

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

2011-12 Budget - \$7,057,311

Number of positions filled - 67 full-time

Authorized positions - 74 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, Tracey Gove, 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 2011-12: 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). The basic course, "Foundation Training" was provided to 25 new EEO professionals and AGDs over five hours on October 20, 2011 (amended from 10 hours by P.A. 11-51). Foundation Training is the standardized training provided to all new EEOs and AGDs, and introduces individuals new to these positions to the laws covering discrimination in the workplace, sexual harassment, the CHRO complaint process, how to investigate a discrimination complaint and making credibility determinations. "Update Training" was provided to all of the state's approximately 159 EEOs and AGDs for five hours on June 22 and 30, 2011. Each EEO/AGD attended one of those sessions. The Update Training topics change every year, but cover any changes in the discrimination laws and recent/important cases. This year, the training consisted of a legal presentation by Saranne P. Murray, Esq. of Shipman & Goodwin, LLP about retaliation and the increase in retaliation claims filed at the CHRO and EEOC, and a hands-on investigative practical event. All parties were informed of the 2011 changes to the legislation.

Complaints Against Agency Heads and Affirmative Action Officers: Pursuant to CONN. GEN. STAT. § 46a-68(b)(4)(B), the Commission receives any complaint alleging that the

executive head of a state agency or department, any member of a state board or commission or any affirmative action officer engaged in discriminatory conduct to determine whether it should be forwarded to the Department of Administrative Services (DAS) for investigation. If the complaint is made against DAS, the Commission conducts the investigation. The purpose of this legislation was to eliminate the conflict that may arise if an affirmative action officer has to investigate allegations against his/her supervisor, as EEOs report directly to the appointing authority. In this fiscal year, the Commission has received and forwarded three complaints to DAS.

Contract Compliance: Throughout the 2011-2012 year the Commission on Human Rights and Opportunities' (CHRO) Contract Compliance Unit (CCU) continued its efforts to advise state agencies of their, and their funding recipients, anti-discrimination and supplier diversity statutory and regulatory obligations under C.G.S. §4a-60 and relevant CHRO Contract Compliance Regulations. Agency staff also reviewed 1,875 Affirmative Action Plans (AAPs) submitted by contractors who were awarded state-funded public works and other state financed contracts whose monetary values ranged from \$50,000 to \$174,000,000. 6,935 technical assistance sessions and/or conversations were conducted to assist contractors in complying with anti-discrimination and supplier diversity statutes and regulations.

The Contract Compliance Unit provided one hour of Contract Compliance training to CHRO's newly appointed Commissioners. This training consisted of providing CHRO's commissioners with valuable insight of the Contract Compliance Unit's day-to-day functions, procedures, and the Unit's goals for the upcoming year.

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 26th 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: Public Hearings: The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases brought by the Commission and in whistleblower retaliation cases filed with the Chief Human Rights Referee pursuant to CONN. GEN. STAT. § 4-61dd. Of the twenty-nine (29) discrimination cases closed by OPH in the FY 2011-2012, nine (9) cases were withdrawn by the complainant, one (1) case was closed following decertification by the Executive Director, two (2) cases were closed following the issuance of a release of jurisdiction. Human Rights Referees closed thirteen (13) cases through settlement and three (3) by final decision and one (1) remand. The Referees secured \$80,499 for complainants through non-confidential settlement agreements and substantial additional amounts through confidential settlement agreements. The Referees awarded complainants \$217,689.90 in final decisions issued following trial. Also in FY 2010-11, OPH closed twelve (12) whistleblower cases. Four (4) cases were closed through withdrawal

and/or settlement, 5 cases were dismissed administratively or upon motion by the respondent, three (3) were dismissed following orders of dismissals.

During fiscal year 2012, OPH operated from December 12, 2011 to June 30, 2012. Two Human Rights Referees began their respective terms On December 12, 2011. The third Referee began her term on February 7, 2012.

Reopenings/Reconsiderations: During the fiscal year, the Legal Division 94 requests for reconsideration of complaints previously dismissed. The Executive Director or designee granted 35 and rejecting 42.

Training: Human Right Attorneys serve on the Safe Schools Climate Committee and the Safe Schools Climate Resource Network of professionals working to eliminate discriminatory bullying in schools. The Executive Director and Human Rights Attorney participated in a radio broadcast with WILI aimed at reducing discriminatory bullying in schools. CHRO Attorneys provided training to multiple state agencies regarding the Commission's complaint process and employment discrimination. Human Rights Attorneys, at the request of Senator Blumenthal's Office, provided training to Human Rights professionals from Indonesia. The CHRO issued guidance on the legislative enactment regarding gender identity and gender expression. The CHRO partnered with the Department of Labor, Health and the CT Breastfeeding Coalition to publish joint guidance regarding breastfeeding at work and in places of public accommodation. The CHRO hosted multiple conferences on Public act 11-237, which was a major overhaul of the CHRO's procedural process. The CHRO hosted a Civil Rights is Good for Business Conference for employers. The CHRO sponsored an EEOC and CHRO meet and greet. The CHRO developed several power-point presentations for training purposes and public use. The CHRO and GPP received a Federal FHAP Partnership grant to provide training to Housing Authorities and Schools to address discriminatory bullying in schools and has endeavored to influence hundreds of CT residents with their outreach efforts. CHRO Attorneys participated in a National Blacks in Government Conference and served as panelists. CHRO Attorneys provided training on transgender law at UCONN during the Transgender Lives Conference. CHRO Attorneys participated in a Call to Action: regarding the discriminatory effect that lead paint exposure has on children of color. CHRO Attorneys served as panelists for the Civil Rights Conference sponsored by the Department of Justice and served as speakers for the training conference designed to address law enforcement personnel regarding disability rights law. The CHRO sponsored a Housing Fair for all of the municipal housing authorities throughout the state. The CHRO in collaboration with the African American Affairs Commission, the Latino and Puerto Rican Affairs Commission, the Asian and Pacific American Affairs Commission, the State Department of Education and the Office of Protection and Advocacy co-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. A Human Rights Attorney authored a Public Interest Journal article for UCONN School of Law entitled "Islamophobia and the treatment of Muslims through the Lens of the CHRO" and sat as a panelist at a UCONN Law School symposium - "one Nation". Human Rights Attorneys provided diversity training to over 2,000 educators across the state. The CHRO in collaboration with the Governor's Prevention Partnership held five housing

seminars across the state to educate the public about housing laws, bullying and discrimination. The Executive Director and Human Rights Attorneys serve on the Racial Profiling Advisory Board and are developing a program to address racial profiling in the state. Human Rights Attorneys, as a part of the Agencies Business Training Institute and Speaker's Bureau provided training to over twenty business and non-profit organizations across the state on the Commission's complaint process, sexual harassment in the workplace, and employment, credit, housing and public accommodations discrimination. The CHRO co-sponsored multiple informational sessions and community events throughout the state to raise the consciousness of the general public regarding civil and human rights laws.

Commission staff joined with two other organizations in conducting training for municipal Fair Housing Officers in Windham and Hartford. Three more trainings are scheduled for Fall, 2012 in other parts of the state. During National Fair Housing Month In April, The Commission conducted a Fair Housing Seminar for the public in Hartford. We also assisted the Fair Housing Association of Connecticut with the planning and presentation of its annual Conference in Cromwell.

Information Reported as Required by State Statute

Affirmative Action

The Commission remains firmly committed to the principles of affirmative action and equal employment opportunity. The commission's affirmative action plan for the review period ending October 31, 2010 was approved. The Commission is now on a biennial filing schedule and will file the next plan on January 30, 2013. Over the last fiscal year, the Commission reviewed fifty-nine (59) affirmative action plans submitted by state agencies. Of these, fifty (50) were approved, six (6) were disapproved, and three (3) were conditionally approved. Additionally, the Commission staff conducted three hundred thirty four (334) technical assistance reviews with agencies seeking assistance to address weak or deficient areas of their affirmative action plans. Due to reorganization of many agencies, technical assistance was provided to agencies regarding how to file plans for the newly created agencies that resulted from this reorganization.

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 2011-2012 received a total of 122 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.