

Commission on Human Rights and Opportunities



At a Glance

TANYA A. HUGHES, Acting 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

2012-13 Budget - \$5,667,263

Number of positions filled - 66 full-time

Authorized positions - 80 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 Gary Hugh Collins, Secretary Edward Mambruno, and Commissioners Andrew Norton, 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.

Cases Processing: CHRO staff processed a total of 1,850 cases filed, 1,951 cases closed and we secured over \$8,182,740.24 in known monetary settlements which does not include confidential settlements between the parties.

Improvements/Achievements 2012-13: 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 changed how the Commission on Human Rights and Opportunities (CHRO) handles discrimination complaints and produced significant increases in the amount of cases processed while reducing the amount of time it took to do so.

As a result of PA 11-237 many of these cases were handled by staff from the legal division, managers and investigators who eagerly utilized the tools made available through PA 11-237.

This year, we are re-submitting the content of 2013's Raised Senate Bill No. 1164, AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES, which seeks to further improve case processing efficiencies started under PA-11-237. *(This bill was not able to be voted on the prior session due to illness of one of the senators)*. If passed, this bill will correct some of the technical deficiencies in our current statutes and make CHRO more understandable by clarifying certain terms, removing antiquated language and dates. Additionally, it would serve to remove the oath requirement from housing cases, This

requirement is viewed as an impediment to complainants who cannot afford or do not have access to a notary.

We are seeking to further streamline operations by providing an online, fillable intake form which will reduce the time that staff spends on the intake of complaints. We believe that Raised Senate Bill 1164 contains relevant statutory changes that support our reduction proposal and will also generate additional federal dollars. “The Commission firmly believes that state statutes need to be clear and comprehensible to the public, not just lawyers.” These statutes are essential to insuring the rights of all individuals and should therefore be made as accessible as possible.

Raised Senate Bill 1164 specifically:

- Clarified the different roles of the appointed part-time Commissioners and full-time professional staff;
- Made consistent the string of protected classes;
- Alphabetized the definitions for ease of use;
- Transferred the appointing of the chief human rights referee from the CHRO executive director to the governor;
- Increased the terms of the referees from one to three years to avoid the need for annual appearances before Executive and Legislative Nominations;
- Made the statutes gender neutral;
- As the result of PA11-237, added Hartford Superior Court to the locations CHRO is allowed to file subpoenas and petitions;
- Repealed the stand-alone sexual orientation statues while including sexual orientation in all the strings of protected classes.

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. AA Unit staff has provided technical training to Affirmative Action Officers during the fiscal year.

Contract Compliance: Throughout the 2012-2013 year the Commission on Human Rights and Opportunities’ (CHRO) Contract Compliance Unit (CCU) continued its efforts to advise state agencies and their funding recipients, of their 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 unit has provided 15 trainings over the past fiscal year. 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.

Affirmative Action Regulations: In 2011 changes to the legislation were initiated to better define the purpose of Affirmative Action Plans, address how to achieve the goals of the plans and define the scope and details required in each plan. A working group was established under PA 11-51 requiring CHRO to draft proposed revisions to its Affirmative Action regulations. The act requires CHRO's executive director to chair a working group to:

1. Review the commission's existing regulations governing affirmative action plans and
2. Recommend changes.
 - a. Elimination of unnecessary or redundant regulations,
 - b. Improvements in the use of state-wide data (including CORE-CT, Labor Department and census data) for efficient information collection concerning affirmative action plans,
 - c. Whether the regulations are constitutional and comply with state and federal law, and
 - d. Streamlining the regulations' content and structure.

A sub-committee was formed consisted of MaryAnn Palmarozza (OPM), Debi Freund (DCF), Natalie Shipman (DMV), Alicia Nunez (DAS), Charlie Krich (CHRO) and Jim O'Neill (CHRO). Generally accepted provisions of the proposed regulations included:

- Changing it to an electronic format to ensure consistency;
- Eliminate the failure of a plan because of mathematical errors;
- Make reviews easier and more efficient by having all data readily available on one page; and
- Provide a period of review and opportunity to amend and/or correct any known deficiencies prior to issuance of a disapproval.

The committee began meeting on November 16, 2011 and on December 27, 2011 the Commission published notice of its intent to amend the regulations. The drafting committee met dozens of times before a set of regulations was finalized and distributed. The draft revised AA Regulations were considered most recently at the July 16, 2013 Commission Meeting. Once approved by the Commissioners, they will be forwarded to OPM and the Attorney General for review and approval. They can then be submitted to the Regulation Review Committee for potential final action.

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 ___ complaints to DAS.

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.

The MLK Commission, with assistance from the CHRO and the African American Affairs Commission also presented at the NAACP sponsored event commemorating the 50th Anniversary of the National March on Washington, led by Dr. Martin Luther King, Jr.

Field Operations Reports: The CHRO maintains work-sharing agreements with the US Department of Housing and Urban Development HUD and the Equal Employment Opportunity Commission. During prior years, our contract awards were reduced due to our inability to meet our contracts. This was largely due to inadequate staffing levels. In FY 2011-2012 our contract with the EEOC was reduced from 1,607 (FY 2010-2011) to 1,307. PA 11-237 allowed us to increase our contract to 1,520 in FY 2012-2013. This still leaves a significant amount of federal funds that will not be received to help offset the cost of running this state agency.

Housing: We received a Performance Assessment award of \$211,154.00. CHRO fell short of the requisite fair housing related expenditures of 20% of our total operating budget; our housing related expenditures equaled financial/budget team attended meeting for clarification of types of expenditures that are required for reporting to ensure we meet the budget and finance requirements. A change in law is required to remove the notarization requirement of the oath in filing a complaint statue for housing complaints as HUD views this as an impediment to lower income complainants. Currently 103 cases are pending and aged inventory has been reduced from 56 to 20 cases, a 64% reduction from previous year due to addition of investigator.

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

In FY 2012-2013, 84 discrimination cases were closed by the OPH. Of those cases, a Human Rights Referee issued a final decision following trial in 3 cases and granted the respondent's motion to dismiss in 5. In the 3 final decisions, the Referees awarded complainants approximately \$3,000. Additionally, 64 cases were closed after the parties reached a negotiated settlement agreement. The Referees issued dismissal orders in these cases that secured approximately \$172,900 for complainants through non-confidential settlement agreements and additional amounts through confidential settlement agreements. The complainant withdrew his or her complaint in 6 cases. Lastly, the Commission decertified or withdrew the certified complaint in 4 cases and issued of a release of jurisdiction in 2 others.

Also, in FY 2012-2013, the OPH closed 16 whistleblower retaliation cases. In 6 of these, a Referee either granted a respondent's motion to dismiss or administratively dismissed the complaint. The remaining 10 cases were closed either through withdrawal or a negotiated settlement. To further assist with agency efficiency, the legal department provided substantial revisions to the Merit Assessment Review form to be used in the regions.

Training, Education and Outreach: 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 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.

CHRO has increased its outreach activities to specifically target and to reach out to the Latino Community. For example, the Agency has held multiple informational sessions throughout the year and all of the sessions have been open to the general public and broadly advertised. The CRO has also co-sponsored events such as the CT Kids Court Competition and Kids Speak with the Latino and Puerto Rican Affairs Commission. At all of the events literature is distributed to the attendees about the anti-discrimination laws. Further, two of the Commission's Attorneys Cheryl A. Sharp and Michelle Dumas Keuler served on the panel during a forum on civil rights and housing discrimination and provided information regarding housing discrimination. Both were featured in the Latino News, and provided resources to the Latino community for addressing issues of discrimination. The CHRO also has published its housing discriminate brochure in Spanish and utilizes the language line when dealing with non-English speaking potential Complainants during the CHRO's processing of a complaint. The CHRO also publishes a quarterly newsletter which is sent to several contacts at organizations that serve the Latino community.

Currently, there is a FHIP/FHAP Partnership grant available and the CHRO's executive Director Tanya Hughes and CHRO Attorney Sharp are endeavoring to partner with the Latino and Puerto Rican Affairs Commission to have the agency's brochures translated into Spanish. Further, we are creating a mini-series in both English and Spanish (if funding is granted) that we intend to have aired in multiple media outlets.

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 is working closely with the EEOC to integrate all components of EEOC's strategic enforcement plan (SEP) whose purpose and focus is to coordinate enforcement activity that will result in sustainable impact in reducing and deterring discriminatory practices in the workplace. The national priorities of the SEP are:

1. Eliminating barriers in recruitment in hiring.
2. Protecting immigrant, migrant and other vulnerable workers.
3. Addressing emerging and developing issues.
4. Enforcing equal pay laws.
5. Preserving access to the legal system.
6. Preventing harassment through systemic enforcement and targeted outreach.

In furtherance of the above initiative, CHRO participated in the 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 collaborated

with the Department of Justice to provide outreach to the Muslim, Seikh and Arab communities regarding their rights to be free from discriminatory bullying in schools and places of accommodation. 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. 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. We were instrumental in getting CHRO included as a link on the website and on the face of the ticket so that injured parties can immediately know where to file a complaint if they believe they have been victims.

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 Attorneys Sharp and Simonetti participated in a subsidized housing workshop for fair housing and health advocates about the Commission's process, fair housing, subsidized housing and discrimination.

Information Reported as Required by State Statute **Affirmative Action**

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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 2012-2013 received a total of 128 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.