

Commission on Human Rights and Opportunities



At a Glance

TANYA A. HUGHES, 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

2014-15 Budget - \$6,524,305

Number of positions filled - 76 full-time

Authorized positions - 90 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.

Seven Commissioners were serving at the end of the fiscal year. They were Chairperson Gary Hugh Collins, Secretary Edward Mambruno, and Commissioners Andrew Norton, Dawn Niles, Edith Pestana, Joseph Suggs and Dr. Shuana Tucker. (Chairperson Collins tendered his resignation on August 12, 2015, effective immediately.)

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 2014-2015

When the Commission on Human Rights and Opportunities (CHRO) initiated legislation in 2011 it 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. Case processing lengths went from greater than two years for completion of a full investigation to under one year to be processed through intake, merit assessment review, mandatory mediation, early legal intervention and or full investigation. At the beginning of fiscal year 2013-14, the agency reported approximately 35% of its regional inventory was aged (more than 2 years from the date of filing.) At the end of FY 2013-14 the agency reported 11% aged inventory and by the end of FY 2014-15, the agency reported a historical low of less than 5% aged inventory, closing 2,460 while filing 2,369 cases. CHRO staff was able to increase overall productivity securing close to \$10,000,000 in monetary settlements. 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 submitted legislation which seeks to further improve case processing efficiencies started under PA-11-237 which will correct some of the technical deficiencies in our current statutes, make CHRO more understandable by clarifying certain terms, and remove the oath requirement from housing cases. This oath requirement was viewed as an impediment to complainants who cannot afford or do not have access to a notary.

Complaint Tracking System: With the assistance of BEST, we have made significant upgrades to our complaint tracking system to further streamline operations and by updating our online, fillable intake form to reduce the time that staff spends on the intake of complaints. This new system also better allows the agency to issue regular reports on statistical data regarding the cases that are filed with the commission. The new system went “live” on May 1, 2015 with minimal glitches. Regional Manager James Fynn was the lead contact/ liaison to BEST and contributed greatly to its success.

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 numerous technical training opportunities to Affirmative Action Officers during the fiscal year.

Contract Compliance: Throughout the 2013-2014 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 289 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; thousands of 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 18 training sessions over the past fiscal year.

Affirmative Action Regulations: In 2013 changes to the legislation were submitted 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, established under PA 11-51 required 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 revised AA Regulations were submitted to the Regulation Review Committee for potential final action and were subsequently ratified on April 17, 2015. As required, The CHRO conducted extensive training on the new regulations to all state agencies between two sessions on June 18, 2015 and June 24, 2015.

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 not received or forwarded any such 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 CHRO and the African American Affairs Commission, sponsored the 28th annual awards event commemorating the Dr. Martin Luther King, Jr. on January 19, 2015 in the Hall of Flags at the State Capital, Hartford, CT. The award recipients were: Leadership Honoree, Dr. Khalilah Brown-Dean; Community Honoree, Wendy Samberg; and Humanitarian Honoree, Dr. Gary Rhule. Keynote speaker for this event was CHRO Commission Chair Gary Hugh Collins.

Field Operations Reports: The CHRO maintains work-sharing agreements with the US Department of Housing and the US Equal Employment Opportunity Commission. During the past two years the agency has focused on re-establishing adequate staffing levels. With accelerated efforts, the FY2013-2014 contract was raised to 1605 case closures from 1,307. As a result of this modification, our contract award amount was increased by \$1,046,500 from \$990,050 to \$2,036,550. Subsequently, in the 2014-2015 year the contract award amount was increased by another \$1,064,050 to an award amount totaling \$3,100,600.

Housing: The FY 2014-2015 Performance Assessment award for CHRO was \$366,425, an increase of \$75,866 over the 2014 award of \$290,559. CHRO-proposed legislation was successful at removing the notarization/oath requirement from the statue process for housing complaints. Currently, there are 132 cases pending.

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 average number of

cases pending litigation at OPH significantly increased in FY 2014-2015 from 129 to a record high of 155. This was largely due to an extended vacancy in appointments. This division operates autonomously and consists of three appointed referees. It is significant to note that one of the positions remained vacant from June of 2014 until June of 2015 following the resignation of Referee Ellen Bromly. Current CHRO Referees include Chief Referee Alvin Wilson, Michelle Mount and Alissa Wright (appointed 7/20/2015).

Training, Education and Outreach: Human Rights 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 issues guidance on legislative enactments regarding gender identity and gender expression. The CHRO partners 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 and forums on racial profiling, LGBT and equal access, statewide informational sessions on its complaint process and the “school to prison pipeline”.

Through its *Business Training Institute*, CHRO attorneys provide free training for employers regarding state and federal anti-discrimination laws. In FY 2014-2015, the Commission conducted trainings for: The Department of Labor, private associations, municipal departments and many other public and private entities. Topics included employment discrimination, workplace harassment, sexual harassment, disability discrimination, reasonable accommodation law, transgender law, discrimination in credit transactions, public accommodations and on our processes and procedures at CHRO. Many of these events were aired in multiple media outlets. The CHRO collaborations included:

1. CHRO & Safe Schools Coalition – Bullying Prevention
2. CHRO & Department of Justice – ADA and Accommodation Law
3. CHRO & Racial Profiling Advisory Group – Data Collection on Racial Profiling
4. CHRO & Department of Justice Roundtable
5. CHRO & Department of Education & UCONN – CT Kids Court and Kids Speak

During the 2014-2015 Legislative session the Commission sponsored a legislative breakfast/meet and greet which provided an opportunity to illustrate our efforts to achieve our mission and articulate our priority issues. These include: enforcement of the anti-discrimination laws in employment, housing, credit, credit transactions, and places of accommodation; monitoring compliance on state funded contracts; training, education and outreach; bullying prevention; racial profiling prevention; coalition building and affirmative action.

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 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 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.

Significant Cases:

There were three cases in FY14-15 of some importance to the agency and in which the agency either appeared or filed an amicus brief.

City of Shelton v. Hughes, 578 Fed. Appx. 53 (2d Cir. September 23, 2014) affirmed a decision of the district court dismissing a challenge to the Commission's processing of claims under CONN. GEN. STAT. §46a-58 on Eleventh Amendment grounds. According to the Court, when the Commission investigates claims of discrimination under CONN. GEN. STAT. §46a-58 that are based on violations of federal law, the Commission is deciding matters of state and not federal law; In *Desrosiers v. Diageo North America, Inc.*, 314 Conn. 773 (2014) the Connecticut Supreme Court held that individuals could file claims of discrimination with the Commission based on perceived physical disability; *Tomick v. United Parcel Service, Inc.*, 157 Conn.App. 312 (2015) found that a court could not award punitive damages to victims of discrimination. The Connecticut Supreme Court recently granted certiorari to consider this ruling.

Inquiries:

The Commission helps tens of thousands of individuals each year in the state of Connecticut. During FY 2014-2015, over 20,280 Prime/ General/ Sub-contractors, Vendors/ Suppliers, Developers, Architects, professionals, individuals and state agencies received staff assisted technical assistance services; there were over 600 affirmative action and contract compliance plan reviews and state agency affirmative action reviews; more than 18,910 individuals received regional staff assisted service; 2,369 individuals filed complaints and more than 844 individuals received non-regional staff assisted service.

Social Media:

The Commission has been focusing on expanding its media footprint as a medium to reach our stakeholders. We can be found on Facebook at @Ct chro and we can be found on TWITTER @ct_chro which receives over 1,600 tweet views over the course of a month. The use of these two vehicles has increased the agency's visibility exponentially. The Commission's blog, found at ctchro.wordpress.com, is updated weekly and has readers from ten different countries around

the world. The Commission also issues a monthly newsletter highlighting the agency's achievements and activities.

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 CHRO conditionally approved the 2012/2014 Affirmative Action Plan for the Commission on Human Rights and Opportunities at its May 20, 2015 Commission Meeting. A full hard copy of the Affirmative Action Plan is available for review in DOL's Office of Diversity and Equity, located at 200 Folly Brook Blvd. Wethersfield Ct. 06109. Also attached for review are the Agency's current Affirmative Action Policy Statement and Summary of Objectives. The Affirmative Action Plan is a comprehensive look at CHRO and its employment processes and opportunities. The Plan illustrates the Agency's workforce diversity, hiring and promotion procedures, and the career mobility services offered by CHRO.

All employees and managers have been urged to review the Plan and submit any comments, suggestions, or questions to Marla Shiller, Equal Employment Opportunity Manager at 860-263-6520 or marla.shiller@ct.gov by December 30, 2016.

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 2014-2015 received a total of 175 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.