses from 298 to 64. While the Commission supports reducing unnecessary reporting, not all reporting is unnecessary. Availability analyses are at the core of an affirmative

action plan and allow for agencies to establish goals for occupations with meaningful specificity. When doing an availability analysis, agencies are required to look at how that position is currently staffed and compare that to the makeup of that specific labor market. When that specificity is lost, so too is the value of that analysis. You cannot address what you cannot see and many positions where we see marked disparities in employment would go without consideration if the threshold is set too high.

For that reason, the Commission recommends raising the threshold to 30 or more employees per analyzed position. This would reduce the amount of separate reports by fifty while ensuring that the workforce is analyzed with sufficiently useful specificity.

In revisions to the report, there is a recommendation for the Commission to consider a mechanism for agencies to forgo analysis of certain positions if certain criteria are met. While there are foreseeable issues with such an approach such as losing oversight that could then lead to new issues arising, the Commission is open to working with agencies to come to a process that achieves the goals of the program while eliminating any truly unnecessary reporting requirements.