



CHRO TIMES



February 2013

Eliminating discrimination through Enforcement, Education & Advocacy

THE CHRO CELEBRATES 70 YEARS OF SERVICE TO THE STATE

The Commission began its quest in 1943 as the Inter-racial Commission. Its humble enabling statute directed what was then the first public agency of its kind to "investigate the possibilities of affording equal opportunity of profitable employment to all persons." The whole field of inter-group relations was virtually unexplored at the time. The problems were undefined and the solutions were unknown. Yet the mandate had at its core the intention to create an agency that State Senator William Mortensen, who introduced the bill to the General Assembly, hoped would give the "blessings of democracy" to all citizens of the state. Today, the Commission processes and/or litigates close to **4,000** complaints of discrimination a year. The Executive Director of the CHRO, Robert J. Brothers, Jr. was proud to announce that 2012 was a stellar year for the CHRO. "The passage of Public Act 11-237 resulted in a higher number of closed cases and a greater dollar amount for settled cases. The agency generated a record breaking **seven million dollars** in settlements for 2012. The ratio of cases closed to cases filed is 90%, which is a marked improvement over last year." The Director applauded the work of the staff, "our collective efforts to continue doing the work of so many with so few employees does make a difference." The Director was looking forward to the continued success of the agency in the upcoming months and thanked staff for their hard work. The Director also expressed his excitement with the 70th Anniversary of the Commission. "As we celebrate Black History Month, I am also looking forward to the agency's 70th anniversary celebration this May. A dedicated committee has already started to plan an event which will take place on the Capitol steps. It is sure to be a wonderful event and a moment for us to take great pride in ourselves and in the Agency."

CELEBRATE BLACK HISTORY MONTH

LEGISLATIVE LIAISON JAMES O'NEILL ON DUTY AT THE CAPITOL



There is only one member of the legislature left continuously serving in office since 1981, the year CHRO's Legislative Liaison Jim O'Neill arrived at the State Capitol. "I was an intern from Central and the House Republicans put me on staff right after the session was over. Who knew where it would take me?" So far it's taken Jim from a Legislative Aide to Special Assistant to the Speaker of the House to being a liaison for the departments of Agriculture, Children and Families, Correction and as of 2007, CHRO.

"It's been a fascinating journey through very different fields of public policy," Jim said. "I feel like I have made a contribution to each of the agencies I have worked for." During the legislative session, Jim must run between chambers and get the right legislators to call the right bills. "Timing is critical". When the hustle and bustle of the session slows down, Jim prepares for the next session consulting with the legal department and the Regions regarding statutory proposals. He maintains that communication is important—the more he understands the issues of the agency, the more he can help.

In his words, Jim's biggest achievement since joining CHRO was Public Act 11-237. P.A. 11-237 saw the biggest changes in the approach to settling cases in the Commission's history. "I hope that case processing will be expedited and that the ongoing investigations in the regions will be resolved much quicker than in the past."

HOUSING HELP

After months of tears, frustration and disappointment, a Naugatuck couple got the wheel chair ramp that they had been waiting for thanks to the efforts of CHRO's Housing Unit and CHRO Investigator Robin Trepanier. This story was featured on channel 8 News. There is a link to the story at ct.gov/chro



CHRO ATTORNEYS GIVE BACK TO BUSINESSES

CHRO Attorneys give back to the business community by providing **free training** to businesses through its Business Training Institute. The training provided by attorneys from the legal department has been well received. The Dialysis Center wrote, "[a]ll of the social workers loved your presentation." The Town of Bloomfield wrote, "our staff thanks you." Greenwood Industries wrote, "you did a great job". The Middlesex County Chamber of Commerce Human Resource Council had these kind words to say to the attorneys from the legal department after a training session. "The attendees were very pleased with the information that was presented and the opportunity to have all of their questions answered. Often times, companies are not educated on preventative measures and only become aware of the legal ramifications of their actions after a complaint is filed." The Commission is working on achieving its mission of eliminating discrimination by educating the business community.

The Affirmative Action Unit

continues to monitor and enforce affirmative action laws and regulations to ensure equal opportunity in state employment. The unit has been actively engaged in campaigning against weakening the affirmative action regulations. As the state has created new agencies and redefined existing agencies, the affirmative action unit works to ensure that these changes do not negatively affect protected classes.

The Contract Compliance Unit

provides training to contractors to assist them in complying with regulations and affirmative action requirements. The unit strives to identify all state agencies that receive state funding for construction projects to ensure small and minority owned business are afforded contracting opportunities. The unit also continues to advocate that municipal projects funded by state money are covered by the contract compliance regulations and, ultimately, increase small and minority owned business participation.

AGENCY WIDE SETTLEMENTS FOR CALENDAR YEAR 2012

Hartford	1,383,950.91
Bridgeport	930,218
Waterbury	1,086,624.75
Norwich	650,806
Housing	101,371
Legal	<u>2,990,284.50+</u>
TOTAL	7.143.255.16

UPCOMING EVENTS

***70th Anniversary Celebration of Civil Rights in CT**—to be held in May at the state Capitol.

***Kids' Speak**—The Kickoff of the CT Kids' Court Competition will be held on April 25, 2013.

LEGAL UPDATE



The legal division, which consists of 7 Human Rights Attorney 3s and 1 Principal Attorney, took 726 cases to mediate and have mediated and/or closed over 350 cases during this fiscal year. The Legal Department is experiencing a great deal of success in settling cases during the early stages of the investigatory process resulting in much shorter processing times for cases filed in the four regional offices.

Additionally, significant favorable decisions in which the CHRO has played a key role have been recently issued: In Patino v. Birken Manufacturing, CHRO Principal Attorney Charles Krich and a law student intern filed an amicus brief, and Complainant ultimately received an award of over **\$90,000**. The Connecticut Supreme Court upheld a lower court ruling that says employers have a duty to create a safe work environment for employees who are discriminated against on the basis of sexual orientation.

CHRO Attorneys David Kent and Cheryl Sharp survived Motions to Dismiss in their respective cases, In CHRO ex rel. Andrea Sokolowski v. Trinity Christian School the Referee concluded that contrary to Respondent's contentions otherwise, Complainant had stated a prima facie case of employment discrimination. Citing the Supreme Court's decision in Hosanna-Tabor, she concluded that the ministerial exception "operates as an affirmative defense to an otherwise cognizable claim, not a jurisdictional bar". In CHRO ex rel. Morales v. Trinity College the Referee concluded that a Motion to Dismiss was not the proper avenue to challenge the Commission's authority to award emotional distress damages.



OPH IS HARD AT WORK

The Office of Public Hearings (OPH) is responsible for scheduling and conducting all phases of the public hearing process in contested discrimination cases under the Commission's jurisdiction and in certain types of whistleblower retaliation cases. Within the OPH, the Chief Human Rights Referee administers the operations of the unit and assigns cases to the other Human Rights Referees. All of the referees are gubernatorial appointees, subject to legislative approval, who function independently from the rest of the Commission.

The Human Rights Referees have been hard at work addressing and closing the backlog of files leftover from the 6 month period in 2011 when no referees were appointed. Currently, the OPH is comprised of three Human Rights Referees, and an Administrative Assistant. There is a steady stream of complaints filled with the Office of Public Hearing every month. At any given time, each of the three referees averages a caseload of approximately **35 files** as a Presiding Referee and an additional **5 to 10 files** as a Settlement Referee. Each file must have two referees assigned to it, one being the presiding referee and the other the ex parte settlement referee. With only three referees for the State, there is little room for flexibility in the handling and assigning of files.

There are two distinct types of cases addressed by the Office of Public Hearings, discrimination cases and whistleblower retaliation claims. At present, employment discrimination cases are more prevalent than housing discrimination at the public hearing stage. Discrimination due to race, gender, disability and age, dominate the types of discrimination claims filed with the OPH. The statutes governing discrimination claims are generally found in General Statutes §46a-51 to 46a-104 and their corresponding administrative regulations. The Whistleblower protection claims are governed by General Statute §4-61dd, also with their corresponding regulations. The Uniform Administrative Procedure Act addresses any procedural matters not articulated by the aforementioned statutes and regulations.

The Office of Public Hearings plays a valuable role in providing a forum for those who are represented and not represented, protecting the State's interest in eliminating discrimination, as well as easing the burden on the Judiciary in the areas of discrimination and whistleblower claims. A party may appeal the decision of a human rights referee to the Superior Court.