



Senate Bill 439, House Bill 5452, House Bill 5453, House Bill 5454, and House Bill 5456

Testimony of Commissioner Michelle Gilman

Joint Committee on Government Administration and Elections

March 18, 2022

Good morning Senator Flexer, Representative Fox, Senator Sampson, Representative Mastrofrancesco and distinguished members of the Government Administration and Elections Committee. My name is Michelle Gilman and I am the Commissioner of the Department of Administrative Services ("DAS").

I want to thank the Committee for raising our bills, including: (1) **Senate Bill 439**, *An Act Concerning Human Resource Administration and the State Personnel Act*; (2) **House Bill 5454**, *An Act Concerning the Department of Administrative Services and Criminal Background Checks*; and (3) **House Bill 5456**, *An Act Authorizing the Purchase of the Capitol District Energy Center Cogeneration Associates Energy Production Plant*.

In addition, I would like to provide testimony on two other bills on the agenda today: (1) **House Bill 5453**, *An Act Requiring the Online Posting of Certain State Contracts*; and (2) **House Bill 5452**, *An Act Establishing a Task Force Concerning the Accessibility of State Agency Internet Web Sites*.

DAS's Agency Bills

1. DAS supports **Senate Bill 439**, *An Act Concerning Human Resource Administration and the State Personnel Act*. This bill would make minor and technical changes to the State Personnel Act to conform outdated language with best practices developed by Human Resources in recent years.

The current use of the term "examination" in the State Personnel Act causes confusion because that term is most traditionally understood to mean *written examinations*, yet written exams are very rarely used by the state during recruitments. **Sections 1, 3, 6, 7, 9, 14-17** of this bill seek to remedy this issue by more broadly redefining "examination" to describe a more complete candidate selection process. The revised definition places less emphasis on selection tools such as written exams, scoring, and ratings, and places greater emphasis on available tools to assess fitness for state employment. Accordingly, references to candidate "scoring" and "rating" have also been struck, and more focus is placed on an agency's preferred qualifications for applicants.

DAS requests that the definition of "examination" under subdivision (11) and "working test" under subdivision (26) of section 1 be amended to conform with the language in our original

agency proposal to ensure that the State Personnel Act is in harmony with collective bargaining agreement provisions that say an employee's working test period is part of, or an extension of, the examination process. Specifically, we request the following amendments to the language:

(11) "Examination" means [an assessment device or technique yielding scores or ratings designed to determine the fitness of candidates for positions allocated to a specified class, occupational group or career progression level] any act, event, process or technique intended to measure the knowledge, skills, abilities and fitness of applicants for employment, including, but not limited to, experience and training determinations, interviews, assessment centers, performance exercises, background checks and associated suitability determinations or working test periods.

[(25)] (26) "Working test" means a trial means a trial working period made a part of the examination and selective process under the provisions of this chapter and by regulations issued in accordance with this chapter, during which the work and conduct of the employee shall be noted by the appointing authority or his authorized agent and reported upon to determine whether such employee merits permanent appointment.

Section 2 makes the position of Communications Manager unclassified. Most agencies have expressed a need for a staff level position in their communications shops. This proposal creates a managerial, unclassified staff role to meet agencies' needs.

Sections 4 and 5 repeal prescriptive language regarding the way DAS creates candidate lists and the way examinations are noticed. These changes make the language consistent with DAS's use of the Job Aps website and provide consistency with processes developed through collective bargaining over the last several years.

Section 8 revises the language to ensure benefits are conferred upon veterans. Under existing law, veterans or their spouses who meet certain criteria are provided with either 5 or 10 "points" on open, public competitive postings. Since most job openings (i.e., exams) are pass/fail, the current language provides no meaningful benefit to veterans. This change will be more effective than the current point system because it will require appointing authorities to check eligible lists received for veterans and take action to demonstrate they've considered their candidacy.

Sections 10, 12, 13 make technical changes to clarify that the relevant positions described are non-examined (section 10) and non-competitive (sections 12 and 13).

Section 11 cleans up language to make clear that an employee who fails a promotional working test period (from within the same agency or upon promotion to a different state agency) will be returned to their former position (if it is available) or will be placed on a reemployment list. The state has faced expensive litigation over the confusing language in this section of the statute. Numerous parties, including seasoned Human Resources and Labor Relations professionals and employment law attorneys, have had difficulty interpreting the existing language. The clarifications contained in this section aim to prevent any such confusion moving forward.

Section 17: Eliminates the one-time requirement that DAS develop an HR Strategic Plan. This is an outdated requirement that was never removed from statute – this work was completed in 1992.

2. DAS supports **House Bill 5454, *An Act Concerning the Department of Administrative Services and Criminal Background Checks***. This bill would streamline the federal background check process for Human Resources staff members now housed within DAS.

Prior to the DAS HR Centralization initiative, state agencies had Human Resources employees “in-house” who conducted background checks on behalf of their agencies. Now that HR is centralized, those same HR employees are still conducting background checks, only now they are doing so as employees of DAS instead of as employees of their original agencies. In order to be in compliance with federal requirements, the Connecticut General Statutes need to be updated to reflect that these individuals are now employed by DAS. **House Bill 5454** would empower DAS HR employees to conduct federal background checks on behalf of the agencies that those employees service, including the Department of Public Health, the Department of Corrections, the Department of Motor Vehicles, the Department of Revenue Services, the Department of Children and Families, the Department of Developmental Services, and positions of employment within the state involving exposure to federal tax information. DAS has worked with the federal liaison at the State Police as well as the client agencies included in the bill to ensure that this language is acceptable to all parties.

3. DAS supports **House Bill 5456, *An Act Authorizing the Purchase of the Capitol District Energy Center Cogeneration Associates Energy Production Plant***, which seeks to address an immediate need for a fully functional and efficient energy supply system to service key government buildings in Hartford. This bill authorizes the State to purchase the energy production plant that supplies steam and hot water to buildings in the Capitol area. This purchase will permit the State to upgrade necessary equipment, resulting in reduced costs and increased efficiency for the State. An agreement to purchase the plant is already in place; all that is required in order to move forward is legislative approval.

The Capitol Area District Heating and Cooling System (“CAS”) is a state-owned thermal energy supply system. The CAS system has two closed loop distribution systems (hot water and chilled water) and a pump house. The loop consists of over 3 miles of underground piping. Every day the CAS supplies hot and chilled water to ten state owned buildings and five privately owned buildings in the Capitol District, including:

- the Legislative Office Building;
- the Supreme Court;
- the State Office Building;
- the Armory (which is an emergency ops center); and
- the Bushnell Performing Arts Center.

The CAS purchases the thermal energy (steam and chilled water) through a supply agreement executed in December 2008 with the Capitol District Energy Center Cogeneration Associates (“CDECCA”) energy production plant located at 490 Capitol Avenue. The current agreement

will expire on September 30, 2022. The State is paying approximately over \$4 million per year for the steam and chilled water which includes both a commodity and demand fee. As a result, the State now needs a long-term supply of thermal energy to heat and cool our buildings.

Additionally, in August 2021, we had an explosion at a state-owned pump house which impacted the State's ability to convert steam into hot water and pump both the hot and chilled water through the CAS. The State constructed a temporary boiler plant and pumping operation at a cost of an additional \$130,000 per month. These costs are in addition to the payments made to CDECCA.

DAS has looked at various options to make it economically feasible to provide heating and cooling to buildings within the distribution system. After reviewing the available options, DAS has determined that the cheapest and most feasible option is to purchase the CDECCA plant and produce our own thermal energy. DAS is seeking legislative authority to purchase the plant.

House Bill 5456 provides the necessary legislative approval to finalize the purchase of the CDECCA plant. This proposal changes the existing statute to authorize DAS to purchase the CDECCA power plant from the current owners. This will ensure the state has full autonomy over all parts of the CAS System and reduce costs for the state and non-state facilities that are part of the loop.

A Purchase and Sale Agreement has been drafted which has been agreed upon by the state and the owners which provides for a due-diligence timeframe. Once the purchase of the plant is concluded, DAS plans on moving all pumping operations to the CDECCA plant and upgrade the equipment to meet higher efficiency standards and convert the Capital Avenue complex from a steam system to a hot water system. The state will also be able to explore other Energy Conservation Measures (ECMs) in line with the Governor's executive order.

Should the state fail to acquire the CDECCA plant, a new agreement will have to be reached with the current owners. We will be unable to make improvements to the plant as we see fit and run the plant economically and efficiently. Additionally, under the current agreement, the state is still liable for major equipment breakdown.

Other Bills on Agenda

4. DAS supports **House Bill 5453**, *An Act Requiring the Online Posting of Certain State Contracts*, but recommends an amendment. This bill would require the online posting of certain state contracts that are entered into without being subject to competitive bidding or competitive negotiation requirements. As written, this bill creates an incremental administrative burden by adding new items to a list that DAS already maintains. Section 4a-58 of the Connecticut General Statutes requires DAS to post all standardization transactions on its website and update as appropriate. DAS requests that the bill be amended to limit the additional online posting requirements to subsection (d) of section 1, which involves state contracts for the purchase of cars or light-duty trucks.

5. DAS supports the goal of **House Bill 5452, *An Act Establishing a Task Force Concerning the Accessibility of State Agency Internet Web Sites***, to make web sites more accessible, however the bill is not necessary because work is already being undertaken by our agency. This bill seeks to establish a task force to study the accessibility of the Internet websites of state agencies. DAS's Bureau of Information Technology Solutions ("BITS") is currently in the process of improving website accessibility with other state agencies. All new websites published online through the BITS Digital Services team are checked for accessibility compliance, and older websites are being reviewed for compliance as well. In performing these checks, DAS follows guidelines established through Section 508 of the federal Rehabilitation Act ([Section 508](#)), the Web Content Accessibility Guide ([WCAG 2.1 AA](#)), the [State of CT Universal Website accessibility standards](#), and [general ADA website standards](#). As a result of DAS's efforts to lead the way in this policy goal, we suggest that a task force is unnecessary given the work being done.

Again, thank you for the opportunity to submit testimony. I urge the committee to support **Senate Bill 439, House Bill 5452, House Bill 5453, House Bill 5454, and House Bill 5456**. We look forward to working with the Committee to address these issues.