

Commission on Human Rights and Opportunities



At a Glance

ROBERT J. BROTHERS, Jr., Executive Director

Established – 1943

Statutory authority – CGS Chapter 814c

Central office – 25 Sigourney Street, Hartford, CT 06106

Website – www.ct.gov/chro

Toll free telephone - (800) 477-5737

TDD – (860) 541-3459

Expenses 2010-11 Budget - \$6,378,778

Number of positions filled - 67 full-time

Authorized positions - 78 full-time

Organizational structure - Nine-member commission establishes policy; Executive Director manages administrative office and four regional offices; and, independent Human Rights Referees hear contested cases.

Mission

The mission of the Connecticut Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all within the state through advocacy and education.

Statutory Responsibility

The statutory responsibility of the Commission is to:

- Eliminate illegal discrimination in employment, housing, public accommodations and credit transactions through education and law enforcement;
- Monitor contract compliance laws and small contractor set-aside provisions by state agencies, contractors and subcontractors;

- Review and monitor state agency affirmative action plans and compliance with laws requiring affirmative action and equal opportunity in state government; and
- Establish equal opportunity and justice for all persons in Connecticut through education and outreach.

Public Service

The Commission is headed by a policy-making body consisting of nine members. Five of the members are appointed by the Governor and four are appointed by the leadership of the General Assembly. All new appointments require legislative approval through the advice and consent of the House and Senate. The Commission conducts regular monthly meetings on the second Wednesday of the month. The Commission conducts special meetings as it deems necessary. Nine Commissioners were serving at the end of the fiscal year. They are Chairperson Andrew Norton, Secretary Edward Mambruno, and Commissioners Cheryl Lynn Clarke, Lyn May, Dawn Niles, Edith Pestana, Suzanne Tirado and Patricia Wrice.

An Executive Director appointed by the Commission oversees the operations of the agency. The agency has four regional offices located in Hartford, Waterbury, Bridgeport and Norwich, which receive and investigate cases from individuals who believe that they have suffered illegal discrimination. The agency's administrative office, also located in Hartford, houses the Office of the Executive Director, the Legal Division, the Affirmative Action and Contract Compliance Unit, the Fair Housing Unit and the Office of Public Hearings.

Improvements/Achievements 2010-11

The Commission on Human Rights and Opportunities (CHRO) initiated legislation in 2011 which made the most sweeping changes in case processing in decades.

Public Act 11-237 changes how the Commission on Human Rights and Opportunities (CHRO) handles discrimination complaints.

It provides an automatic legal review of complaints dismissed during the merit assessment review process, except when the complainant has requested a release from jurisdiction. If a complaint is not dismissed after the merit review process, or dismissed but then reinstated after the legal review, the act requires a mandatory mediation conference within 60 days. If the complaint is not resolved through mandatory mediation, the act allows for a request of early legal intervention.

The act allows CHRO's executive director to recommend that an investigator find that there is no reasonable cause to believe that discrimination has occurred and specifies when the investigator must follow that recommendation. It specifies that a reasonable cause investigation may include any lawful method of fact-finding.

The act requires that a reconsideration request must state specifically why it should be granted, and narrows the reasons for allowing someone to make such a request. It adds to the reasons that CHRO can dismiss a complaint or enter a default order against a respondent.

The act decreases the time period that a discrimination complainant must wait to request a release of jurisdiction from CHRO from 210 to 180 days, allowing complainants who wish to proceed in court to begin the process sooner. It makes other changes regarding when CHRO must or may grant a release from jurisdiction.

The act makes various changes regarding petitions brought to court to enforce CHRO orders. Among other changes, it (1) allows all such petitions to be brought in the Hartford judicial district, (2) eliminates the requirement that CHRO file a complete transcript of the administrative proceedings, (3) eliminates the court's discretion to modify the administrative award, and (4) repeals provisions allowing the court to order additional evidence to be presented to the presiding officer in certain circumstances.

The act allows CHRO attorneys to be involved in proceedings alleging retaliation for making a whistleblower complaint.

The act prohibits attorney's fees in specified situations from being contingent on the amount of damages requested by or awarded to the complainant.

The act makes additional changes regarding housing discrimination. For example, it (1) eliminates the requirement that a CHRO commissioner concur with the attorney general or CHRO legal counsel before they can seek specified remedies in a housing discrimination case brought after a reasonable cause finding and (2) allows the complainant to intervene as a matter of right in such cases.

Affirmative Action Training: In conjunction with the Permanent Commission on the Status of Women, the Commission is mandated by CONN. GEN. STAT. § 46a-68(b)(3) to provide training concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints to persons designated by state agencies, departments, boards or commissions as Equal Employment Opportunity professionals (amended from affirmative action officers or AAOs by P.A. 11-51) and persons designated by the Attorney General or the Attorney General's designee to represent such agencies before the Commission or the EEOC (AGDs).

Diversity and Education: By statute, the Commission serves as the secretariat for the Martin Luther King, Jr. Holiday Commission (MLK). The MLK Commission, with assistance from the Commission, presented the 25th Annual Bell Ringing Ceremony at the State Capitol to commemorate the birthday of the slain civil rights leader.

Field Operations Reports: At the end of 2010 the person who ran and updated the CHRO Case Tracking System (CTS) retired and since that time the Commission has been unable to generate reliable statistics on the number of employment, housing and public accommodation discriminations complaints received, or closed. The Commission is also unable to provide an amount of money which was secured for complainants in known settlements.

Public Hearings: The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases filed by the Commission with the OPH and in whistleblower retaliation cases filed by complainants with the Chief Human Rights Referee pursuant to Conn. Gen. Stat. § 4-61dd.

In FY 2010-2011, 53 discrimination cases were closed by the OPH. Of those cases, a Human Rights Referee issued a final decision following a trial in 8 cases. In these decisions, the Referees collectively awarded complainants approximately \$194,758. A Referee administratively dismissed

1 case. Additionally, 29 cases were closed after the parties reached a negotiated settlement agreement. The Referees issued dismissal orders in these cases that secured approximately \$100,000 for complainants through non-confidential settlement agreements; additional amounts were secured through confidential settlement agreements. The complainant withdrew his or her complaint in 2 cases. Lastly, the Commission decertified complaints in 5 cases and issued a release of jurisdiction in 8 others.

Also, in FY 2010-11, the OPH closed 25 whistleblower retaliation cases. Of these cases, a Referee issued a final decision in 2 and awarded complainants approximately \$177,918. A Referee granted a motion to dismiss in another 12 cases. The remaining 11 cases were resolved either through withdrawal of the complaint or settlement.

Reopenings/Reconsiderations: During the fiscal year, the Legal Division received 150 requests for reconsideration of complaints previously dismissed. The Executive Director or designee granted 66 and rejected 84.

Training: CHRO sponsored a Kids Court Competition to raise the social consciousness of youth regarding civil and human rights issues. The CHRO sponsors an internship program for high school, college and law school students which allows students to learn first-hand about the civil rights movement and the CHRO's role in that movement.

Commission staff conducted for municipal Fair Housing Officers in and others.

Freedom of Information

The Commission takes seriously its responsibility to comply with the provisions of the state's Freedom of Information Act. The Legal Division is responsible for responding to all freedom of information (FOI) requests, except those received directly in a regional office requesting a file being processed by that office. The Legal Division also responds to subpoenas for documents and testimony related to agency procedures and documents. Support staff handles most requests; complex requests and hearings are referred to the Managing Director. The Legal Division in fiscal year 2010-2011 received a total of 133 FOI requests. The Managing Director ensures that all regular and special Commission meetings are properly noticed and filed with the Office of the Secretary of State in accordance with the requirements of the Freedom of Information Act.

Additional Information: Individuals seeking more information about the Commission, the laws it enforces or its services and programs are encouraged to contact the Commission's website (<http://www.ct.gov/chro>) or call our toll-free number (800) 477-5737.