Connecticut Secretary of the State
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Agency
Commission on Human Rights and Opportunities

Subject
Description of Organization, Rules of Practice and Personal Data Regulations

Inclusive Sections
§§ 46a-54-1—46a-54-207

CONTENTS

Sec. 46a-54-1—46a-54-119. Repealed

Complaint Processing and Contested Case Proceedings

Part I. Definitions

Sec. 46a-54-1a. General definitions

Part II. Description of Organization

Sec. 46a-54-2a. Creation and authority
Sec. 46a-54-3a. Functions
Sec. 46a-54-4a. Membership, appointments; terms of office
Sec. 46a-54-5a. Meetings; quorum; votes; resignation of member by operation of statute
Sec. 46a-54-6a. Appointment of chairperson, election of officers; duties
Sec. 46a-54-7a. Committees
Sec. 46a-54-8a. Commission offices
Sec. 46a-54-9a. Public information
Sec. 46a-54-10a. Administration
Sec. 46a-54-11a. Fact-finding hearings; purpose
Sec. 46a-54-12a. Fact-finding hearings; notice of hearing
Sec. 46a-54-13a. Fact-finding hearings; report
Sec. 46a-54-14a. Report of complaint dispositions

Part III. Rules of Practice

Article I. General Provisions

Sec. 46a-54-15a. Appearances limited to counsel admitted to practice in Connecticut; appearances of counsel from other jurisdictions; law student interns
Sec. 46a-54-16a. Attorneys; form of appearances on behalf of complainants, respondents, intervenors and other parties

Sec. 46a-54-17a.	Service upon attorney
Sec. 46a-54-18a.	Methods of service of complaints, dispositions, notices of hearing, decisions and orders and other papers by the commission
Sec. 46a-54-19a.	Service of papers by complainants, respondents, parties and intervenors
Sec. 46a-54-20a.	Expiration of timeframes
Sec. 46a-54-21a.	Commencement of proceedings for purposes of the uniform administrative procedure act
Sec. 46a-54-22a.	Collection, use, maintenance and release of confidential HIV-related information
Sec. 46a-54-23a.	Collection, use, maintenance and release of confidential information related to pending criminal prosecution of sexual assault charges
Sec. 46a-54-24a.	Collection, use, maintenance and release of personal data
Sec. 46a-54-25a—46a-54-32a.	Reserved

Article II. Administrative Processing of Complaints

Part I. – Complaints

Sec. 46a-54-33a.	Complaint - who may file
Sec. 46a-54-34a.	Complaint - when to file
Sec. 46a-54-35a.	Complaint - contents
Sec. 46a-54-36a.	Complaint - manner, date and responsibility for filing
Sec. 46a-54-37a.	Complaint involving confidential HIV-related information or victims of sexual assault; use of pseudonym
Sec. 46a-54-38a.	Complaint - amendment
Sec. 46a-54-39a.	Complaint - when issued by the commission
Sec. 46a-54-40a.	Amendment of complaint to substitute or add the commission
Sec. 46a-54-41a.	Notice of amended complaint by the commission; response by persons similarly situated to the complainant
Sec. 46a-54-42a.	Jurisdictional review; service of complaint upon the respondent(s)

Part II. - Answers

Sec. 46a-54-43a.	Duty to answer; time to answer; form of answer
Sec. 46a-54-44a.	Filing and service of answer and other information

Sec. 46a-54-45a. Extension of time to file answer
Sec. 46a-54-46a. Default for failure to answer
Sec. 46a-54-47a. Amendments of complaints - answer
Sec. 46a-54-48a. Duty to reply; defenses; new matters in answer deemed denied; complainant's reply to answer
Sec. 46a-54-49a. Merit assessment; review after the filing of respondent's answer and complainant's reply and information
Sec. 46a-54-50a. Complainant's duty to provide information
Sec. 46a-54-51a. Information provided by the respondent
Sec. 46a-54-52a. Interrogatories
Sec. 46a-54-53a. Subpoenas
Sec. 46a-54-54a. Depositions

Part III. - Investigation

Sec. 46a-54-55a. Fact-finding conferences: purposes; attendance except for good cause; role of attorneys; predetermination agreement
Sec. 46a-54-56a. Mandatory mediation sessions
Sec. 46a-54-57a. Default for failure to answer interrogatories, respond to subpoena or attend a mandatory mediation session
Sec. 46a-54-58a. Disclosure of evidence to complainant, respondent and authorized representatives

Part IV. – Determination

Sec. 46a-54-59a. Final comments prior to a determination of reasonable cause or no reasonable cause

A. Finding of Reasonable Cause

Sec. 46a-54-60a. Finding of reasonable cause; conciliation

B. Finding of No Reasonable Cause

Sec. 46a-54-61a. Issuance of finding of no reasonable cause; transmittal to complainant
Sec. 46a-54-62a. Requests for reconsideration procedures
Sec. 46a-54-63a. No-fault conciliation
Sec. 46a-54-64a. Suspension of case processing; appeal; resumption of case processing
Sec. 46a-54-65a. Timeframes

Part V. Releases; Complaint Dispositions; Withdrawal; Court Enforcement of Conciliation Agreements

Sec. 46a-54-66a. Releases of jurisdiction; action in the superior court
Sec. 46a-54-67a. Complaint dispositions
Sec. 46a-54-68a. Withdrawal of complaint; substitution of the commission
Sec. 46a-54-69a. Complaint; court enforcement of conciliation agreement
Sec. 46a-54-70a. Injunctions
Sec. 46a-54-71a. Request for reopening procedures
Sec. 46a-54-72a—46a-54-77a. Reserved

Article III

Contested Case Proceedings

Sec. 46a-54-78a. Commencement of contested case proceeding; conferences and hearings; applicability
Sec. 46a-54-79a. Notice of hearing conference; service; amendment of complaint
Sec. 46a-54-80a. Hearing conference
Sec. 46a-54-81a. Parties and intervenors
Sec. 46a-54-82a. Representation; appearances; withdrawals
Sec. 46a-54-83a. Powers and duties of the presiding officer
Sec. 46a-54-84a. Amendment of complaint to substitute or add the commission
Sec. 46a-54-85a. Filing and service of papers
Sec. 46a-54-86a. Answer
Sec. 46a-54-87a. Motions, objections and waiver
Sec. 46a-54-88a. Default and dismissal
Sec. 46a-54-89a. Disclosure of documents
Sec. 46a-54-90a. Conduct of hearings
Sec. 46a-54-91a. Waiver of hearing; bifurcation of hearing; expedited proceedings
Sec. 46a-54-92a. Witnesses
Sec. 46a-54-93a. Closing arguments and briefs
Sec. 46a-54-94a. Final decisions and orders; correction
Sec. 46a-54-95a. Reconsideration, reversal or modification of final decision
Sec. 46a-54-96a. Record of proceedings
Sec. 46a-54-97a. Construction of rules and regulations

Sec. 46a-54-98a. Severability
Sec. 46a-54-99a—46a-54-103a. Reserved

Article IV

Petitions for Promulgation of Regulations

Sec. 46a-54-120. Petition for regulation; form
Sec. 46a-54-121. Procedure after filing

Article V

Petitions for Declaratory Rulings

Sec. 46a-54-122. Petition for declaratory ruling; form
Sec. 46a-54-123. Notice of filing
Sec. 46a-54-124. Petition for party or intervenor status
Sec. 46a-54-125. Determination of party or intervenor status
Sec. 46a-54-126. Decision on petition for declaratory ruling

Article VI

Appeals from Decisions of Local Human Rights Boards

Sec. 46a-54-127. Appeals from decisions of local human rights boards
Sec. 46a-54-128. Form of appeal; service
Sec. 46a-54-129. Filing of record by local board
Sec. 46a-54-130. Review of appeal by the executive director; preliminary determination of appeal
Sec. 46a-54-131. Executive director's proposed final decision; transmittal to parties; commission action
Sec. 46a-54-132—46a-54-139. Reserved

Personal Data Regulations

Sec. 46a-54-140. Definitions
Sec. 46a-54-141. General nature and purpose of the personal data system
Sec. 46a-54-142. Categories of personal data
Sec. 46a-54-143. Discriminatory practice case files
Sec. 46a-54-144. Discriminatory practice case file data
Sec. 46a-54-145. Employee and applicant personnel records
Sec. 46a-54-146. Personnel file data
Sec. 46a-54-147. Maintenance of personal data
Sec. 46a-54-148. Access to personal data
Sec. 46a-54-149. Maintenance of personal data systems

Sec. 46a-54-150. Uses to be made of personal data
Sec. 46a-54-151. Retention of personal data
Sec. 46a-54-152. Disclosure of personal data
Sec. 46a-54-153. Contesting the content of personal data records
Sec. Appendix A.
Sec. Appendix B.

Sexual Harassment Posting and Training Requirements

Sec. 46a-54-200. Definitions
Sec. 46a-54-201. Posting requirement for employers having three or more employees
Sec. 46a-54-202. Where to post
Sec. 46a-54-203. When to post
Sec. 46a-54-204. Posting and training requirements for employers having fifty or more employees
Sec. 46a-54-205. Effect of prior training
Sec. 46a-54-206. Trainers
Sec. 46a-54-207. Recordkeeping
Sec. Appendix A.

Description of Organization, Rules of Practice and Personal Data Regulations

Sec. 46a-54-1—46a-54-119. Repealed

Repealed November 4, 2002.

Complaint Processing and Contested Case Proceedings

Part I. Definitions

Sec. 46a-54-1a. General definitions

(a) Terms defined in chapter 814c of the Connecticut General Statutes shall have the same meaning in section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies.

(b) As used in sections 46a-54-18a, 46a-54-19a, 46a-54-21a, to 46a-54-23a, inclusive, 46a-54-33a to 46a-54-68a, inclusive, 46a-54-78a to 46a-54-80a, inclusive, 46a-54-82a, 46a-54-84a, 46a-54-86a, 46a-54-88a and 46a-54-96a of the Regulations of Connecticut State Agencies:

(1) "Commission appointee or employee" means an individual properly designated to perform some or all of the duties of that appointee or employee, or an individual appointed to act on behalf of that appointee or employee in the absence or incapacity of the appointee or employee. Designations pursuant to this section shall not include duties specifically designed by statute except as allowed by law;

(2) "Commission attorney" includes the commission counsel appointed pursuant to section 46a-55 of the Connecticut General Statutes, the Attorney General or an attorney employed by the commission under the supervision of the commission counsel;

(3) "Complaint" means a writing containing facts sufficient to allege a discriminatory practice in the form specified in section 46a-54-35a of the Regulations of Connecticut State Agencies and shall also include reference to any amended complaint;

(4) "Days" means calendar days except as provided in section 46a- 54-20a of the Regulations of Connecticut State Agencies or when the context of the regulation clearly requires a different interpretation; and

(5) "Investigator" means an appointee or employee of the commission assigned case processing responsibilities. This term is not limited to commission employees whose formal job titles may include the word "investigator."

(Adopted effective November 4, 2002)

Part II. Description of Organization

Sec. 46a-54-2a. Creation and authority

The Commission on Human Rights and Opportunities is authorized and exists pursuant to section 46a-52 of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-3a. Functions

(a) The commission is generally empowered to exercise specified grants of authority for the enforcement of statutes that prohibit discrimination and promote diversity and shall have such powers and duties as the General Assembly may confer from time to time. The commission's authority is set forth primarily, but not exclusively, in chapter 814c of the Connecticut General Statutes.

(b) The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-4a. Membership, appointments; terms of office

(a) The commission is composed of nine members appointed pursuant to section 46a-52 of the Connecticut General Statutes.

(b) In order to serve as a commissioner, an individual shall be appointed with the advice and consent of both houses of the Connecticut General Assembly.

(c) Each member serves for the statutory term for which the member was appointed, or thereafter until a successor is appointed. If a member resigns, the office that appointed that member may appoint another individual to serve for the rest of the member's term.

(Adopted effective November 4, 2002)

Sec. 46a-54-5a. Meetings; quorum; votes; resignation of member by operation of statute

(a) Regular meetings of the commission are generally held at the commission's principal office in Hartford. The commission reserves the right to conduct meetings at other locations upon notice in accordance with the requirements of chapter 14 of the Connecticut General Statutes.

(b) The commission, upon a two-thirds votes of the members present and voting, may hold an executive session for any purpose authorized by the Connecticut General Statutes.

(c) A quorum for a meeting shall consist of fifty (50) percent or more of the commissioners serving at the time that the commission meeting occurs. A quorum shall be present for the commission to convene a meeting.

(d) The commission may take action on any item of business by a majority vote of the commissioners present and voting. A two-thirds vote of the commissioners present and voting is required to add an item or items to the agenda of a regular commission meeting.

(e) The chairperson of the commission shall vote only to break a tie.

(f) The commission counsel shall be responsible for maintaining accurate records of attendance of commissioners at commission meetings.

(g) If the commission counsel has reason to believe that a commissioner has resigned by operation of statute for failure to attend regular commission meetings, the commission

counsel shall inform the commissioner who has resigned by operation of statute and inform the commission of such belief no later than the next regular commission meeting.

(Adopted effective November 4, 2002)

Sec. 46a-54-6a. Appointment of chairperson, election of officers; duties

(a) The chairperson of the commission shall be appointed by the Governor for a one-year term in accordance with section 46a-52 of the Connecticut General Statutes. The chairperson presides at commission meetings and shall perform such responsibilities as are assigned by the Connecticut General Statutes and the commission's regulations.

(b) If the chairperson is unable to attend a commission meeting, the chairperson may designate a commissioner to serve as a presiding officer. If the chairperson or the chairperson's designee is not present at a commission meeting, the commission, by a majority of the commissioners present and voting, may designate a commissioner to serve as presiding officer for that meeting in the absence of the chairperson. Nothing in this subsection shall be construed to allow the commission to delegate any duties assigned by statute to the chairperson to another commissioner.

(c) Any commissioner whose term as chairperson has expired but who has not been reappointed as chairperson shall continue to serve as chairperson until a new appointment has been made.

(d) Annually, the commission may elect from its members a secretary to serve for a one-year term. The secretary shall sign the approved minutes of all commission meetings.

(Adopted effective November 4, 2002)

Sec. 46a-54-7a. Committees

The commission may, by a majority vote of its members present and voting, establish such standing or ad hoc committees as it deems necessary or advisable, prescribe their duties and responsibilities and appoint the members. Nothing in this section shall be construed to allow the commission to delegate responsibilities assigned to it by statute to a committee.

(Adopted effective November 4, 2002)

Sec. 46a-54-8a. Commission offices

(a) The commission shall maintain a principal office in Hartford and regional offices. The regional offices shall be in various parts of the state for the convenience of members of the public. The primary purpose of the regional offices shall be for the receipt and administrative processing of discriminatory practice complaints.

(b) The locations and telephone numbers of the principal and regional offices are identified in Appendix A.

(c) A map generally depicting the geographical area covered by each regional office is incorporated as Appendix B.

(Adopted effective November 4, 2002)

Sec. 46a-54-9a. Public information

(a) The public may inspect the commission's public records at its principal office during normal business hours. Requests for information shall be directed to the commission's principal office. There is no prescribed form for general requests for information. General requests for information may be made in writing, in person or by telephone and shall be sufficiently specific to identify the information requested.

(b) In accordance with section 46a-83(g) of the Connecticut General Statutes, open and closed discriminatory practice case files are not subject to public inspection. The commission shall make available for public inspection copies of complaints, case summaries and conciliation agreements, where applicable, in closed cases.

(c) Any written or oral request for documents shall be sufficiently specific to identify the documents requested.

(d) The commission reserves the right to charge a monetary fee for the furnishing of copies of documents within its possession, as authorized by section 1-212 of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-10a. Administration

(a) The commission shall appoint an executive director in accordance with section 46a-52(c) of the Connecticut General Statutes.

(b) The executive director shall be the chief executive officer of the commission and shall:

(1) Conduct comprehensive planning with respect to the functions of the commission;

(2) Coordinate the activities of the commission including but not limited to acting as secretariat to the Martin Luther King, Jr. Holiday Commission;

(3) Cause the administrative organization of the commission to be examined with a view to promoting economy and efficiency; and

(4) Perform such other lawful duties as may be assigned by the commission from time to time.

(c) The executive director may, in accordance with section 46a-52 of the Connecticut General Statutes, appoint or remove no more than two deputy directors with the approval of a majority of the members of the commission.

(d) The commission shall supervise and annually evaluate the executive director.

(e) The commission shall appoint a commission counsel in accordance with section 46a-54 of the Connecticut General Statutes who shall be the legal officer of the commission. The commission counsel shall represent the commission in any proceeding in which any state agency or officer is an adversary party and in such other matters as the commission and the Attorney General may jointly prescribe. The commission counsel shall provide legal advice and counsel regarding legal matters and the legal implications of policy, management and other issues to the commission and executive director.

(f) The commission chairperson, the executive director, the executive director's designee

or the commission counsel are designated by the commission as authorized and empowered to certify as true, complete and accurate, all documents or records that are part of the files and records of the commission.

(Adopted effective November 4, 2002)

Sec. 46a-54-11a. Fact-finding hearings; purpose

The commission may conduct fact-finding hearings for the purpose of:

(a) Investigating the possibilities of affording equal opportunity to all persons; or

(b) Compiling facts concerning discriminatory practices, violation of civil liberties and other related matters.

(Adopted effective November 4, 2002)

Sec. 46a-54-12a. Fact-finding hearings; notice of hearing

(a) When the commission votes to conduct a fact-finding hearing, the commission may provide notice of the hearing in the Connecticut Law Journal and by any other means intended to apprise the public of the hearing. The notice shall include, at a minimum, the following information:

(1) The date, time and place of the hearing;

(2) The purpose or purposes of the hearing;

(3) The general rules of conduct or procedures to be observed at the hearing, such as the length of time witnesses will be allowed to speak;

(4) The means by which persons unable to attend the hearing may submit testimony, documents or other materials related to the purpose of the hearing;

(5) The name and address of the commission representative to contact regarding special needs concerning the hearing, such as voice synthesizer, sign language, interpreters, or other special needs; and

(6) Such other information as the commission may determine.

(b) A fact-finding hearing shall constitute a public meeting of the commission, except that the commission may conduct an executive session for any purpose allowed by law.

(c) The commission, acting through a designated commissioner, the commission counsel, or the Attorney General, may issue subpoenas to compel the attendance and testimony of witnesses and to require the production for examination of any books and papers relating to any matter under investigation or in question at the fact-finding hearing.

(d) The commission, acting through the commission's designee, may administer oaths and take the testimony of witnesses, under oath or affirmation, relating to any matter under investigation or in question at the fact-finding hearing.

(Adopted effective November 4, 2002)

Sec. 46a-54-13a. Fact-finding hearings; report

Within a reasonable time after the conclusion of a fact-finding hearing, the commission may prepare a report of the hearing containing the facts found and the commission's

recommendation. Such report, if prepared, may be submitted to the Governor, the General Assembly and to interested individuals and organizations. Fact-finding reports shall be public documents and available to interested members of the public free of charge.

(Adopted effective November 4, 2002)

Sec. 46a-54-14a. Report of complaint dispositions

(a) The executive director shall regularly report to the commission on case dispositions.

(b) The commission shall annually report to the judiciary committee of the General Assembly and to the Governor, pursuant to section 46a-82e(b) of the Connecticut General Statutes.

(c) The executive director may include in the executive director's reports to the commission the findings in particularly significant cases and such other information as will inform the commission of case processing activities.

(Adopted effective November 4, 2002)

Part III. Rules of Practice

Article I. General Provisions

Sec. 46a-54-15a. Appearances limited to counsel admitted to practice in Connecticut; appearances of counsel from other jurisdictions; law student interns

(a) Counsel appearing in contested case proceedings pursuant to Article III, section 46a-54-78a to section 46a-54-96a, inclusive, of the Regulations of Connecticut State Agencies, counsel appearing in declaratory rulings proceedings pursuant to Article V, section 46a-54-122 to section 46a-54-126, inclusive, of the Regulations of Connecticut State Agencies, and counsel appearing in appeals from decisions of local human rights commissions pursuant to Article VI, section 46a-54-127 to section 46a-54-131, inclusive, of the Regulations of Connecticut State Agencies shall be duly admitted to practice law in the state of Connecticut.

(b) Upon written motion, counsel in good standing from other jurisdictions and law student interns may request and, for good cause shown, be allowed to appear in specific proceedings, provided counsel admitted to practice in Connecticut is present during all of the proceedings and signs all pleadings and other papers filed therein and agrees to take full responsibility for the conduct of the attorney or law student intern and the representation of the cause.

(Adopted effective November 4, 2002)

Sec. 46a-54-16a. Attorneys; form of appearances on behalf of complainants, respondents, intervenors and other parties

(a) Except as provided in section 46a-54-15a of the Regulations of Connecticut State Agencies, an attorney may appear by completing a commission appearance form or by providing all of the information requested on such form in a letter or similar document. To constitute an appearance, a form, letter or document shall contain the names of the parties,

the commission's docket number, the name of the party or parties which the attorney is representing, the attorney's juris number, if the attorney is admitted to practice in Connecticut, and the attorney's address, telephone number and facsimile number. Any document constituting an appearance shall be personally signed by the attorney filing the appearance.

(b) A law firm may appear by filing its juris number only if it also appears by naming an individual attorney associated with the firm who will be responsible for the firm's representation and providing that individual attorney's juris number. Delivery or mailing of documents to that individual will constitute delivery to the law firm. Law firms that appear are responsible for keeping the commission informed of the individual attorney responsible for the client's representation.

(c) Law student interns may appear pursuant to the rules of the Connecticut Superior Court in any commission proceeding, provided written consent is filed with the commission by the party and supervising attorney, who shall be fully responsible for the conduct of the intern and representation of the cause.

(d) An attorney who seeks to withdraw his or her appearance is required to submit a written notice of withdrawal form to the office processing the complaint. Copies of this form are available from the commission. Upon the filing of this notice of withdrawal form, the attorney shall concurrently serve copies of the withdrawal form upon the client, other parties and intervenors. The attorney shall include a certification that a copy of the notice was mailed or delivered to all counsel and pro se parties and intervenors of record, and to the client. The certification shall include the name of each party, intervenor, and client served, the address at which service was made and the date copies were mailed or delivered.

(Adopted effective November 4, 2002)

Sec. 46a-54-17a. Service upon attorney

If a complainant, respondent, intervenor or other party appears through an attorney, all papers other than the complaint, amended complaint adding a new respondent, notice of final dispositions, notice of contested case proceedings and final decisions and orders may be served, as provided herein, upon such attorney with the same force and effect as though served on the client, unless the specific regulation requires service upon the client also.

(Adopted effective November 4, 2002)

Sec. 46a-54-18a. Methods of service of complaints, dispositions, notices of hearing, decisions and orders and other papers by the commission

(a) Complaints, answers, subpoenas, interrogatories, drafts and findings, dismissals, notices of contested case hearings, decisions and orders and other papers of the commission may be served:

(1) In person by a commission employee who is not directly involved in the matter, state marshal or other proper officer, indifferent person or other person authorized to deliver legal documents;

(2) By first-class, registered or certified mail or other mail service that confirms receipt; or

(3) In person as allowed by law.

(b) Service may be made by leaving a copy in the principal place of business or abode of the person to be served.

(c) The state marshal's or other proper officer's return of service or the signed statement of an individual attesting to the date, place, manner of service and person served shall be proof of same, and the return post office receipt, when the service is by certified mail, or other mail service's confirmation of receipt shall be proof of such service.

(Adopted effective November 4, 2002)

Sec. 46a-54-19a. Service of papers by complainants, respondents, parties and intervenors

(a) For purposes of section 46a-54-33a to section 46a-54-68a, inclusive, of the Regulations of Connecticut State Agencies, the following provisions shall apply:

(1) Subsequent to the filing of a complaint pursuant to section 46a-54-36a of the Regulations of Connecticut State Agencies, the complainant, or the complainant's attorney or representative, at the time any reply, documents, statements of witnesses or other evidence are filed with the commission, shall provide to the respondent or respondent's attorney a copy of the reply or all such evidence except as otherwise provided by federal law or other provision of the Connecticut General Statutes. All filings with the commission shall include a certification, signed by the complainant or the complainant's attorney or representative, that a copy of the reply or all such evidence, except as otherwise provided by federal law or other provision of the Connecticut General Statutes, was transmitted to the respondent or respondent's attorney. Such certification shall further include:

(A) the name and address of the respondent or respondent's attorney to whom and the means by which the reply and materials were transmitted and the date of transmittal; and, if applicable,

(B) a list and description of all information that was provided to the commission but not provided to the respondent or respondent's attorney and the federal law or provision of the Connecticut General Statutes that the complainant relies upon for not providing such information.

(2) The respondent, or the respondent's attorney or representative, at the time any answer, documents, statements of witnesses or other evidence are filed with the commission, shall provide to the complainant or the complainant's attorney a copy of the answer and all such evidence except as otherwise provided by applicable federal law or provision of the Connecticut General Statutes. All filings with the commission shall include a certification signed by the respondent or the respondent's attorney or representative, that a copy of the answer or all such evidence, except as otherwise provided by applicable federal or state law was transmitted to the complainant or complainant's attorney. Such certification shall further include:

(A) the name and address of the complainant or complainant's attorney to whom and the means by which the reply and materials were transmitted and the date of transmittal; and, if applicable,

(B) a list and description of all information provided to the commission but not provided to the complainant or complainant's attorney and the federal law or provision of the Connecticut General Statutes which the respondent relies upon for not providing such information.

(b) Service of papers by a complainant, respondent, party or intervenor other than the commission shall be made by personal delivery, including first-class or certified mail or other mail service that confirms receipt. The state marshal's or other proper officer's return of service or signed statement of an individual attesting to the date, place, manner of service and person served shall be proof of same, and the return post office receipt, when the service is by certified mail, or other mail service's confirmation of receipt shall be proof of such service. Nothing herein shall be construed to apply to court proceedings.

(c) At all times during the commission proceeding, the complainant has a continuing duty to inform the commission and the respondent of any and all changes in his or her address and in the identification and address of his or her representative not later than fifteen (15) days after such change.

(d) At all times during the commission proceeding, the respondent has a continuing duty to inform the commission and the complainant of any and all changes in its address and in the identification and address of its representative not later than fifteen (15) days after such change.

(e) For the purposes of Article VI, the following provisions will apply: Any paper, motion, pleading, request or document, howsoever designated, filed by a party with the chairperson or executive director shall be served on all other parties to the proceedings, or if such other party appears by counsel, upon such counsel whether such requirement of service is specifically recited elsewhere or not.

(Adopted effective November 4, 2002)

Sec. 46a-54-20a. Expiration of timeframes

If the last day of any timeframe contained in chapter 814c of the Connecticut General Statutes or section 46a-54-1a to section 46a-54-131, inclusive, of the Regulations of Connecticut State Agencies falls on a day on which the commission's office is closed, any paper may be filed or any required action may be taken on the next business day the commission's office is open. Such filing or action shall have the same legal force and effect as if made or taken prior to the expiration of the timeframe. Nothing herein shall be construed to apply to court proceedings.

(Adopted effective November 4, 2002)

Sec. 46a-54-21a. Commencement of proceedings for purposes of the uniform administrative procedure act

An agency proceeding shall be deemed to have commenced on the date that a complaint is filed with the commission. For purposes of Article V, a declaratory ruling proceeding commences when the commission receives, in its principal office, a petition conforming to the requirements of section 46a-54-122(b) of the Regulations of Connecticut State Agencies. For purposes of Article VI, an agency proceeding commences on the date an appeal from a local human rights commission is received by the commission.

(Adopted effective November 4, 2002)

Sec. 46a-54-22a. Collection, use, maintenance and release of confidential HIV-related information

(a) The commission shall provide protection of confidential HIV-related information, as defined in section 19a-581(8) of the Connecticut General Statutes, which is collected, used, maintained or released by the commission in the discharge of its duties and responsibilities. The collection, use, maintenance or release of confidential HIV-related information by the commission shall at all times be consistent with its announced intention to preserve the privacy rights of individuals protected by chapter 368x of the Connecticut General Statutes.

(b) A protected individual, as defined in section 19a-581(7) of the Connecticut General Statutes, or a person authorized to consent for health care for the protected individual shall provide specific or general written releases as the circumstances dictate, for the release of confidential HIV-related information in order for the commission to process the complaint of a protected individual.

(Adopted effective November 4, 2002)

Sec. 46a-54-23a. Collection, use, maintenance and release of confidential information related to pending criminal prosecution of sexual assault charges

(a) The commission shall provide the opportunity for an individual, who is a victim of a sexual assault under section 53a-70, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes, or injury or risk of injury, or impairing of morals under section 53-21 of the Connecticut General Statutes, or an attempt thereof to obtain protection of her or his name and address information that is collected, used, maintained or released by the commission in the discharge of its duties and responsibilities under the Connecticut General Statutes. The collection, use, maintenance or release of the complainant's name and address by the commission shall at all times be consistent with its announced intention to preserve the privacy rights of individuals.

(b) In order for the commission to process the complaint of a protected individual, the protected individual or a person authorized to act and consent for the protected individual shall provide specific or general written releases as the circumstances dictate, for the release of the complainant's name.

(c) Except as provided in subsection (b) of this section, the commission shall not release

the complainant's confidential name and address information unless released to disclose the information by the complainant or ordered to disclose this information by the order of the Superior Court.

(Adopted effective November 4, 2002)

Sec. 46a-54-24a. Collection, use, maintenance and release of personal data

The commission shall use, maintain and release case file records containing personal data in accordance with the requirements of the Personal Data regulations, section 46a-54-140 to section 46a-54-153, inclusive, of the Regulations of Connecticut State Agencies, and in accordance with other applicable law.

(Adopted effective November 4, 2002)

Sec. 46a-54-25a—46a-54-32a. Reserved

Article II. Administrative Processing of Complaints

Part I. – Complaints

Sec. 46a-54-33a. Complaint - who may file

A complaint may be filed with the commission by:

(a) Any person claiming to be aggrieved by an alleged discriminatory practice or practices that have occurred or are occurring, except for an alleged violation of section 46a-68 of the Connecticut General Statutes; or

(b) Any employer whose employees refuse or threaten to refuse to comply with the provisions of section 46a-60 or section 46a-81c of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-34a. Complaint - when to file

(a) A complaint must be filed within one hundred eighty (180) days after the alleged act of discrimination, except that a complaint by a person claiming to be aggrieved by a violation of section 46a-80(a) of the Connecticut General Statutes must be filed within thirty (30) days of the alleged act of discrimination.

(b) In determining when an alleged act of discrimination occurred, the commission shall consider the following factors:

(1) The date or dates on which the alleged act or acts of discrimination occurred;

(2) The date on which the complainant knew or reasonably should have known that the alleged act or acts of discrimination occurred; and

(3) The date on which the complainant knew or reasonably should have known that the alleged acts may have constituted discrimination.

(c) A complaint alleging a continuing violation is sufficient if one of the acts comprising

the continuing violation occurs within the filing period.

(Adopted effective November 4, 2002)

Sec. 46a-54-35a. Complaint - contents

(a) A complaint shall be in writing, under oath, and shall contain the following:

(1) The name and address of the complainant, except as provided in section 46a-54-37a of the Regulations of Connecticut State Agencies;

(2) The name and address of the alleged respondent or respondents;

(3) A plain and concise statement of the facts, including any pertinent dates, constituting the alleged discriminatory practices; and

(4) Such other information as the commission may require.

(b) A timely filed complaint under oath is sufficient when the commission receives from the person making the complaint a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of which have occurred, are occurring or are about to occur and when.

(Adopted effective November 4, 2002)

Sec. 46a-54-36a. Complaint - manner, date and responsibility for filing

(a) A complaint may be filed by delivery in person, by United States mail or by document or other delivery service, to an office of the commission.

(b) The date of filing shall be the date the complaint is received by the commission in one of its offices.

(c) The complainant is responsible for the timely filing of a complaint in accordance with the Connecticut General Statutes and section 46a-54-34a of the Regulations of Connecticut State Agencies, provided that once the commission receives a complaint, the commission's failure to promptly record the complaint, shall not affect the validity of the complaint or the commission's authority to process the complaint.

(Adopted effective November 4, 2002)

Sec. 46a-54-37a. Complaint involving confidential HIV-related information or victims of sexual assault; use of pseudonym

(a) The commission shall take two complaints with the same number:

(1) If a complaint involves reference to confidential HIV-related information, as defined in section 19a-581(8) of the Connecticut General Statutes, concerning the complainant or another individual.

(2) If a complaint involves reference to confidential victim of sexual assault related information concerning the complainant or another individual.

(b) The first complaint shall include the full name and address of the complainant or reference to another individual and shall not be disclosed, except in accordance with chapter 368x of the Connecticut General Statutes. The second complaint shall be identical to the first, except that a pseudonym shall be substituted for the name of the complainant or other

individual and the address, if any, shall be that of the commission's office investigating the complaint or the address of an attorney or other representative designated by the complainant or other individual. Any complaint involving confidential HIV-related information shall be drafted to avoid revealing the name or identity of the complainant or other individual to the greatest extent possible. The filing of a complaint shall not be deemed to constitute a waiver of confidentiality rights under chapter 368x of the Connecticut General Statutes, and the commission shall take all reasonable steps to protect the identity of such persons from unlawful disclosure.

(c) If the complainant has not signed a release authorizing disclosure of confidential HIV-related information to the respondent, the commission shall serve a copy of the pseudonym complaint prepared under this section upon any respondent named therein. Any service of a pseudonym complaint shall be accompanied by a notice informing the respondent that, upon review of the complaint, if the respondent is unable to identify with sufficient assurance the identity of the person filing the complaint or the person on whose behalf the complaint is filed, the respondent shall notify the commission in writing not later than ten (10) days after the date the complaint is served. Such ten (10) day period may be extended for good cause shown. Unless the respondent provides notice in accordance with this section, the commission shall presume that the pseudonym complaint adequately apprises the respondent of the particulars of the alleged discriminatory practice, including the identity of the person filing the complaint or on whose behalf the complaint is filed. The respondent's notice shall also designate a person upon whom the commission shall serve a copy of the first complaint and other papers concerned with the commission's investigation, and shall further contain an acknowledgment that any information provided by the commission or other person will be kept strictly confidential and shall not be disclosed except in accordance with chapter 368x of the Connecticut General Statutes. Thereafter, upon receipt of a release from the complainant, the commission shall forward the complaint identifying the complainant to the respondent.

(Adopted effective November 4, 2002)

Sec. 46a-54-38a. Complaint - amendment

(a) A complaint, or any part thereof, may be fairly and reasonably amended as a matter of right at any time before the appointment of a presiding officer.

(b) A complaint may be amended to restate its contents on a commission complaint form, to cure technical defects and omissions or to clarify and amplify allegations made therein. Such amendments and amendments alleging additional acts that constitute discriminatory practices which are reasonably like or related to or growing out of the allegations of the original complaint, including those facts discovered during the investigation of the original complaint, and including additional protected class status or naming additional respondents who have had notice of the complaint, relate back to the date the complaint was first received.

(c) After the commission receives a sworn amendment to the complaint, the amended

complaint shall be served upon the respondent. Amendments adding an additional respondent shall be served not later than twenty (20) days after receipt.

(Adopted effective November 4, 2002)

Sec. 46a-54-39a. Complaint - when issued by the commission

(a) The commission may issue a complaint whenever:

(1) It has reason to believe that a person has been engaged or is engaged in a discriminatory practice or discriminatory practices;

(2) An affirmative action plan filed pursuant to section 46a-68 of the Connecticut General Statutes is in violation of any of the provisions of section 4-61u or 4-61w, section 46a-54 to 46a-64, inclusive, section 46a-64c or sections 46a-70 to 46a-78, inclusive, of the Connecticut General Statutes;

(3) An agency, department, board or commission of the state of Connecticut fails to submit an affirmative action plan required under section 46a-68 of the Connecticut General Statutes and the regulations adopted pursuant thereto.

(4) It has reason to believe that a contractor or subcontractor is not complying with anti-discrimination statutes or contract provisions required under section 4a-60 or 4a-60a of the Connecticut General Statutes or the provisions of section 46a-68c, 46a-68d, 46a-68e or 46a-68f of the Connecticut General Statutes; or

(5) It has reason to believe that, with respect to a state contract, a contractor, subcontractor or supplier of materials has (A) fraudulently qualified as a minority business enterprise or (B) performed services or supplied materials on behalf of another contractor, subcontractor or supplier of materials knowing (i) that such other contractor, subcontractor or supplier has fraudulently qualified as a minority business enterprise in order to comply with anti-discrimination statutes or contract provisions required under section 4a-60 or section 4a-60a of the Connecticut General Statutes and (ii) such services or materials are to be used in connection with a contract entered into pursuant to section 4a-60g(b) of the Connecticut General Statutes.

(b) The commission may not issue a complaint alleging that a violation of section 46a-80(a) of the Connecticut General Statutes has occurred.

(c) Complaints may be initiated by a majority vote of the commission members present and voting at a commission meeting and shall be signed by a commissioner authorized by the commission to sign.

(Adopted effective November 4, 2002)

Sec. 46a-54-40a. Amendment of complaint to substitute or add the commission

(a) The commission may amend any complaint filed under section 46a-82(a) of the Connecticut General Statutes to substitute or add itself as a complaining party whenever:

(1) A complainant wishes to withdraw her or his complaint, but the commission believes that the practices complained of raise issues of public policy or affect the legal rights of persons similarly situated to the complainant;

(2) A complainant wishes to pursue her or his complaint, and the commission believes that the practices complained of adversely affect the legal rights of persons other than the complainant; or

(3) A complainant dies and the commission believes that the practices complained of raise issues of public policy or affect the legal rights of persons similarly situated to the complainant. Alternatively, or additionally, the complaint may be amended pursuant to section 46a-54-38a of the Regulations of Connecticut State Agencies to allow a representative of the complainant's estate to pursue the complaint.

(b) The commission may amend a complaint to substitute or add itself as the complaining party under subsection (a) of this section at any time after a complaint has been filed under section 46a-82 of the Connecticut General Statutes but prior to appointment of the presiding officer in accordance with section 46a-84(b) of the Connecticut General Statutes. Any such amendment shall relate back to the date the original complaint was filed with the commission. Any amendment to substitute or add the commission shall be by a majority vote of the members present and voting at a commission meeting and shall be signed by a commissioner authorized by the commission to sign.

(Adopted effective November 4, 2002)

Sec. 46a-54-41a. Notice of amended complaint by the commission; response by persons similarly situated to the complainant

(a) When any complaint is amended to substitute or add the commission as a complaining party pursuant to section 46a-54-40a of the Regulations of Connecticut State Agencies, the commission shall provide written notice to all persons who reasonably can be identified and whose legal rights the commission reasonably believes are adversely affected by the practices complained of in the amended complaint by certified mail or other mail service that confirms receipt. Such notice shall apprise such persons of the pendency of the commission complaint and advise such persons that they shall inform the commission in writing if they wish to proceed to seek such relief as is authorized by chapter 814c of the Connecticut General Statutes.

(b) Any person receiving notice of an amended complaint pursuant to subsection (a) of this section shall file a written response with the commission stating whether he or she wishes to have the commission seek such relief as is authorized by chapter 814c of the Connecticut General Statutes, and shall provide information that the commission may request. If a person adversely affected by the practices complained of in the amended complaint fails to ask the commission to seek relief and to provide requested information, the commission may not proceed on behalf of such person's claim.

(Adopted effective November 4, 2002)

Sec. 46a-54-42a. Jurisdictional review; service of complaint upon the respondent(s)

(a) Prior to service of a complaint or an amended complaint upon the respondent, the commission shall review the complaint to determine jurisdiction over the complaint. The

review shall include a determination of whether the complaint is timely filed, alleges a discriminatory practice as defined in section 46a-51(8) of the Connecticut General Statutes and contains other matters necessary to the commission's jurisdiction over the complaint, as it may have been amended.

(b) Not later than twenty (20) days after the filing or receipt of a complaint or amendment of a complaint in an office of the commission, the complaint, as it may have been amended, shall be served upon the respondent(s) named in the complaint or an agent for the receipt of process as follows:

(1) If the complaint has been deemed to be jurisdictional, the complaint or amendment shall be accompanied by a notice informing the respondent of the alleged discriminatory practice(s) as set forth in the complaint and informing the respondent of its procedural rights and obligations. The complaint or amendment may also be accompanied by an interrogatory or subpoena requesting documents or information relating to the complaint. Any interrogatory or subpoena shall be answered in accordance with section 46a-54-52a or section 46a-54-53a of the Regulations of Connecticut State Agencies.

(2) If the complaint, as it may have been amended, is determined to be non-jurisdictional, the complaint shall be accompanied by a notice informing the respondent of its procedural rights and obligations under this chapter and also informing the respondent that an answer is not required at that time. At the same time, the complainant and the respondent shall be informed that they have an opportunity to provide written or oral comments on the evidence in the commission's file. If, after reviewing the evidence in the commission's file and the timely comments, if any, of the complainant and the respondent, the investigator determines that the complaint is non-jurisdictional and not susceptible to amendment to correct the defect, the complaint shall be disposed of by a finding of No Reasonable Cause - Lack of Jurisdiction in accordance with the procedures set forth in section 46a-54-61a(a), section 46a-54-62a and section 46a-54-67a(c) of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Part II. - Answers

Sec. 46a-54-43a. Duty to answer; time to answer; form of answer

(a) A respondent's answer to the complaint shall be filed under oath with the commission not later than thirty (30) days after receipt of the complaint, except that an answer to a complaint alleging a violation of section 46a-64c or section 46a-81e of the Connecticut General Statutes shall be filed not later than ten (10) calendar days after receipt. The answer shall admit, deny or plead insufficient knowledge to each and every allegation of the complaint in accordance with subsection (b) of this section. The answer shall include each defense that the respondent intends to rely upon.

(b) The respondent shall plead in its answer as follows:

(1) That it ADMITS an allegation;

(2) That it DENIES an allegation. To the extent that it denies only part of an allegation

the respondent shall, as part of its response to the allegation; admit so much of an allegation as is true and deny the rest only; or

(3) That it has INSUFFICIENT KNOWLEDGE of an allegation to admit or deny the allegation.

(4) If the respondent ADMITS, DENIES or has INSUFFICIENT KNOWLEDGE of part of an allegation, the respondent shall answer the complete allegation using the forms of response contained in subdivisions (1), (2) or

(3) of this subsection that apply to each part of the allegation.

(c) A general denial of the allegations will be allowed if the respondent intends in good faith to controvert all of the allegations of the complaint or if the complaint is unstructured. In the event a general denial is filed because the complaint is unstructured and the complaint is later amended into a structured format with numbered paragraphs, the respondent shall then be required to answer the amended complaint in accordance with subsections (a) and (b) of this section.

(d) The time period for answering the complaint shall commence with the respondent's receipt of the complaint. The answer shall be filed not later than thirty (30) days after the respondent's receipt of the complaint unless, in the case of service of a pseudonym complaint, the respondent follows the procedures set forth in section 46a-54-37a(c) of the Regulations of Connecticut State Agencies or requests an extension in accordance with section 46a-54-45a of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-44a. Filing and service of answer and other information

(a) The original of the answer and papers, documents and any other information in any form required by section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies shall be filed in the office of the commission designated for receipt of the answer in the notice accompanying the complaint. Responsibility for receipt of the answer by the commission rests with the respondent. Service shall be provided in accordance with section 46a-54-19a of the Regulations of Connecticut State Agencies.

(b) The respondent shall also serve a copy of the answer, and papers and documents and any other information in any form required by section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies upon the complainant at the address listed in the complaint. If the respondent has been notified of a more recent address for the complainant by the commission or the complainant, the answer and any other information required by section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies shall be served at that address.

(c) The answer filed with the commission shall include a certification that a copy of the answer and papers, and documents and any other information in any form required by section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies were served upon the complainant in accordance with section 46a-54-19a(a)(2) of the Regulations of Connecticut State Agencies.

(d) Any amendment of an answer shall be filed with the commission and served on the complainant in accordance with section 46a-54-19a(a)(2) of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-45a. Extension of time to file answer

A respondent may request, for good cause shown, an extension of fifteen (15) days within which to file its answer to a complaint. All requests shall be in writing, addressed to the commission's representative named in the letter accompanying the complaint, with a copy served upon the complainant or the complainant's representative in accordance with section 46a-54-19a(a)(2) of the Regulations of Connecticut State Agencies. Such requests shall be received prior to the date the answer was originally due. Requests for extension of time may be granted, for good cause shown, or denied at the discretion of the commission's representative. The response to a request for extension of time shall inform the respondent of the date the answer is due.

(Adopted effective November 4, 2002)

Sec. 46a-54-46a. Default for failure to answer

(a) The executive director may enter an order of default against a respondent who, after notice, fails to answer a complaint in accordance with section 46a-83(a) of the Connecticut General Statutes or within such extension of time as may have been granted under section 46a-54-45a of the Regulations of Connecticut State Agencies.

(b) A commission attorney, the Attorney General, a manager or investigator or a complainant may request that the executive director enter an order of default. Requests to enter default shall be mailed to the executive director along with copies to the complainant or the commission and the respondent. Service upon the respondent shall be made by certified mail, return receipt requested, or other mail service that confirms receipt. The stamped "Receipt for Certified Mail" or other mail service's confirming receipt shall be prima facie proof of the date of mailing.

(c) After fifteen (15) days from the mailing of the "Request to Enter Default," the executive director may issue an order of default or deny the request, provided that no default shall enter if the respondent has answered the complaint under oath in accordance with the Connecticut General Statutes and section 46a-54-43a of the Regulations of Connecticut State Agencies.

(d) If the respondent files a written objection specifically stating the reasons for its objection not later than fifteen (15) days after the mailing of the "Request to Enter Default," the executive director shall consider the reasons set forth in the objection. If an objection is filed, the executive director shall allow the commission counsel, Attorney General or complainant requesting the default order to respond fully to the objection.

(e) Upon the entry of an order of default, the complaint and case file shall be transferred to the office of public hearings to conduct a hearing in damages, pursuant to Article III.

(f) Prior to the commencement of a hearing in damages, the executive director may, for good cause shown, vacate an order of default.

(Adopted effective November 4, 2002)

Sec. 46a-54-47a. Amendments of complaints - answer

Whenever a complaint is amended, a copy of the amended complaint shall be served upon the respondent not later than ten (10) days after the receipt of the amendment of the complaint by the commission's office responsible for processing the complaint. The respondent shall have ten (10) days after receipt to file an answer to a complaint amended to correct or amplify the allegations therein. A respondent added to a complaint by amendment shall have thirty (30) days to answer the amended complaint, except that a respondent shall have ten (10) days to answer an amended complaint alleging a violation of sections 46a-64c or 46a-81e of the Connecticut General Statutes. The form of the answer shall be in accordance with section 46a-54-43a of the Regulations of Connecticut State Agencies. An extension of time to answer may be requested and either granted or denied in accordance with section 46a-54-45a of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-48a. Duty to reply; defenses; new matters in answer deemed denied; complainant's reply to answer

(a) Any responses, including defenses and new matters raised in an answer shall be deemed denied if the complainant files no reply.

(b) A complainant may, not later than fifteen (15) days after receipt of the answer, file a reply in writing to the respondent's answer.

(c) If the respondent has received a fifteen (15) day extension to file its answer to the complaint, the complainant, upon request, shall also be granted a fifteen (15) day extension to file his or her reply to the answer.

(d) The reply shall be filed in the commission office to which the answer is addressed. Responsibility for proof of receipt of the reply by the commission rests with the complainant. A copy of the reply shall be served upon the respondent's agent or representative who filed the answer.

(e) The reply filed with the commission shall include a certification signed by the complainant or complainant's attorney that a copy of the reply was transmitted to the respondent in accordance with section 46a-54-19a(a)(1) of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-49a. Merit assessment; review after the filing of respondent's answer and complainant's reply and information

(a) Not later than ninety (90) days after the filing of the respondent's answer to the complaint or the filing of the respondent's answer to an amended complaint, the executive

director or the executive director's designee shall review the file. In the event that the complaint is amended prior to the executive director's or the executive director's designee's review of the file, not later than ninety (90) days after the filing of the respondent's answer to the amended complaint, the executive director or the executive director's designee shall review the file. The review shall include the amended complaint, the respondent's answer to the amended complaint and any responses to the commission's request for information and any reply to the respondent's answer and responses to requests for information. Within the ninety (90) days in which the executive director or the executive director's designee reviews the file, in order to be considered as part of the merit assessment review, the respondent has thirty (30) days after filing an answer to submit additional information. Additional information from the respondent shall not be considered unless the complainant has had fifteen (15) days to review and respond to the information. Notwithstanding the respondent's duty to provide additional submissions not later than thirty (30) days after the filing of its answer, the executive director or the executive director's designee may consider, upon good cause shown, late-filed submissions provided the complainant has fifteen (15) days to rebut the respondent's submission and the executive director or the executive director's designee has not completed the merit assessment review.

(b) The executive director or the executive director's designee shall dismiss the complaint if he or she determines:

(1) The complaint fails to state a claim for relief;

(2) The complaint is frivolous on its face;

(3) The respondent is exempt from the provisions of chapter 814c of the Connecticut General Statutes; or

(4) There is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause.

(c) The review shall not apply to a complaint that alleges a violation of section 46a-64c or section 46a-81e of the Connecticut General Statutes.

(d) A dismissal under this section shall be in accordance with section 46a-83(e) of the Connecticut General Statutes and the procedures set forth in section 46a-54-61a(b), section 46a-54-62a and section 46a-54-67a(d) of the Regulations of Connecticut State Agencies.

(e) If the executive director or the executive director's designee determines that the complaint is not required to be dismissed pursuant to subsection (b) of this section, the commission shall retain the complaint and proceed in accordance with section 46a-83(c) of the Connecticut General Statutes and section 46a-54-55a of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-50a. Complainant's duty to provide information

(a) The complainant, not later than thirty (30) days after receipt of a copy of the respondent's answer and responses to the complaint, and any papers, documents and any other information in any form required by section 46a-54-1a to section 46a-54-98a,

inclusive, of the Regulations of Connecticut State Agencies, shall provide any and all information in her or his possession or obtainable by reasonable means that relates to any contested allegation of the complaint or answer. This reply shall include but is not limited to all documentary evidence and the names, addresses and telephone numbers of persons having knowledge of the facts and circumstances alleged to constitute a discriminatory practice. The commission may require the complainant to clarify or supplement any such information, and the duty to provide such information by the complainant shall be a continuing one. The complainant shall respond to all commission requests for information.

(b) If the respondent has received an extension of time to file any papers, documents, and any other information in any form required by section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies, the complainant shall be granted a similar extension of time to file her or his reply to these documents.

(c) The reply shall be filed in the commission office to which the answer is addressed. Responsibility for proof of receipt by the commission rests with the complainant. A copy of the reply shall be served upon the respondent's agent or representative who filed the answer.

(d) The information filed with the commission shall include a certification signed by the complainant or the complainant's attorney that a copy of the information was served upon the respondent in accordance with section 46a-54-19a(a)(1) of the Regulations of Connecticut State Agencies.

(e) A complainant has a continuing duty to amend, supplement or correct any information provided not later than ten (10) days after discovering additional information relating to the allegations of the complaint or answer as they may have been amended. Any supplement to the information provided must demonstrate why the complainant was unable to provide such information at an earlier date.

(Adopted effective November 4, 2002)

Sec. 46a-54-51a. Information provided by the respondent

(a) The commission may request the respondent to provide voluntarily any and all information in its possession or obtainable by reasonable means which relates to a contested allegation of a complaint or answer including all documentary evidence and the names, addresses and telephone numbers of persons having knowledge of the facts and circumstances alleged to constitute a discriminatory practice. If the respondent fails to provide such information, the commission may seek such information by a subpoena, interrogatory or other appropriate means.

(b) The information filed with the commission shall include a certification signed by the respondent or the respondent's attorney that a copy of the information was served upon the complainant or the complainant's attorney in accordance with section 46a-54-19a(a)(2) of the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-52a. Interrogatories

(a) Commission attorneys and investigators may issue interrogatories to any complainant or respondent, requiring that person to provide written answers under oath relating to any complaint. Absent objection, all interrogatories shall be answered not later than thirty (30) days after receipt, unless a shorter time is specified in the interrogatory. For good cause shown, the commission may extend the time to answer, provided the request is received not later than the time otherwise specified in the interrogatories for compliance.

(b) The person upon whom the interrogatories are served shall have until the date and time set for compliance to file objections, if any, to the interrogatories. All objections shall be in writing and shall be filed with the commission counsel at the commission's principal address as set forth in Appendix A. Any objection shall state with specificity the grounds relied upon.

(c) The commission counsel and the objecting person may confer and attempt to informally resolve their differences prior to the commencement of any court action.

(d) If a request for extension of time or an objection is denied, a reasonable period of time shall be afforded to the respondent to comply.

(e) A commission attorney may seek enforcement of any interrogatory in accordance with section 46a-88 of the Connecticut General Statutes, and such other statutes that may apply, if:

(1) A person served with interrogatories fails to answer them and does not file a timely request for extension of time or objection;

(2) A person served with interrogatories fails to answer and the attempt to informally resolve differences has failed;

(3) A person fails to answer interrogatories as modified after consideration of a timely filed objection; or

(4) A person fails to answer interrogatories within such extension of time as may have been granted after consideration of a request for extension of time or consideration of a timely filed objection.

(f) In lieu of seeking enforcement of interrogatories, the commission may seek entry of an order of default, as provided in section 46a-83 of the Connecticut General Statutes and section 46a-54-57a of the Regulations of Connecticut State Agencies.

(g) A person answering an interrogatory is under a continuing duty to supplement, amend or change an answer to an interrogatory as a result of newly discovered information or knowledge. Any such supplement, amendment or change shall be served upon the individual who issued the interrogatory as soon as possible after the person acquires such information or knowledge.

(Adopted effective November 4, 2002)

Sec. 46a-54-53a. Subpoenas

(a) The commission, by a commissioner or a commission attorney, may issue subpoenas requiring the production of books, papers, records and any other documents relating to the

complaint. Absent objection, all subpoenas must be complied with within the time specified in the subpoena. For good cause shown, the commission may extend the time for production, provided the request is received within the time otherwise specified in the subpoena for compliance.

(b) The person upon whom the subpoena is served shall have until the date and time set for compliance to file an objection, if any, to the subpoena. All objections shall be in writing and shall be filed with the commission counsel at the commission's principal address as set forth in Appendix A. Any objection shall state with specificity the reason relied upon.

(c) The commission counsel and the objecting person may confer after receipt of any timely objection and attempt to informally resolve their differences prior to the commencement of any court action.

(d) If a request for extension of time or an objection is denied, a reasonable period of time shall be afforded to the respondent to comply.

(e) A commission attorney may seek enforcement of any subpoena in accordance with section 46a-87 of the Connecticut General Statutes, or such other sections of the Connecticut General Statutes that may apply, if:

(1) A person served with a subpoena fails to comply with the subpoena and does not file a timely objection;

(2) A person served with a subpoena fails to comply with the subpoena and the attempt to informally resolve differences has failed;

(3) A person served with a subpoena fails to comply with the subpoena as modified, after consideration of a timely filed objection to the subpoena; or

(4) A person fails to respond to a subpoena within such extension of time as may have been granted or allowed after consideration of a request for extension of time or consideration of a timely filed objection.

(f) In lieu of seeking enforcement of a subpoena, the commission may seek entry of an order of default, as provided in section 46a-83 of the Connecticut General Statutes and section 46a-54-57a of the Regulations of Connecticut State Agencies.

(g) A person answering a subpoena is under a continuing duty to produce additional documents responsive to the subpoena which were not available, despite reasonable diligence, when the subpoena was originally answered. Any such documents shall be filed with the commission as soon as possible after their discovery.

(Adopted effective November 4, 2002)

Sec. 46a-54-54a. Depositions

(a) The commission, acting through a commissioner, may issue a subpoena to take the testimony, under oath, of any person, including the complainant or respondent, concerning any matter under investigation or in question. The commission may take depositions for the purpose of discovering evidence relating to a complaint or for the purpose of preserving testimony of a person who may be unavailable in the future.

(b) The commission shall give notice to the complainant and the respondent or to their

respective attorneys of its intent to take the testimony of any person under oath. The notice of deposition shall indicate the date, time and place at which the deposition will be taken. The complainant and respondent may attend in person, with or by an attorney, when a deposition is taken.

(c) The deponent, including but not limited to the complainant or respondent, shall attend the deposition and may be represented by an attorney.

(d) If a person served with a subpoena to give testimony, fails to appear, or having appeared, fails or refuses to answer questions under oath, the commission may seek enforcement of the subpoena in accordance with section 46a-87 of the Connecticut General Statutes or such other sections of the Connecticut General Statutes that may apply.

(Adopted effective November 4, 2002)

Part III. - Investigation

Sec. 46a-54-55a. Fact-finding conferences: purposes; attendance except for good cause; role of attorneys; predetermination agreement

(a) Commission staff may on its own or upon the request of a party, schedule and conduct fact-finding conferences for the purpose of finding facts and promoting voluntary resolution of complaints. Absent extraordinary circumstances, fact-finding conferences shall not be scheduled until after the respondent's answer to the complaint has been filed in accordance with section 46a-54-44a of the Regulations of Connecticut State Agencies.

(b) Fact-finding conferences may be scheduled whenever possible at a time that is convenient to both the complainant and respondent. Once scheduled, for good cause shown, the investigator assigned to conduct the fact-finding conference may postpone the conference.

(c) The complainant is expected to attend the fact-finding conference in person or by a representative with direct knowledge concerning the facts alleged in the complaint.

(d) The respondent, if an individual, is expected to attend the fact-finding conference in person or, if other than an individual, by a representative with direct knowledge of the facts alleged in the complaint and the respondent's answer.

(e) The investigator scheduled to conduct the fact-finding conference may request that the complainant and the respondent bring certain witnesses with information or knowledge regarding the allegations of the complaint and also bring documents or records to the fact-finding conference. The fact-finding conference shall be tape recorded.

(f) The commission, through the use of its subpoena power, may compel the production of records and other documents.

(g) Both the complainant and respondent may have an attorney or other person present at the fact-finding conference. All facts shall be presented through the complainant and respondent or their representatives or witnesses. The attorney may consult with and advise her or his client and may propose questions or areas of inquiry to the commission's representative.

(h) If a settlement is agreed upon between the complainant and the respondent or their respective representatives, and which is acceptable to the person conducting the fact-finding conference, a predetermination conciliation agreement will be prepared and executed at the fact-finding conference or as soon as possible thereafter by the complainant and the respondent or their respective representatives and the commission representative.

(Adopted effective November 4, 2002)

Sec. 46a-54-56a. Mandatory mediation sessions

(a) After conducting the merit assessment review pursuant to section 46a-54-49a of the Regulations of Connecticut State Agencies and having determined that the complaint should proceed to investigation, the executive director or the executive director's designee may determine that a mandatory mediation session be conducted to promote the voluntary resolution of the complaint.

(b) After the notice of the merit assessment review determination, the executive director or the executive director's designee shall determine if the complaint should proceed to mandatory mediation.

(c) After the notice of the merit assessment review determination, the commission shall notify the respondent, the complainant and their attorneys that a mandatory mediation of the case will be held. The notice shall include the location, date and time of the mediation. The notice may also identify the investigator assigned to mediate the case.

(d) For good cause shown, if any party to the complaint is unable to attend the mandatory mediation on the date scheduled, such party shall contact the investigator identified in the notice of mandatory mediation and the other party and offer alternative dates to the other party and the investigator for the investigator's consideration.

(e) The commission may require the parties to bring information related to damages to the mandatory mediation. The parties shall provide the information requested.

(f) The complainant is required to attend the mandatory mediation sessions. The complainant shall appear or send a representative who possesses authority to negotiate and bind the complainant to a resolution. The commission may dismiss a complaint if the complainant, after notice and without good cause shown, fails to attend a mandatory mediation session.

(g) The person who is the respondent is required to attend the mandatory mediation sessions. The respondent shall appear or send a representative who possesses authority to negotiate and bind the respondent to a resolution. The executive director may enter a default order against a respondent if the respondent, after notice and without good cause shown, fails to attend a mandatory mediation session.

(h) A mediator shall work with both the complainant and the respondent to try to resolve the matter. The mediator may recommend but can not order a resolution of the complaint.

(Adopted effective November 4, 2002)

Sec. 46a-54-57a. Default for failure to answer interrogatories, respond to subpoena or attend a mandatory mediation session

(a) The executive director may enter an order of default against a respondent who, after notice, fails to answer interrogatories issued pursuant to section 46a-54(11) of the Connecticut General Statutes, fails to respond to a subpoena issued pursuant to section 46a-54(9) of the Connecticut General Statutes or section 46a-83(h) of the Connecticut General Statutes or fails, without good cause, to attend a mandatory mediation session.

(b) A commission attorney or investigator or a complainant may request that the executive director enter an order of such default by mailing a request to enter default to the executive director and copies to the complainant or the commission and the respondent. Service upon the respondent shall be made by certified mail, return receipt requested, or other mail service that confirms receipt. The stamped "Receipt for Certified Mail" or other mail service's confirming receipt shall be prima facie proof of the date of mailing.

(c) After fifteen (15) days from the mailing of the "Request to Enter Default," the executive director may issue an order of default or deny the request, provided that no default shall enter if the respondent has answered the interrogatories under oath or has responded to the subpoena in accordance with the Connecticut General Statutes and section 46a-54-52a or 46a-54-53a of the Regulations of Connecticut State Agencies.

(d) If the respondent files a written objection specifically stating the reasons for its objection not later than fifteen (15) days after the mailing of the "Request to Enter Default," the executive director shall consider the reasons set forth in the objection. If an objection is filed, the executive director shall allow the commission counsel or a complainant requesting the default order to respond fully to the objection.

(Adopted effective November 4, 2002)

Sec. 46a-54-58a. Disclosure of evidence to complainant, respondent and authorized representatives

(a) The complainant and the respondent shall have the right to inspect and copy evidence in the commission's file pertaining to the complaint including but not limited to documents and statements of witnesses, except as otherwise provided by federal law or any provision of the Connecticut General Statutes.

(b) A representative of the complainant or the respondent will also be given the same access to evidence in the commission's file if the commission receives written authorization from the complainant or respondent allowing such access. Any such authorization must specifically name the individual or individuals to be allowed access to the evidence in the commission's file. It is the responsibility of the complainant or the respondent to provide the commission with written notification if authorization for a representative has been withdrawn. Except as provided elsewhere in section 46a- 54-15a to section 46a-54-71a, inclusive, of the Regulations of Connecticut State Agencies, counsel who have filed an appearance for the complainant or respondent shall have the right to inspect and copy evidence in the commission's file pertaining to the complaint without the need for obtaining

written authorization from a client.

(c) The complainant and respondent or their authorized representatives shall not have the right to inspect and copy documents or records that do not constitute evidence, including but not limited to administrative records, forms, memoranda or letters not containing evidence, analysis and other agency work product, commission counsel or Attorney General work product and communications between the commission, individual commissioners or staff and commission attorneys or the Attorney General that constitute attorney-client communications. The commission shall use its discretion to determine which information may be disclosed to the complainant or the respondent in response to either party's discovery requests made at public hearing.

(d) Any party or authorized representative who has reviewed or obtained copies of confidential and protected information in the commission's case file shall comply with the applicable provisions of the Connecticut General Statues and the Regulations of Connecticut State Agencies restricting the use and disclosure of various types of information.

(Adopted effective November 4, 2002)

Part IV. – Determination

Sec. 46a-54-59a. Final comments prior to a determination of reasonable cause or no reasonable cause

(a) When an investigator believes that sufficient evidence has been gathered upon which to base a determination, the investigator shall notify in writing both the complainant and the respondent and their respective attorneys of their right to provide written or oral comments on all evidence in the commission's file, except as otherwise provided by federal law or other provision of the Connecticut General Statutes. The investigator's preliminary draft of the findings of fact and analysis shall be included with the notice.

(b) The complainant and the respondent shall have fifteen (15) days from the mailing of the notice in subsection (a) of this section to provide comments on the evidence in the case file and the preliminary draft of the investigator's findings of fact and analysis.

(c) The investigator shall consider any timely filed comments of the complainant and respondent when making a determination.

(Adopted effective November 4, 2002)

A. Finding of Reasonable Cause

Sec. 46a-54-60a. Finding of reasonable cause; conciliation

(a) After reviewing the evidence in the commission's file and considering any timely comments of the complainant and respondent, if the investigator determines that there is reasonable cause to believe that a discriminatory practice has occurred as alleged in the complaint, as it may have been amended, the investigator shall prepare a final determination of reasonable cause which shall contain the factual findings upon which it is based.

(b) The complainant and respondent and their respective attorneys shall be notified in

writing of the finding. Simultaneously, or thereafter, the investigator shall give the complainant and respondent written notice of the commencement of the commission's conciliation activities and shall proceed to conciliate.

(c) Conciliation conferences shall be scheduled with the complainant and the complainant's attorney, the respondent and the respondent's attorney or with both for the purpose of resolving the complaint by conciliation and persuasion.

(d) Conciliation shall be conducted in accordance with section 46a-83(f) of the Connecticut General Statutes. If conciliation fails, the investigator shall certify the complaint and the findings of the investigation pursuant to section 46a-84(a) of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

B. Finding of No Reasonable Cause

Sec. 46a-54-61a. Issuance of finding of no reasonable cause; transmittal to complainant

(a) After reviewing the evidence in the commission's file and considering any timely comments of the complainant and respondent, the investigator may determine that there is no reasonable cause to believe that a discriminatory practice has occurred as alleged in the complaint. The investigator shall prepare a final determination of no reasonable cause containing the factual findings upon which the determination is based.

(b) A copy of the final finding shall be transmitted to the complainant and the respondent by certified mail or other mail service that confirms receipt, with copies to counsel appearing in behalf of parties by first-class mail. The complainant shall simultaneously be notified of the complainant's right to request reconsideration of the investigator's finding.

(Adopted effective November 4, 2002)

Sec. 46a-54-62a. Requests for reconsideration procedures

(a) The complainant may request reconsideration of his or her complaint following dismissal due to:

(1) A finding of no reasonable cause;

(2) A merit assessment review;

(3) Failure to attend a mandatory mediation session after notice and without good cause;

(4) Failure to accept full relief, if the respondent has eliminated the discriminatory practice complained of, has taken steps to prevent a like occurrence in the future and offered full relief to the complainant; or

(5) Failure to cooperate with the commission's staff in the processing of the complaint.

(b) If the complainant elects to request reconsideration, the complainant shall request reconsideration of a finding or dismissal by writing to the executive director or the executive director's designee who signed the letter notifying the complainant of the dismissal. Requests for reconsideration shall be received not later than fifteen (15) days after the date

of mailing of the investigator's finding of no reasonable cause. The complainant shall prove receipt of the reconsideration request by the commission. Any request for reconsideration shall state specifically the reasons upon which reconsideration is requested. The complainant shall certify that a copy of the reconsideration request was mailed to the respondent and respondent's attorney.

(c) The executive director shall reject untimely requests for reconsideration without a formal review of the substance of the request for reconsideration.

(d) The executive director or the executive director's designee shall review or assign staff to review and analyze reconsideration requests and prepare a written recommendation to reconsider or reject such request in accordance with section 46a-83(e) of the Connecticut General Statutes. The executive director or the executive director's designee shall consider the recommendations in granting or denying the request. The executive director shall decide reconsideration requests in accordance with section 46a-83(e) of the Connecticut General Statutes.

(e) The executive director may reconsider the dismissal of a complaint if:

(1) An error of fact or law should be corrected;

(2) New evidence has been discovered which materially affects the merits of the case and which, for good reasons, was not presented during the investigation; or

(3) Other good cause for reconsideration has been shown.

(f) The complainant and the respondent and their respective attorneys shall be notified in writing of the executive director's decision on all reconsideration requests.

(g) If the executive director grants the reconsideration of a previously dismissed complaint, the case file shall be returned to the appropriate regional office for further investigation or other action consistent with the executive director's decision.

(Adopted effective November 4, 2002)

Sec. 46a-54-63a. No-fault conciliation

The respondent may, not later than thirty (30) days after receipt of a complaint, choose to provide immediate relief to the complainant. If the complainant accepts the offer of relief and the relief offered is acceptable to the commission as a just resolution of the complaint, a no-fault conciliation agreement shall be executed and the complaint shall be disposed of subject to full performance by the respondent of the terms of the no-fault conciliation agreement and without a determination by the commission of the liability of the respondent. An offer of a no-fault conciliation shall not extend the period of time in which an answer to the complaint is due, and the commission or other party may request the entry of an order of default in the event that an answer is not timely filed despite the pendency of a no-fault conciliation offer. Any agreement to resolve a complaint through a no-fault conciliation shall be executed by the complainant, respondent and the commission before the answer is required to be filed.

(Adopted effective November 4, 2002)

Sec. 46a-54-64a. Suspension of case processing; appeal; resumption of case processing

(a) In order to expedite processing of complaints where the complainant is proceeding only with a complaint filed pursuant to section 46a-82(a) of the Connecticut General Statutes, the executive director may, on her or his own or at the request of the complainant, respondent or both, suspend processing of a complaint being processed pursuant to section 46a-54-15a to section 46a-54-71a, inclusive, where the issues raised in the complaint are being pursued pursuant to:

(1) Arbitration proceedings as referenced in section 46a-83b or section 46a-85 of the Connecticut General Statutes;

(2) An action in the Superior Court pursuant to section 46a-98a of the Connecticut General Statutes;

(3) An action in the Superior Court pursuant to section 46a-99 of the Connecticut General Statutes; or

(4) Any other action before a federal administrative agency or state or federal court involving the same parties and issues pending before the commission in the discriminatory practice complaint filed pursuant to section 46a-82 of the Connecticut General Statutes and section 46a-54-33a to section 46a-54-36a, inclusive, of the Regulations of Connecticut State Agencies.

(b) Prior to the suspension of processing of a complaint, the executive director shall solicit the opinions of the complainant and the respondent concerning the proposed suspension and shall consider their opinions in any decision to suspend.

(c) If the executive director suspends the processing of a complaint, the complainant or respondent may, at any time, request that the executive director direct that the processing of a complaint be resumed. If the executive director declines to resume the processing of a complaint, the person who requested that processing of the complaint be resumed may appeal pursuant to section 4-183(b) of the Connecticut General Statutes.

(d) Upon recommencing the processing of a suspended complaint, the commission may consider or admit in evidence any decision resulting from the proceeding in another forum and accord it the weight appropriate under the facts and circumstances of the case. Any such complaint may be disposed of in accordance with section 46a-54-67a of the Regulations of Connecticut State Agencies.

(e) When the issues raised in a complaint are being pursued pursuant to a court action filed under the Age Discrimination in Employment Act (ADEA), 29 USC 621 et. seq., the executive director shall suspend the commission's processing of the complaint pursuant to 29 USC 633a.

(Adopted effective November 4, 2002)

Sec. 46a-54-65a. Timeframes

(a) Within ninety (90) days of the filing of the respondent's answer to the complaint, the executive director shall conduct a merit assessment review of the file, pursuant to section

46a-83(b) of the Connecticut General Statutes and section 46a-54-49a of the Regulations of Connecticut State Agencies. If the complaint is amended prior to the director's review of the file, the director shall conduct the review of the file not later than ninety (90) days after the filing of the respondent's answer to the amended complaint. If the complaint is not dismissed, it shall be assigned to an investigator for further processing of the complaint.

(b) When a complaint is assigned to be investigated, the investigation shall be commenced as soon as practicable and completed not later than one hundred ninety (190) days after the determination following the review conducted pursuant to section 46a-83(b) of the Connecticut General Statutes. The executive director or the executive director's designee may grant no more than two extensions of three months each.

(c) When a complaint is filed under section 46a-64c or section 46a-81e of the Connecticut General Statutes, the investigation shall be completed in accordance with the timeframes contained in section 46a-64c(f) and section 46a-81e(e) of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Part V. Releases; Complaint Dispositions; Withdrawal; Court Enforcement of Conciliation Agreements

Sec. 46a-54-66a. Releases of jurisdiction; action in the superior court

(a) In accordance with section 46a-100 to section 46a-104, inclusive, of the Connecticut General Statutes, any person who has timely filed a complaint with the commission pursuant to section 46a-82 of the Connecticut General Statutes, may commence an action in the Superior Court after the granting of a release of jurisdiction by the executive director.

(b) The executive director shall grant a release of jurisdiction if the request for the release is made:

(1) Prior to the expiration of two hundred ten (210) days from the filing of the complaint and the request is jointly made in writing by the complainant and the respondent, or their attorneys; or

(2) After the expiration of two hundred ten (210) days from the filing of the complaint, and the request is made in writing by the complainant or the complainant's attorney.

(c) The executive director shall grant a release of jurisdiction when:

(1) A complaint is dismissed pursuant to section 46a-83(c) of the Connecticut General Statutes for the complainant's failure to accept the respondent's offer of full relief and the complainant does not file a timely request for reconsideration; or

(2) A complaint is dismissed pursuant to section 46a-83(b) of the Connecticut General Statutes and the complainant does not file a timely request for reconsideration.

(d) The executive director may grant a release of jurisdiction if the request for the release is made:

(1) Not later than fifteen (15) days after receipt of the notice of granting or denying a request for reconsideration of a complaint dismissed pursuant to section 46a-83(b) of the

Connecticut General Statutes; or

(2) When a request for reconsideration of a complaint dismissed pursuant to section 46a-83(b) of the Connecticut General Statutes is still pending with the commission.

(e) The executive director may decline to issue a release or may defer acting upon a request for a release as provided in section 46a-101(c) of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-67a. Complaint dispositions

(a) A complaint may be disposed of when there has been a satisfactory resolution of a complaint by conciliation agreement in accordance with:

(1) A no-fault conciliation agreement as set forth in section 46a-54-63a of the Regulations of Connecticut State Agencies;

(2) A predetermination conciliation agreement including but not limited to those obtained in accordance with section 46a-54-55a of the Regulations of Connecticut State Agencies; or

(3) A conciliation agreement in accordance with section 46a-54-60a of the Regulations of Connecticut State Agencies.

(b) A complaint may be dismissed upon a finding of no reasonable cause as to the merits in accordance with section 46a-54-61a of the Regulations of Connecticut State Agencies.

(1) A finding of no reasonable cause is deemed a commission dismissal for purposes of section 46a-94a of the Connecticut General Statutes, unless a timely request for reconsideration is filed in accordance with section 46a-54-62a of the Regulations of Connecticut State Agencies.

(2) The executive director's rejection of a reconsideration request shall be a commission dismissal for purposes of section 46a-94a of the Connecticut General Statutes.

(c) A complaint may be dismissed upon the finding of no reasonable cause -lack of jurisdiction in accordance with section 46a-54-42a of the Regulations of Connecticut State Agencies.

(1) A finding of no reasonable cause - lack of jurisdiction is deemed a commission dismissal for purposes of section 46a-94a of the Connecticut General Statutes unless a timely request for reconsideration is filed in accordance with section 46a-54-62a of the Regulations of Connecticut State Agencies.

(2) The executive director's rejection of a reconsideration request shall be a commission dismissal for the purposes of section 46a-94a of the Connecticut General Statutes.

(d) A complaint may be disposed of by a merit assessment dismissal pursuant to section 46a-83(b) of the Connecticut General Statutes.

(1) A merit review dismissal is deemed a commission dismissal for purposes of section 46a-94a of the Connecticut General Statutes unless a timely request for reconsideration is filed in accordance with section 46a-54-62a of the Regulations of Connecticut State Agencies;

(2) The executive director's rejection of a reconsideration request shall be a commission

dismissal for purposes of section 46a-94a of the Connecticut General Statutes.

(e) A complaint may be dismissed upon the issuance of a release pursuant to section 46a-83a or section 46a-101(c) of the Connecticut General Statutes.

(f) A complaint may be disposed of by No Reasonable Cause-Administrative Dismissal.

(1) A complaint may be dismissed for the following reasons:

(A) The complainant, despite due diligence on the part of the investigator, cannot be located;

(B) The complainant, after actual notice, fails to cooperate with the commission's staff in the processing of the complaint, provided that the failure to accept a settlement shall not be deemed a failure to cooperate;

(C) The complainant, after actual notice and without good cause, fails to attend a mandatory mediation session;

(D) The complainant refuses an offer of full relief in which the respondent:

i. has eliminated the discriminatory practice complained of;

ii. has taken steps to prevent a like occurrence in the future; and

iii. has offered to the complainant full relief as determined by the nature of the claims; or

(E) upon a determination that the respondent has ceased operations, and that any liability found as a result of an investigation or public hearing would be uncollectible. In such determination, the commission shall consider whether the respondent continues to exist in a different form, or whether there is a successor corporation or other person responsible for remedying any discrimination alleged or found.

(2) An investigator may dispose of a complaint upon a finding that a case may be administratively dismissed. A finding of administrative dismissal is deemed a dismissal for purposes of section 46a-94a of the Connecticut General Statutes unless a timely request for reconsideration is filed in accordance with section 46a-54-62a of the Regulations of Connecticut State Agencies.

(3) The executive director's rejection of a reconsideration request shall be a dismissal for purposes of section 46a-94a of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-68a. Withdrawal of complaint; substitution of the commission

(a) A complainant may withdraw a complaint with or without settlement. Any withdrawal may be on a form prescribed by the commission and shall include a statement that the withdrawal is a knowing and voluntary act undertaken without duress and shall include the reason(s) for the withdrawal.

(b) If the commission believes that discriminatory practices reasonably like or related to those alleged in the complaint are occurring, it may substitute itself as the complaining party in accordance with section 46a-54-40a of the Regulations of Connecticut State Agencies and proceed upon the complaint, in accordance with the provisions of the Connecticut General Statutes and section 46a-54-15a to section 46a-54-71a, inclusive, of

the Regulations of Connecticut State Agencies.

(Adopted effective November 4, 2002)

Sec. 46a-54-69a. Complaint; court enforcement of conciliation agreement

Any person claiming to be aggrieved by the breach of a conciliation agreement referenced in section 46a-54-67a(a) of the Regulations of Connecticut State Agencies may, in accordance with section 46a-98a of the Connecticut General Statutes, request court enforcement of the conciliation agreement.

(Adopted effective November 4, 2002)

Sec. 46a-54-70a. Injunctions

The commission may seek injunctions in accordance with the procedures set forth in the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-71a. Request for reopening procedures

(a) A complainant or a respondent, may, for good cause shown, in the interest of justice, apply in writing for the reopening of a matter previously closed by the commission.

(1) Any application requesting reopening shall be received in an office of the commission not later than two (2) years after the commission's final decision on the matter. The complainant or respondent requesting reopening of a previously closed matter shall be responsible for establishing timely receipt of the request for reopening in an office of the commission.

(2) The complainant or respondent requesting reopening shall set forth with specificity the reason(s) for the request. A request that fails to provide the reason(s) for the reopening may not be considered a reopening request.

(3) A complainant requesting reopening shall certify that a copy of the written application was mailed to the respondent or the respondent's attorney. A respondent requesting reopening shall certify that a copy of the written application was mailed to the complainant or the complainant's attorney.

(4) The executive director or the executive director's designee shall send a notice confirming receipt of the reopening request to the complainant, respondent, and their respective attorneys, if known. The notice shall invite the applicant and the other party to submit any other information relating to the request for reopening by a date certain.

(b) The commission may delegate to the executive director or to the executive director's designee the responsibility to:

(1) Review the file in the previously closed matter;

(2) Evaluate the application for reopening in accordance with the standards set forth in section 46a-94a(d) of the Connecticut General Statutes and subsection (c) of this section; and

(3) Prepare and submit a summary of the reopening application, an evaluation of the

application and a recommendation to the commission that it grant or deny the request for reopening.

(4) The executive director or the executive director's designee shall send a notice of the recommendation on the reopening request to the complainant, respondent, and their respective attorneys, if known. At the same time, the complainant, respondent, and their respective attorneys, if known, shall be informed of the date, time and place of the commission meeting when the commission will vote on the request to reopen.

(c) The commission may, by a majority vote of the members present and voting at a commission meeting, grant or deny a request for reopening. The commission shall apply the following standards in its evaluation of an application to reopen a previously closed matter:

(1) A material mistake of fact or law has occurred; or

(2) The finding is arbitrary or capricious; or

(3) The finding is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(4) New evidence has been discovered which materially affects the merits of the case and which, for good reasons, was not presented during the investigation; or

(5) In the interests of justice, other good cause for reopening the matter has been shown.

(d) The commission may provide direction to the executive director or the executive director's designee regarding further processing of a matter that has been reopened.

(e) The commission shall not reopen a matter previously closed if:

(1) The matter previously closed by the commission was appealed to the Superior Court pursuant to Section 4 -183 of the Connecticut General Statutes.

(2) The application for reopening was filed in an office of the commission more than two years after the date of the commission's final decision.

(3) The commission administratively closed the previous matter upon the applicant's request for a release of jurisdiction and the executive director's issuance of a release of jurisdiction pursuant to that request.

(4) The application for reopening concerns a matter previously closed by a decision of a human rights referee.

(f) If, during the executive director's or the executive director's designee's review pursuant to subsection (b) of this section, it appears that the commission should reopen the matter on its own motion, the executive director or the executive director's designee shall prepare a recommendation in accordance with subsection (b) of this section that the commission reopen the matter on its own motion. Additionally, whenever the executive director or the executive director's designee believes that a matter previously closed by the commission should be reopened by the Commission on its own motion, the executive director or the executive director's designee, shall prepare a recommendation in accordance with the provisions of subsection (b) of this section

(g) The commission may reopen on its own motion, for good cause shown and whenever justice shall require, any previously closed matter in accordance with the standards set forth

at subsection (c) of this section. A reopening shall be by a majority vote of the members of the commission present and voting at a commission meeting.

(h) The executive director, or the executive director's designee, shall notify the complainant, the respondent, and their respective attorneys, if any, in writing of all final decisions made on all reopening requests.

(i) If the request to reopen a previously closed matter is granted or if the commission on its own motion reopens any previously closed matter, the case file shall be returned to the appropriate regional office for further investigation or other action consistent with the decision of the commission.

(Adopted effective November 4, 2002)

Sec. 46a-54-72a—46a-54-77a. Reserved

Article III

Contested Case Proceedings

Sec. 46a-54-78a. Commencement of contested case proceeding; conferences and hearings; applicability

(a) Contested case proceedings commence with the certification of the complaint. Article III shall apply on or after its effective date to every contested case proceeding commenced on or after such effective date. Article III shall also apply on or after its effective date to all contested case proceedings pending before a human rights referee on such effective date.

(b) Conferences and hearings held pursuant to Article III include, but are not limited to, the following:

(1) Hearing conferences, in accordance with section 46a-84(b) of the Connecticut General Statutes, which establish procedures and dates for settlement conferences, pre-hearing conferences, hearings and disclosure of documents, and to address such other administrative matters as the presiding officer deems necessary to aid in the timely disposition of the complaint;

(2) Settlement conferences, which afford the parties opportunities to resolve their disputes prior to hearing; the parties may be required to submit a report in advance of the conferences;

(3) Pre-hearing conferences, which clarify the issues, resolve outstanding motions or matters regarding production of documents, stipulate to facts, identify witnesses and exhibits, and address other matters as the presiding officer deems necessary to aid in the timely disposition of the complaint;

(4) Hearings, which provide the parties with a reasonable opportunity, as determined by the presiding officer, to present evidence and examine and compel the attendance of witnesses for resolution and disposition of the complaint on its merits;

(5) Hearings in damages, which follow entries of orders of default; a hearing in damages shall be limited to the relief necessary to eliminate the discriminatory practice complained

of and make the complainant whole; and

(6) Such other conferences and hearings as the presiding officer deems necessary to aid in the timely disposition of the complaint.

(Adopted effective November 4, 2002)

Sec. 46a-54-79a. Notice of hearing conference; service; amendment of complaint

(a) Upon certification of the complaint, the chief human rights referee shall appoint a human rights referee to act as a presiding officer and shall further issue a notice of hearing conference which shall be served in accordance with section 46a-54-18a of the Regulations of Connecticut State Agencies upon all parties, together with a copy of the certified complaint and any amendment thereto. The notice shall include:

(1) A statement of the time and place of the hearing conference;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and regulations involved;

(4) A short and plain statement of the matters asserted;

(5) A statement informing the respondent that a written answer to the complaint shall be filed within fifteen (15) days or such other time as may be established in the notice;

(6) The address at which all original papers concerning the contested case proceeding shall be filed; and

(7) The address and telephone number of the office of public hearings, which shall ensure that the special needs of a party or witness are addressed through reasonable accommodation of such person's needs, as required by law. In cases involving confidential HIV-related or sexual assault information, any complaint or notice of hearing conference served pursuant to this section shall conform to the intent of section 46a-54-90a(d) of the Regulations of Connecticut State Agencies.

(b) If the commission has amended the complaint pursuant to section 46a-54-40a of the Regulations of Connecticut State Agencies prior to the appointment of a presiding officer, the notice referred to in subsection (a) of this section shall also be sent by the attorney for the commission to all persons whose legal rights the attorney for the commission reasonably believes have been adversely affected by the discriminatory practices complained of in the complaint. Any such notice shall comply with the requirements of subsection (a) of this section and shall also contain the notice requirements set forth in section 46a-54-84a(c) of the Regulations of Connecticut State Agencies. Any person receiving such notice shall proceed in accordance with section 46a-54-84a(d) of the Regulations of Connecticut State Agencies.

(c) Upon commencement of the contested case proceeding, the presiding officer may, on his or her own or upon motion by a party, consolidate two or more complaints and issue appropriate orders relating thereto.

(d) Not later than forty-five (45) days after the certification of the complaint, the presiding officer shall conduct a hearing conference in accordance with section 46a-54-80a

of the Regulations of Connecticut State Agencies.

(e) Any complaint filed pursuant to section 46a-82 of the Connecticut General Statutes may, upon motion by the complainant or the commission, be amended after the appointment of a presiding officer. Complaint amendments may include, but are not limited to, matters arising out of the investigation or evidence adduced at hearing. The presiding officer shall permit reasonable amendment of any complaint and shall allow the parties and intervenors sufficient time to prepare their case in light of the amendment. If the complainant dies, the complaint may be amended to allow a legal representative of the complainant's estate or the commission to pursue the complaint.

(Adopted effective November 4, 2002)

Sec. 46a-54-80a. Hearing conference

(a) The parties or their authorized representatives shall appear at the hearing conference on the date and at the time and place specified in the notice of hearing. The presiding officer shall establish dates for the hearing and other conferences, and shall address such additional matters as may aid in the disposition of the complaint, including but not limited to:

(1) Delineation of the case, the respective positions of the parties and presentation of the issues at hearing;

(2) The necessity of amendments to the complaint or answer;

(3) The disclosure of documents in accordance with section 46a-54-89a of the Regulations of Connecticut State Agencies;

(4) Motions directed to the pleadings;

(5) The exchange of witness and exhibit lists;

(6) The exchange of copies of documents each party intends to or is likely to introduce at hearing; and

(7) Settlement of the complaint, provided the presiding officer shall not be present during settlement discussions.

(b) If at a hearing conference, or at any other time during the pendency of the contested case proceeding, it appears that a settlement may be reached, the presiding officer shall refer the parties to another human rights referee for the purpose of supervising settlement endeavors.

(c) Following the hearing conference, the presiding officer shall issue a notice of public hearing in accordance with the requirements of section 4-177(b) of the Connecticut General Statutes.

(d) The presiding officer shall have the authority to implement the provisions of this section by appropriate order.

(Adopted effective November 4, 2002)

Sec. 46a-54-81a. Parties and intervenors

(a) The complainant, the commission and the respondent shall be parties. Other persons may petition the presiding officer to participate as parties and intervenors. The presiding

officer may grant party or intervenor status to any person meeting the standards of section 4-177a of the Connecticut General Statutes, and may limit or restrict the intervenor's participation as provided therein. Once granted such status, a party or intervenor, subject to any limitations imposed by the presiding officer, shall be treated as any other party to the proceedings, with the same rights and obligations attendant thereto.

(b) Any party may object to the participation of another person as a party or intervenor by filing a written objection in accordance with section 46a-54-87a of the Regulations of Connecticut State Agencies and serving a copy of the objection upon the person seeking such status and upon all parties of record.

(Adopted effective November 4, 2002)

Sec. 46a-54-82a. Representation; appearances; withdrawals

(a) Except as provided in subsection (b) of this section, the case in support of the complaint shall be presented by the commission. The commission shall be represented by commission counsel or the Attorney General, as provided in section 46a-55 and section 46a-84 of the Connecticut General Statutes.

(b) The complainant may appear pro se or through counsel**.** If the complainant appears through counsel, the attorney for the commission may allow the attorney for the complainant to present all or part of the case in support of the complaint, as the attorney for the commission deems appropriate.

(c) The respondent may appear pro se or through counsel, as provided by law.

(d) Appearances prepared in accordance with section 46a-54-16a of the Regulations of Connecticut State Agencies shall be filed with the office of public hearings, with copies served upon all parties. Attorneys shall meet the requirements set forth in section 46a-54-15a of the Regulations of Connecticut State Agencies. An appearance form is available from the office of public hearings and it may be used in lieu of the written notice.

(e) An attorney who wishes to withdraw an appearance shall file written notice with the office of public hearings and concurrently serve copies of the notice upon his or her client, and other parties and intervenors. The notice shall include the following information: the name of the case; the case number; the withdrawing attorney's name, address, telephone and facsimile numbers and juris number; and the name of the party represented. The attorney shall include a certification that a copy of the notice was mailed to all counsel and pro se parties and intervenors of record and to the client. The certification shall include the name of each party, intervenor, and client served, the address at which service was made, and the dates copies were mailed or delivered. A withdrawal of appearance form is available from the office of public hearings, and it may be used in lieu of the written notice.

(Adopted effective November 4, 2002)

Sec. 46a-54-83a. Powers and duties of the presiding officer

(a) The presiding officer shall have full authority to control the contested case proceeding, to receive motions and other papers, to administer oaths, to admit or to exclude

testimony or other evidence and to rule upon all motions and objections. A presiding officer may, on his or her own or upon motion by a party, subpoena witnesses and compel their attendance for the purpose of providing testimony or producing physical evidence or both. Such authority shall vest in the presiding officer upon appointment by the chief human rights referee.

(b) The presiding officer, in the exercise of reasonable discretion, may exclude from the hearing room any witness not testifying, and may exclude from attendance or participation in the proceeding any person who engages in improper conduct during the hearing as provided in section 1-232 of the Connecticut General Statutes.

(c) The presiding officer may continue a hearing or conference from day to day or adjourn it to a later date or to a different place by appropriate notice to all parties and intervenors. Such notice shall be posted on the door of the hearing room if the change is made within twenty-four (24) hours of the scheduled hearing.

(Adopted effective November 4, 2002)

Sec. 46a-54-84a. Amendment of complaint to substitute or add the commission

(a) After the appointment of a presiding officer, the commission may move to amend any complaint filed under section 46a-82 of the Connecticut General Statutes to substitute or add itself as a complaining party:

(1) Not later than sixty (60) days after the hearing conference, if the commission believes that the discriminatory practices complained of affect the legal rights of persons other than the complainant; or

(2) Not later than thirty (30) days after a complainant withdraws the complaint, and the commission believes that the discriminatory practices complained of raise issues of public policy or affect the legal rights of persons similarly situated to the complainant, except that the attorney for the commission may waive the commission's right to amend the complaint; or

(3) Not later than thirty (30) days after the commission has been notified of a complainant's death, and the commission believes that the discriminatory practices complained of raise issues of public policy or affect the legal rights of persons similarly situated to the complainant.

(4) The timeframes in subsection (a) of this section may be modified by motion of a party for good cause shown.

(b) Any amendment to substitute or add the commission shall be by a majority vote of the members present and voting at a commission meeting and shall be signed by a commissioner authorized by the commission to sign. Any such amendment shall relate back to the date the original complaint was filed with the commission. The presiding officer shall permit any reasonable amendment of the complaint to substitute or add the commission.

(c) When any complaint is amended to substitute or add the commission as the complaining party pursuant to subsections (a) and (b) of this section, the attorney for the commission shall provide written notice to all persons whose legal rights the commission

believes are adversely affected by the discriminatory practices complained of in the amended complaint. The written notice shall be by certified mail or a mail service that confirms receipt or in such other manner as may be ordered by the presiding officer to fairly and adequately protect the interests of such persons. The attorney for the commission shall apprise such persons of the pendency of the amended complaint and advise such persons that they shall inform the presiding officer and the parties and intervenors if they wish to have the commission seek such relief as is authorized by chapter 814c of the Connecticut General Statutes or wish to be made a party or intervenor in accordance with section 46a-54-81a of the Regulations of Connecticut State Agencies. The attorney for the commission shall also include a copy of the notice of hearing conference served pursuant to section 46a-54-79a of the Regulations of Connecticut State Agencies and a copy of the notice of hearing, if any.

(d) Any person who receives notice of an amended complaint pursuant to subsection (c) of this section may, within such time as is specified in the notice, petition to become a party or intervenor, or file a written response with the office of public hearings in accordance with section 46a-54-85a(b) of the Regulations of Connecticut State Agencies, informing the presiding officer and the parties and intervenors whether he or she wishes the commission to seek such relief on his or her behalf as authorized by chapter 814c of the Connecticut General Statutes.

(e) Once a contested case proceeding in which the commission has added or substituted itself as a complaining party has commenced, the amended complaint may not be withdrawn or settled without the approval of the presiding officer.

(Adopted effective November 4, 2002)

Sec. 46a-54-85a. Filing and service of papers

(a) For the purposes of Article III, the term "paper" means any motion, pleading, memorandum, correspondence or other non-evidentiary document filed with the office of public hearings.

(b) Except for papers relating to the settlement of contested case proceedings, any paper, howsoever designated, shall be filed by delivering the original and one (1) copy to the office of public hearings.

(c) Any such paper filed by a party or intervenor with the office of public hearings shall be served upon all other parties and intervenors or, if such other parties and intervenors appear by counsel, upon such counsel, whether such requirement of service is specifically recited elsewhere or not.

(d) Upon agreement by the parties and the approval of the presiding officer, the parties may file papers electronically.

(e) Unless otherwise ordered by the presiding officer, the original of any paper and one (1) copy may be filed with the presiding officer during a hearing.

(f) The office of public hearings shall maintain the original of all such papers in the record.

(g) Papers relating to the settlement of contested case proceedings shall be identified as such in large bold-faced type immediately following the case caption. The original of such papers, without a copy, shall be filed with the office of public hearings and served in accordance with subsection (b) of this section. Such papers shall not become part of the record.

(Adopted effective November 4, 2002)

Sec. 46a-54-86a. Answer

(a) A respondent's answer to the complaint and amended complaint shall be filed under oath. The answer shall be in writing and signed by the respondent. The original and one (1) copy shall be filed in accordance with section 46a-54-85a(b) of the Regulations of Connecticut State Agencies not later than fifteen (15) days after the date the complaint, as it may have been amended, and notice of hearing are received, unless the notice provides for a different period of time in which to answer. If a complaint is amended in accordance with section 46a-54-79a(e) of the Regulations of Connecticut State Agencies, the presiding officer shall determine a reasonable date for the filing of the answer.

(b) The answer shall admit or deny each and every allegation of the complaint and amended complaint. Failure to answer any allegation or part of an allegation shall be deemed an admission of such allegation or part thereof without the need for further proof. Admissions and denials shall be direct, precise and specific, and not argumentative, hypothetical or in the alternative. Denials shall fairly meet the substance of the allegations denied. When the respondent has insufficient information to admit or deny an allegation, the answer shall so state. When the respondent wishes to admit or deny only a portion of an allegation, the answer shall refer to that portion. Affirmative defenses shall be specially pleaded or they shall be deemed waived.

(c) Any answer filed pursuant to 46a-84 of the Connecticut General Statutes may, upon motion, be amended after the appointment of a presiding officer. The presiding officer shall permit reasonable amendment thereto and shall allow the parties and intervenors sufficient time to reply and prepare their case in light of the amendment.

(Adopted effective November 4, 2002)

Sec. 46a-54-87a. Motions, objections and waiver

(a) Except as otherwise permitted by the presiding officer, all motions other than those made orally on the record shall be in writing, stating briefly the order or relief applied for and the grounds for such motion. Where time is essential, motions may be made by telephone conference call, provided that all parties have an opportunity to participate and further provided that the motion is reduced to writing as set forth in this subsection. Motions shall be filed in accordance with section 46a-54-85a(b) of the Regulations of Connecticut State Agencies.

(b) Objections or other responses to motions shall be in writing, stating briefly the basis of the objection or response, and shall be filed not later than fourteen (14) days after the

filing of the motion, unless the presiding officer orders otherwise. Responses to motions shall be filed in accordance with section 46a-54-85a(b) of the Regulations of Connecticut State Agencies.

(c) The presiding officer may decide all motions without oral argument. If the presiding officer, on his or her own or upon motion by a party, orders oral argument, the presiding officer shall notify the parties of the time and place for such argument. Parties not present shall be deemed to waive their right to participate at oral argument.

(d) Motions made during a hearing, and objections, including but not limited to objections to such motions, to the conduct of a hearing, and to the introduction of evidence, may be made orally or in writing. Any objection not duly and timely made before the presiding officer may be deemed waived.

(Adopted effective November 4, 2002)

Sec. 46a-54-88a. Default and dismissal

(a) The presiding officer may, on his or her own or upon motion by a party, enter an order of default against a respondent if the respondent:

(1) Fails to file a written answer as provided for in section 46a-54-86a of the Regulations of Connecticut State Agencies; or

(2) Fails to appear at a lawfully noticed conference or hearing.

(b) Upon entering an order of default, the presiding officer may take evidence and issue such orders as may be necessary. The office of public hearings shall notify the parties of the entry of the default and inform them of the date, time, and place a hearing in damages will be held. The hearing shall be limited to the relief necessary to eliminate the discriminatory practice and make the complainant whole. Service of the notice of entry of default and hearing in damages shall be made upon the respondent by certified mail, return receipt requested, or other mail service that confirms receipt.

(c) A respondent may, for good cause shown, file a motion to set aside an order of default no later than fourteen (14) days of the entry of the default. If a default was entered for failure of the respondent to file an answer, the respondent shall submit the answer with the motion. Upon a showing of good cause, the presiding officer may grant said motion and resume the proceeding as appropriate.

(d) The presiding officer may, on his or her own or upon motion by a party, dismiss a complaint or a portion thereof if the complainant or the commission:

(1) Fails to establish jurisdiction;

(2) Fails to state a claim for which relief can be granted;

(3) Fails to appear at a lawfully noticed conference or hearing without good cause; or

(4) Fails to sustain his or her burden after presentation of the evidence.

(e) Upon the entry of an order of dismissal of the entire case, the office of public hearings shall notify the parties as provided in section 4-180(c) of the Connecticut General Statutes. In no event shall the complaint be dismissed because of the commission's failure to disclose information that it is prohibited from disclosing pursuant to section 46a-83(g) of the

Connecticut General Statutes.

(f) A complainant or the commission may, for good cause shown, file a motion to set aside an order of dismissal entered for failure to appear at a lawfully noticed conference or hearing no later than fourteen (14) days of the entry of the dismissal. Upon a showing of good cause, the presiding officer may grant said motion and resume the proceedings as appropriate.

(Adopted effective November 4, 2002)

Sec. 46a-54-89a. Disclosure of documents

(a) Each party shall be afforded the opportunity to inspect and copy relevant and material records, papers and documents not in the possession of the party, except as otherwise provided by applicable state or federal law.

(b) If a party fails to comply with an order of the presiding officer regarding a request for disclosure or production, the presiding officer may issue a non-monetary order. The order may include:

(1) An order that the matters that are the subject of the request for production or disclosure shall be established in accordance with the claim of the party requesting such order; and

(2) An order prohibiting the party who has failed to comply from introducing designated matters into evidence.

(c) Unless all parties agree by stipulation, depositions and interrogatories shall not be permitted in contested case proceedings.

(d) Any party or authorized representative who has reviewed or obtained copies of confidential and protected information in the commission's case file shall comply with the applicable provision of the Connecticut General Statutes and the Regulations of Connecticut State Agencies, restricting the use and disclosure of such information.

(Adopted effective November 4, 2002)

Sec. 46a-54-90a. Conduct of hearings

(a) All hearings shall be conducted by a presiding officer and be open to the public.

(b) Parties may call, examine and cross-examine witnesses and introduce evidence into the record of the proceedings, subject to the ruling of the presiding officer and as provided in section 46a-54-78a to section 46a-54-96a, inclusive, of the Regulations of Connecticut State Agencies and the Connecticut General Statutes.

(c) Exhibits of each party shall be marked to identify the party offering them.

(d) The presiding officer shall take all steps reasonably necessary, including but not limited to the use of pseudonyms, to protect the identity of individuals where confidential HIV-related information, as defined in section 19a-581(8) of the Connecticut General Statutes, or sexual assault information is involved. All evidence, papers and other documents that identify the individual shall be sealed. In accordance with section 46a-54-22a and section 46a-54-23a of the Regulations of Connecticut State Agencies, the presiding officer

shall issue such orders as necessary to protect individuals concerning confidential HIV-related information and confidential sexual assault information.

(Adopted effective November 4, 2002)

Sec. 46a-54-91a. Waiver of hearing; bifurcation of hearing; expedited proceedings

(a) The presiding officer, without holding a hearing and with the written consent of the parties, may make findings of fact and conclusions of law upon stipulated facts or admissions.

(b) The presiding officer may, upon motion by a party, bifurcate a hearing into a liability phase and a damages phase.

(c) For good cause shown, a presiding officer may, on his or her own or upon motion by a party, suspend the requirements of section 46a-54-78a to section 46a-54-96a, inclusive, of the Regulations of Connecticut State Agencies except for those provisions required by statute.

(Adopted effective November 4, 2002)

Sec. 46a-54-92a. Witnesses

Witnesses at all hearings shall be examined orally, under oath or affirmation. The presiding officer may question witnesses to ensure a full inquiry into all contested facts and to ensure a fair determination of the issues.

(Adopted effective November 4, 2002)

Sec. 46a-54-93a. Closing arguments and briefs

At the close of evidence, the parties may present their final arguments on the facts and issues of the case orally before the presiding officer. The presiding officer may, on his or her own, or upon motion by a party, require the filing of briefs upon such terms and within such time as the presiding officer determines. The presiding officer may require the parties to submit proposed findings of fact. The presiding officer may deem the failure to brief any claim to be a waiver of said claim.

(Adopted effective November 4, 2002)

Sec. 46a-54-94a. Final decisions and orders; correction

(a) Final decisions and orders shall contain the names and addresses of the parties and intervenors, findings of fact, conclusions of law, the analysis by the presiding officer and an appropriate order and such other information as may be required by chapter 54 of the Connecticut General Statutes.

(b) The presiding officer may modify a final decision to correct clerical errors in accordance with section 4-181a(c) of the Connecticut General Statutes.

(c) The presiding officer shall enter final orders with respect to each respondent.

(Adopted effective November 4, 2002)

Sec. 46a-54-95a. Reconsideration, reversal or modification of final decision

The final decision and order of the presiding officer may be reconsidered, reversed or modified in accordance with section 4-181a of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-96a. Record of proceedings

In addition to the items specified in section 4-177(d) of the Connecticut General Statutes, the record of a contested case proceeding shall include, but not be limited to: the complaint and any amended complaint, the answer and any amended answer, briefs and other legal memoranda, and any correspondence between the presiding officer and any party, intervenor, or other person concerning the contested case proceeding. The record shall not include papers that relate to the settlement of contested case proceedings. The record shall be maintained by the office of public hearings in accordance with the applicable provisions of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-97a. Construction of rules and regulations

Nothing in section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies shall be construed to limit the powers of the commission as set forth in the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 46a-54-98a. Severability

If any provision of section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies regulations should be found to be unconstitutional or otherwise legally unenforceable, all other provisions of section 46a-54-1a to section 46a-54-98a, inclusive, of the Regulations of Connecticut State Agencies shall remain in full force and effect.

(Adopted effective November 4, 2002)

Sec. 46a-54-99a—46a-54-103a. Reserved

Article IV

Petitions for Promulgation of Regulations

Sec. 46a-54-120. Petition for regulation; form

(a) Any interested person may petition the Commission for adoption, amendment or repeal of a regulation. Petitions shall be sent by certified mail, return receipt requested, and addressed to the chairperson at the Commission's principal office. Petitions shall:

(1) state the statutory authority for the proposed action;

(2) provide a clear and concise text for the proposed regulation, amendment or repealer;

(3) provide an analysis of the public policy reasons favoring the proposed action; and

(4) contain the name, address and signature of the person making the petition.

(b) The Commission, by a majority vote of its members present and voting, may deny any petition not conforming to the requirements of subsection (a) of section 46a-54-120.

(Effective January 1, 1993)

Sec. 46a-54-121. Procedure after filing

Upon receipt, the chairperson shall refer the petition to Commission members and staff for comment, suggestion and recommendation. In accordance with subdivision (9) of section 46a-54 of the Connecticut General Statutes, the Commission may hold hearings to receive public comment. The Commission, by a majority vote of its members present and voting shall approve or deny the petition within thirty (30) days of its receipt. If the petition is denied, the Commission shall inform the petitioner of its decision and the reasons therefore in writing. If the petition is granted, the Commission shall initiate regulation making proceedings as provided for in section 4-168 of the Connecticut General Statutes.

(Effective January 1, 1993)

Article V

Petitions for Declaratory Rulings

Sec. 46a-54-122. Petition for declaratory ruling; form

(a) The Commission or any person may petition for a declaratory ruling as to:

(1) the validity of any Commission regulation; or

(2) the applicability to specified factual circumstances of any provision of the Connecticut General Statutes enforced by the Commission, any regulation promulgated by the Commission or a final decision on any matter within the Commission's jurisdiction.

(b) Petitions for a declaratory ruling shall be sent by certified mail, return receipt requested, and addressed to the chairperson at the Commission's principal office. Petitions shall:

(1) identify the particular statute, regulation or order for which a ruling is sought;

(2) clearly state the issue or issues upon which the ruling is requested;

(3) provide an appropriate factual background of the circumstances giving rise to the request;

(4) provide an analysis of the public policy reasons favoring the proposed action; and

(5) contain the name, address and signature of the person making the petition.

(c) The Commission, by a majority vote of its members present and voting, may decide not to issue a ruling on any petition not conforming to the requirements of subsection (b) of section 46a-54-122. Rejection shall lapse any period of time prescribed by statute for action on a petition by the Commission.

(Effective January 1, 1993)

Sec. 46a-54-123. Notice of filing

Within thirty (30) days after a petition is filed, the Commission Counsel shall give notice to all persons who are required by law to be notified and to all persons who have requested notice of declaratory rulings on the subject matter of the petition. Notification may be made in any manner permitted by law. The notice shall contain a summary of the petition and set forth the date upon which a person may request to become a party or intervene in the proceedings.

(Effective January 1, 1993)

Sec. 46a-54-124. Petition for party or intervenor status

Any person may apply to be made a party to or an intervenor in a petition for declaratory ruling. Applications to be made a party or intervenor shall conform to the requirements of subsection (b) of section 46a-54-122. The Commission, by a majority vote of its members present and voting, may deny any application not conforming thereto or any application received after the date set forth in the notice of filing.

(Effective January 1, 1993)

Sec. 46a-54-125. Determination of party or intervenor status

If the Commission finds that a timely petition to become a party or an intervenor has been filed, it shall grant the same only if the petitioner clearly demonstrates that the standards of subsection (d) of section 4-176 of the Connecticut General Statutes have been met. The Commission may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the Connecticut General Statutes. Commission action pursuant to this section shall be taken by a majority vote of its members present and voting.

(Effective January 1, 1993)

Sec. 46a-54-126. Decision on petition for declaratory ruling

(a) Upon receipt, the chairperson shall refer the petition for declaratory ruling, together with all applications to become a party or intervenor, to Commission members and staff for comment, suggestion and recommendation. Where necessary, the Commission may obtain such additional evidence as may be relevant to the declaratory ruling through a subpoena. In accordance with subdivision (9) of section 46a-54 and subsection (g) of section 4-176 of the Connecticut General Statutes, the Commission may hold hearings to receive public comment on the petition.

(b) Within sixty (60) days after receipt of a petition for declaratory ruling, the Commission, by a majority vote of its members present and voting, shall issue an order in writing which conforms to subsection (e) of section 4-176 of the Connecticut General Statutes. If a ruling on the petition is denied, the Commission shall send notice of the denial stating the reasons therefore to the petitioner and any person granted party or intervenor status. Additionally, the commission may initiate regulation-making procedures on the subject under section 4-168 of the Connecticut General Statutes.

(c) If a ruling on the petition is granted, the Commission shall:
(1) issue a declaratory ruling;
(2) order the matter set for specified proceedings; or
(3) agree to issue a declaratory ruling by a specified date. The Commission shall send notice of the decision to the petitioner and any person granted party or intervenor status in accordance with subsection (f) of section 4-176 of the general statutes. The ruling shall contain the names of all parties and intervenors to the proceeding, the particular facts upon which it is based and the reasons for its conclusion.

(Effective January 1, 1993)

Article VI

Appeals from Decisions of Local Human Rights Boards

Sec. 46a-54-127. Appeals from decisions of local human rights boards

Any person aggrieved by an order issued after a hearing by a board established pursuant to sections 7-148i or subsection (c) (9) (B) of section 7-148 of the Connecticut General Statutes may appeal to the Commission on Human Rights and Opportunities, as provided in section 7-148*l* of the Connecticut General Statutes. Any such appeal shall be filed within thirty (30) days of the mailing of the written decision by the local board. Appeals shall be filed by personal delivery, including but not limited to, service by a proper officer or indifferent person, or by certified mail. Any such appeal shall be addressed or directed to the chairperson of the Commission at the Commission's principal office in Hartford.

(Effective January 1, 1993)

Sec. 46a-54-128. Form of appeal; service

(a) Appeals shall contain:
(1) the name and address of the person filing the appeal;
(2) the name and address of each person named as a party in the complaint filed with the local board;
(3) the name and address of the local board where the discriminatory practices complaint was filed;
(4) a statement of the facts giving rise to the appeal;
(5) a statement of the legal grounds upon which the appeal rests;
(6) a statement of the relief sought; and
(7) a copy of the order issued after hearing which is being appealed.
(b) A copy of the appeal shall be served upon each other person identified in subsection (a) (2) of section 46a-54-128 and the local board named in subsection (a) (3) of section 46a-54-128, who shall be named as defendants to the appeal. Service upon such other persons shall be made by certified mail at the same time the appeal is filed with the Commission.

(Effective January 1, 1993)

Sec. 46a-54-129. Filing of record by local board

The local board shall file a certified copy of the entire record of the proceedings appealed from within sixty (60) days after the appeal is served, which shall include the board's written decision and findings of fact upon which it is based. By agreement of the parties, the record may be shortened.

(Effective January 1, 1993)

Sec. 46a-54-130. Review of appeal by the executive director; preliminary determination of appeal

(a) Upon receipt, the Executive Director of the Commission shall review the appeal. The appeal shall be confined to the record, provided that the Executive Director may permit corrections to the record. Upon motion, the Executive Director may hear oral argument and receive written briefs.

(b) If any party applies to the Executive Director for leave to introduce evidence outside the record and shows that the evidence is material and that there were reasonable grounds for failing to present it to the local board, the Executive Director may order the evidence to be introduced or taken and made a part of the record.

(c) The Executive Director shall prepare a proposed final decision affirming the decision of the board, unless it is found that substantial rights of the appellant have been violated in that the board's decision:

(1) violates or exceeds the authority the local board has been granted by statute, rule or ordinance;

(2) is clearly erroneous in view of the record; or

(3) is arbitrary, capricious or an abuse of or clearly unwarranted exercise of discretion.

(d) The Executive Director shall not substitute her or his judgment for that of the local board, except where there are additions to or corrections of the record.

(Effective January 1, 1993)

Sec. 46a-54-131. Executive director's proposed final decision; transmittal to parties; commission action

(a) The Executive Director shall prepare a proposed final decision affirming the decision of the local board and dismissing the appeal or sustaining the appeal. The proposed final decision shall be in writing and contain a statement of the reasons for the decision and finding of facts and conclusion of law on each issue of fact or law necessary to the decision.

(b) The Executive Director's proposed final decision shall be transmitted to the members of the Commission for their review and action.

(c) At the same time, a copy of the proposed final decision shall be served by certified mail or personal delivery on the local board and all parties to the appeal and their attorneys, if any. The proposed final decision shall be accompanied by a notice of the place, time and date by which each adversely affected party, including the local board, will have an opportunity to file exceptions and present briefs and oral argument to the Commission.

(d) The Commission, after consideration of any exceptions, briefs or arguments received, shall issue a final decision by a majority of the members present and voting at a meeting. The Commission shall issue a final decision affirming the decision of the board, unless it is found that substantial rights of the appellant have been violated in that the board's decision:

(1) violates or exceeds the authority the local board has been granted by statute, rule or ordinance;

(2) is clearly erroneous in view of the record; or

(3) is arbitrary, capricious or an abuse of or clearly unwarranted exercise of discretion.

A copy of the Commission's final decision shall be mailed to each party to the appeal including the local board.

(e) The Commission and the parties to the appeal, by written stipulation, may waive compliance with this section.

(Effective January 1, 1993)

Sec. 46a-54-132—46a-54-139. Reserved

Personal Data Regulations

Sec. 46a-54-140. Definitions

(a) Terms defined in Chapter 55 of the Connecticut General Statutes shall have the same meaning in sections 46a-54-140 through 46a-54-153 inclusive unless the context clearly indicates otherwise.

(b) "Commission" or "agency" means the Commission on Human Rights and Opportunities created by section 46a-52 of the Connecticut General Statutes.

(c) "Category of personal data" means the classifications of personal information set forth in subdivision (9) of section 4-190 of the Connecticut General Statutes.

(d) "Other data" means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(Effective January 1, 1993)

Sec. 46a-54-141. General nature and purpose of the personal data system

The nature and purpose of the Commission's personnel data system is to maintain accurate and current information regarding:

(1) discriminatory practice case files in fulfillment of statutory responsibilities under Chapter 814c of the Connecticut General Statutes;

(2) the qualifications of employment applicants; and

(3) employees' employment and personnel activities necessary for the conduct of the Commission's business.

(Effective January 1, 1993)

Sec. 46a-54-142. Categories of personal data

The categories of personal data maintained by the Commission consist of discriminatory

practice case files, employment records and personnel files. In addition, the Commission maintains general correspondence files which contain other data. Records of personal data are maintained on Commission personnel and employment applicants. Case files may also contain personal data concerning parties, witnesses and other persons.

(Effective January 1, 1993)

Sec. 46a-54-143. Discriminatory practice case files

(a) Discriminatory practice case files are maintained by the commission in its principal office in both automated and manual form. They are maintained for the purpose of receiving, initiating, mediating, litigating and monitoring complaints pursuant to Chapter 814c of the Connecticut General Statutes. Discriminatory practice case files are also maintained in the Commission's four regional offices. The address of the Commission's principal office and the names and address of the four regional offices are contained in section 46a-54-12.

(b) Routine sources of information retained in discriminatory practice case files are generally personal data on complainants, respondents, witnesses and other persons that provide or may provide evidence relevant to the investigation of discriminatory practices or bear upon the processing or monitoring of discriminatory practice complaints.

(c) All requests for disclosure or amendment of personal data contained in pending discriminatory practice case files shall be addressed to the Regional Manager of the office in which the complaint is pending. Requests regarding closed discriminatory practice case files shall be addressed to the Executive Director, Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, CT 06106.

(Effective January 1, 1993)

Sec. 46a-54-144. Discriminatory practice case file data

(a) The following personal data on complainants, respondents, witnesses or other persons is or may be contained in discriminatory practice case files:

(1) educational records;
(2) financial records;
(3) records of medical or emotional condition or history;
(4) information concerning employment or housing history;
(5) information concerning family or personal relationships;
(6) information concerning reputation or character; and
(7) other information which because of name, identifying number, mark or description can be readily associated with a particular person.

(b) The following other data is or may be contained in discriminatory practice case files on complainants, respondents, witnesses or other persons:

(1) addresses;
(2) telephone numbers;
(3) social security numbers;
(4) bank account numbers;

(5) income tax information;
(6) employment identification and payroll numbers; and
(7) other information which because of name, identifying number, mark or description can be readily associated with a particular person.

(Effective January 1, 1993)

Sec. 46a-54-145. Employee and applicant personnel records

(a) All Commission employee personnel records are maintained in the Commission's business office at 90 Washington Street, Hartford, CT 06106 in both automated and manual form. They are maintained for the purpose of providing a history of hiring, payroll, promotion, disciplinary and related employment information concerning Commission employees under the authority of Chapters 65, 66 and 67 of the Connecticut General Statutes. Records are also maintained on applicants considered for employment under the authority of subdivision (4) of section 46a-54 of the Connecticut General Statutes.

(b) Routine sources of information retained in personnel records generally include the employee, previous employers, references provided by an applicant for employment, the employee's supervisor(s), the comptroller's office, state insurance carriers and the department of administrative services. Routine sources of information retained on applicants for employment generally include the applicant, previous employers and references provided by or on behalf of the applicant.

(c) All requests for disclosure or amendment of personal data on employees or applicants shall be made to the Business Manager, Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, CT 06106.

(Effective January 1, 1993)

Sec. 46a-54-146. Personnel file data

(a) The following personal data is or may be contained in personnel files on employees or applicants:
(1) educational records;
(2) records of medical or emotional condition or history;
(3) employment records;
(4) information on marital status; or
(5) other information which because of name, identifying number, mark or description can be readily associated with a particular person.

(b) The following other data is or may be contained in personnel files on employees or applicants:
(1) addresses;
(2) telephone numbers;
(3) social security numbers;
(4) income tax information;
(5) employment identification or payroll number; or

(6) other information which because of name, identifying number, mark or description can be readily associated with a particular person.

(Effective January 1, 1993)

Sec. 46a-54-147. Maintenance of personal data

(a) The Commission shall strive to collect and maintain all personal data with accuracy and completeness. The Commission shall, when practical and consistent with its needs and purpose, collect personal data directly from the person to whom a record pertains. The Commission shall insure that personal data requested from another state agency is properly maintained.

(b) Personal data will not be maintained by the Commission unless relevant and necessary to accomplish the lawful purposes of the agency. Where the Commission finds irrelevant or unnecessary records in its possession, it shall dispose of the records in accordance with the Commission's record retention schedule or request permission from the public records administrator to dispose of the records under section 11-8a of the Connecticut General Statutes.

(c) All employees of the Commission shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster or other physical threat.

(Effective January 1, 1993)

Sec. 46a-54-148. Access to personal data

(a) Employees involved in the operation of the Commission's personal data systems or having access thereto shall be informed of the provisions of the personal data act, regulations promulgated under section 4-196 of the Connecticut General Statutes, the freedom of information act, the AIDS testing and medical information act, chapter 368x of the Connecticut General Statutes and any other state or federal statute or regulation concerning maintenance or disclosure of personal data maintained by the agency.

(b) Only Commission employees who have a specific need to review personal data for lawful purposes of the agency shall have access to such records. The Commission shall keep a current written list of employees entitled to access to each of the agency's personal data systems.

(c) The Commission shall incorporate the provisions of the personal data act and regulations promulgated thereunder by reference in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Commission or on its behalf.

(d) The Commission shall insure against unnecessary duplication of personal data. In the event that it is necessary to send personal data through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(e) The Commission shall insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access

areas.

(Effective January 1, 1993)

Sec. 46a-54-149. Maintenance of personal data systems

(a) To the extent practical, automated equipment and records shall be located in limited access areas, with regular access limited to operations personnel. Visitors to such areas shall, where required by law or to the extent practical, sign a visitor's log and shall have access to personal data only upon a bona fide showing of need.

(b) The Commission shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(Effective January 1, 1993)

Sec. 46a-54-150. Uses to be made of personal data

(a) Employees assigned personnel or payroll duties use the personal data contained in the Commission's personnel records in processing hires, promotions, reclassifications, transfers, retirement and other personnel actions. Managers use personal data when promotion, counseling or disciplinary action is contemplated and for other employment-related purposes.

(b) Employees and managers use discriminatory practice case file data for the purpose of receiving, initiating, investigating, mediating, litigating and monitoring settlements of discriminatory practice complaints.

(c) When a person is asked to supply personal data, the Commission shall disclose to that individual, upon request:

(1) the name of the employee and the division or office of the Commission requesting the data;

(2) the legal authority under which the Commission is empowered to collect and maintain the data;

(3) the person's rights pertaining to such data under the personal data act;

(4) the known consequences arising from supplying or refusing to supply the data; and

(5) the proposed use to be made of the requested data.

(Effective January 1, 1993)

Sec. 46a-54-151. Retention of personal data

(a) The Commission retains personnel records according to schedules published by the Public Records Administrator, Connecticut State Library, and applicable collective bargaining agreements. Discriminatory practice case files are retained by the Commission for a period of fourteen (14) years according to record retention schedules published by the Commission. Certain discriminatory practice case files are also retained by the Commission pursuant to memoranda of understanding between the Commission and the United States Equal Employment Opportunity Commission and the United States Department of Housing

and Urban Development.

(Effective January 1, 1993)

Sec. 46a-54-152. Disclosure of personal data

(a) Upon written request pursuant to subsection (c) of section 46a-54-143 or subsection (c) of 46a-54-145, the Commission shall disclose all personal data maintained on the person making the request, unless nondisclosure is required or specifically permitted by law. The Commission shall ensure that disclosure made pursuant to the personal data act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information. The Commission may disclose personal data to effectuate its law enforcement responsibilities.

(b) Within four (4) business days after the receipt of a written request, the Commission shall mail or deliver a written response in plain language, informing the person making the request as to:

(1) whether the Commission maintains personal data on him or her;

(2) the category and location of the data; and

(3) the procedure to access and review the data. Disclosure procedures shall accord with sections 1-15 to 1-21k, inclusive, of the Connecticut General Statutes.

(c) The Commission shall verify the identity of any person requesting access to his or her own personal data, and may refuse disclosure if the documentation is inadequate. The Commission may refuse to disclose medical, psychiatric or psychological data if, in the opinion of the Commission, disclosure would be detrimental to the person making the request. If the Commission refuses disclosure, it shall advise that person of the right to seek judicial relief pursuant to the personal data act.

(d) If the Commission refuses to disclose medical, psychiatric or psychological data based upon a determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Commission shall, at the written request of such person, permit a qualified medical doctor to review the data contained in the person's record to determine if the data should be disclosed. If disclosure is recommended, the Commission shall disclose the personal data. If nondisclosure is recommended, the Commission shall not disclose the data and shall inform such person of the right to seek judicial relief pursuant to the personal data act.

(e) The Commission shall maintain a complete log of each person, individual, agency and organization who has obtained access or to whom disclosure has been made of personal data under the personal data act, together with the reason for each disclosure or access. This log shall be maintained for no less than five (5) years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective January 1, 1993)

Sec. 46a-54-153. Contesting the content of personal data records

(a) Any person who believes that the Commission is maintaining inaccurate, incomplete

or irrelevant personal data may file a written request with the Commission for correction thereof. Within thirty (30) days after receipt of such request, the Commission shall give written notice to such person that it will make the requested correction. If the correction is not to be made as submitted, the Commission shall state in writing the reason for its denial and notify the person of the right to seek judicial relief pursuant to the personal data act.

(b) Following the denial of a request to correct, the person requesting the correction may add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the data in question. Such statements shall become a permanent part of the Commission's personal data system and shall be disclosed to any individual, agency or organization to which the contested data is disclosed.

(Effective January 1, 1993)

Sec. Appendix A.

Principal Office

Commission on Human Rights and Opportunities

21 Grand Street

Hartford, CT 06106

CT Toll Free Telephone Number: 1-800-477-5737

Telephone Number: (860) 541-3400

Facsimile Number: (860) 246-5419

TDD Accessible Number: (860) 541-3459

Regional Offices

Commission on Human Rights and Opportunities

Capitol Region Office

1229 Albany Avenue

Hartford, CT 06112

Telephone Number: (860) 566-7710

Facsimile Number: (860) 566-1997

TDD Accessible Number: (860) 566-7710

Commission on Human Rights and Opportunities

Southwest Region Office

1057 Broad Street

Bridgeport, CT 06604

Telephone Number: (203) 579-6246

Facsimile Number: (203) 579-6950

TDD Accessible Number: (203) 579-6246

Commission on Human Rights and Opportunities

West Central Region Office

Rowland Government Center

55 West Main Street, Suite 210

Waterbury, CT 06702-2004

Telephone Number: (203) 805-6530

Facsimile Number: (203) 805-6559

TDD Accessible Number: ((203) 805-6579

Commission on Human Rights and Opportunities

Eastern Region Office

100 Broadway

Norwich, CT 06360

Telephone Number; (860) 886-5703

Facsimile Number: (860) 886-2550

TDD Accessible Number: (860) 886-5707

Commission on Human Rights and Opportunities

Special Enforcement Unit (**Housing Complaints**)

21 Grand Street

Hartford, CT 06106

Telephone Number: CT Toll Free 1-800-477-5737 (860) 541-3403

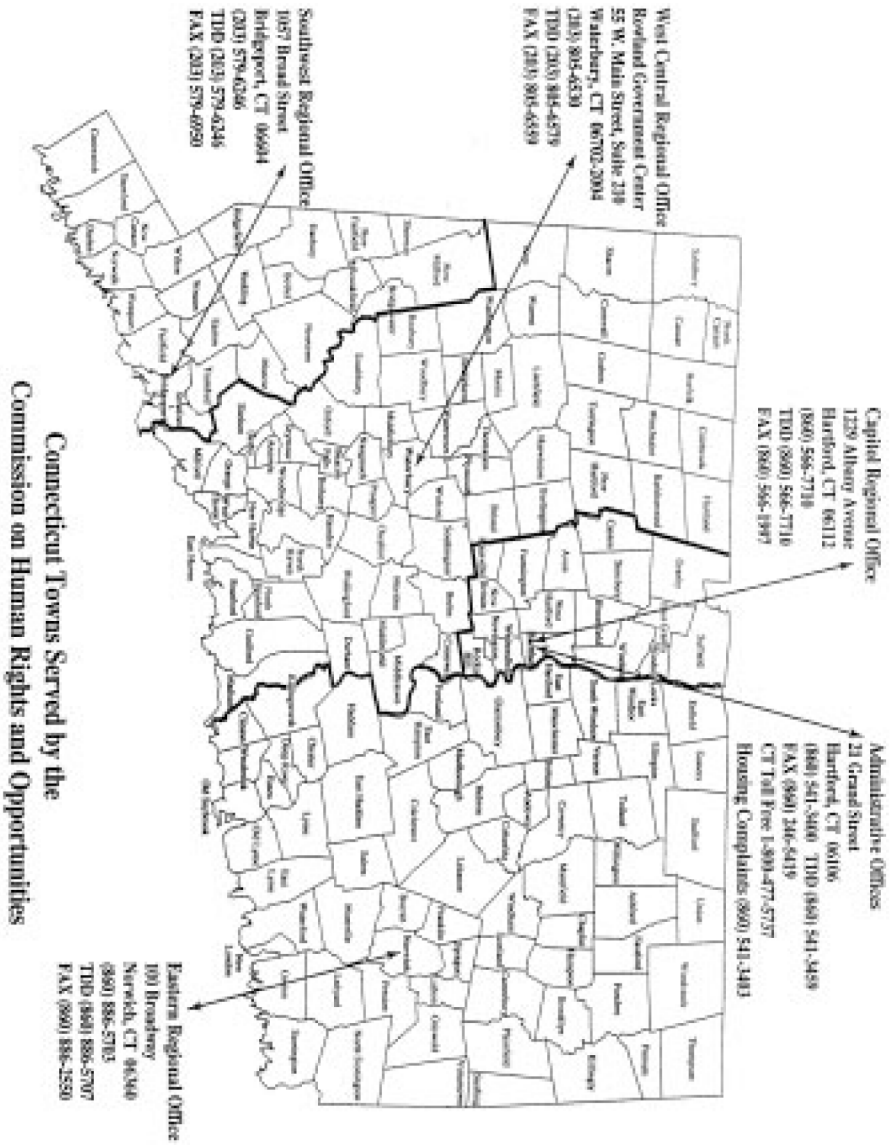
Facsimile Number: (860) 246-5419

TDD Accessible Number: (860) 541-3459

Sec. Appendix B.

Map of Geographic Area Covered by Each Region

Map of Geographic Area Covered by Each Region



Sexual Harassment Posting and Training Requirements

Sec. 46a-54-200. Definitions

For purposes of sections 46a-54-200 through 46a-54-207, inclusive:

(a) "Sexual Harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission

to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) "Employer" includes the state and all political subdivisions thereof, including the General Assembly, and means any person or employer with three or more persons in his employ.

(c) "Employer Having Fifty or More Employees" means the state and all political subdivisions thereof, including the General Assembly, and means any person or employer who has a total of fifty or more persons, including supervisory and managerial employees and partners, in his employ for a minimum of thirteen weeks during the previous training year.

(d) "Employee" means any person employed by an employer, but shall not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

(e) "Supervisory Employee" means any individual who has the authority, by using her or his independent judgment, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances or effectively to recommend such actions.

(f) "Commission" means the Commission on Human Rights and Opportunities created by section 46a-52 of the Connecticut General Statutes.

(g) "Training year" means the period of time from October first in any calendar year through September thirtieth in the following calendar year.

(Effective February 24, 1993)

Sec. 46a-54-201. Posting requirement for employers having three or more employees

(a) Employers with three or more employees must post notices to employees concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.

(b) Such information should include, but is not limited to:

(1) The statutory definition of sexual harassment and examples of different types of sexual harassment;

(2) Notice that sexual harassment is prohibited by the State of Connecticut's Discriminatory Employment Practices Law, subdivision (8) of subsection (a) of section 46a-60 of the Connecticut General Statutes;

(3) Notice that sexual harassment is prohibited by Title VII of the 1964 Civil Rights Act, as amended, 42 United States Code section 2000e *et seq.*; and

(4) The remedies available, including but not limited to:

(A) Cease and desist orders,

(B) Back pay,

(C) Compensatory damages, and

(D) Hiring, promotion or reinstatement;

(5) Language to the effect that persons who commit sexual harassment may be subject to civil or criminal penalties;

(6) The address and telephone number of the Connecticut Commission on Human Rights and Opportunities; and

(7) A statement that Connecticut law requires that a formal written complaint be filed with the Commission within one hundred and eighty days of the date when the alleged sexual harassment occurred; and

(8) Any and all notices so posted will have the heading, "**SEXUAL HARASSMENT IS ILLEGAL**," in large bold-faced type.

(c) The Commission strongly recommends, but does not require, that the poster include:

(1) A statement concerning the employer's policies and procedures regarding sexual harassment and a statement concerning the disciplinary action that may be taken if sexual harassment has been committed; and

(2) A contact person at the place of employment to whom one can report complaints of sexual harassment or direct questions or concerns regarding sexual harassment;

(d) A model poster is appended to these regulations, labeled Appendix A.

(Effective February 24, 1993)

Sec. 46a-54-202. Where to post

Employers must place, and keep posted, notices in prominent and accessible locations upon its premises where notices to employees are customarily posted. Notices must be posted at each employer facility in such a manner that all employees and applicants at that facility will have the opportunity to see the notices on a regular basis.

(Effective February 24, 1993)

Sec. 46a-54-203. When to post

(a) All employers with three or more employees shall post notices as soon as practicable after the effective date of these regulations, but no later than forty-five (45) days after the effective date of these regulations.

(b) An employer shall promptly replace notices that are removed, destroyed or defaced.

(Effective February 24, 1993)

Sec. 46a-54-204. Posting and training requirements for employers having fifty or more employees

(a) An employer having fifty (50) or more employees shall comply with the posting requirements set forth in sections 46a-54-200 through 46a-54-207, inclusive.

(b) An employer having fifty (50) or more employees must also provide two hours of training and education to all supervisory employees of employees in the State of Connecticut no later than October 1, 1993 and to all new supervisory employees of employees in the State of Connecticut within six months of their assumption of a supervisory position. Nothing in these regulations shall prohibit an employer from providing more than two hours

of training and education.

(c) Such training and education shall be conducted in a classroom-like setting, using clear and understandable language and in a format that allows participants to ask questions and receive answers. Audio, video and other teaching aides may be utilized to increase comprehension or to otherwise enhance the training process.

(1) The content of the training shall include the following:

(A) Describing all federal and state statutory provisions prohibiting sexual harassment in the work place with which the employer is required to comply, including, but not limited to, the Connecticut discriminatory employment practices statute (section 46a-60 of the Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. section 2000e, and following sections);

(B) Defining sexual harassment as explicitly set forth in subdivision (8) of subsection (a) of section 46a-60 of the Connecticut General Statutes and as distinguished from other forms of illegal harassment prohibited by subsection (a) of section 46a-60 of the Connecticut General Statutes and section 3 of Public Act 91-58;

(C) Discussing the types of conduct that may constitute sexual harassment under the law, including the fact that the harasser or the victim of harassment may be either a man or a woman and that harassment can occur involving persons of the same or opposite sex;

(D) Describing the remedies available in sexual harassment cases, including, but not limited to, cease and desist orders; hiring, promotion or reinstatement; compensatory damages and back pay;

(E) Advising employees that individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties; and

(F) Discussing strategies to prevent sexual harassment in the work place.

(2) While not exclusive, the training may also include, but is not limited to, the following elements:

(A) Informing training participants that all complaints of sexual harassment must be taken seriously, and that once a complaint is made, supervisory employees should report it immediately to officials designated by the employer, and that the contents of the complaint are personal and confidential and are not to be disclosed except to those persons with a need to know;

(B) Conducting experiential exercises such as role playing, coed group discussions and behavior modeling to facilitate understanding of what constitutes sexual harassment and how to prevent it;

(C) Teaching the importance of interpersonal skills such as listening and bringing participants to understand what a person who is sexually harassed may be experiencing;

(D) Advising employees of the importance of preventive strategies to avoid the negative effects sexual harassment has upon both the victim and the overall productivity of the work place due to interpersonal conflicts, poor performance, absenteeism, turnover and grievances;

(E) Explaining the benefits of learning about and eliminating sexual harassment, which

include a more positive work environment with greater productivity and potentially lower exposure to liability, in that employers—and supervisors personally—have been held liable when it is shown that they knew or should have known of the harassment;

(F) Explaining the employers's policy against sexual harassment, including a description of the procedures available for reporting instances of sexual harassment and the types of disciplinary actions which can and will be taken against persons who have been found to have engaged in sexual harassment; and

(G) Discussing the perceptual and communication differences among all persons and, in this context, the concepts of "reasonable woman" and "reasonable man" developed in federal sexual harassment cases.

(d) While not required by these regulations, the Commission encourages an employer having fifty (50) or more employees to provide an update of legal interpretations and related developments concerning sexual harassment to supervisory personnel once every three (3) years.

(Effective February 24, 1993)

Sec. 46a-54-205. Effect of prior training

An employer is not required to train supervisory personnel who have received training after October 1, 1991 that:

(1) substantially complies with the required content of the training set forth in subsection (c) (1) of section 46a-54-204; and

(2) was provided in a classroom setting and lasted at least two hours.

(Effective February 24, 1993)

Sec. 46a-54-206. Trainers

An employer required to provide training by these regulations may utilize individuals employed by the employer or other persons who agree to provide the required training, with or without reimbursement.

(Effective February 24, 1993)

Sec. 46a-54-207. Recordkeeping

(a) The Commission encourages each employer required to conduct training pursuant to Public Act 92-85 to maintain records concerning all training provided.

(b) Such records shall include, but are not limited to:

(1) documents sufficient to show the content of the training given, such as the curriculum;

(2) the names, addresses and qualifications of the personnel conducting the training;

(3) the names and titles of the personnel trained and the date or dates that each individual was trained;

(c) The Commission encourages employers to maintain any such records for a minimum of one year, of if a discriminatory practice complaint is filed involving personnel trained, until such time as such complaint is finally resolved.

Appendix A

SEXUAL HARASSMENT IS ILLEGAL

AND IS PROHIBITED

BY

THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT

(Section 46a-60 (a) (8) of the Connecticut General Statutes)

AND

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

(42 United States Code Section 2000e *et seq.*)

SEXUAL HARASSMENT MEANS "ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

(1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;

(2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR

(3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORKING ENVIRONMENT."

Examples of **SEXUAL HARASSMENT** include
UNWELCOME SEXUAL ADVANCES
SUGGESTIVE OR LEWD REMARKS
UNWANTED HUGS, TOUCHES, KISSES
REQUESTS FOR SEXUAL FAVORS
RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS
Remedies for **SEXUAL HARASSMENT** may include
CEASE AND DESIST ORDERS
BACK PAY
COMPENSATORY DAMAGES

HIRING, PROMOTION OR REINSTATEMENT

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT
MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.
* *

OPTIONAL

[INCLUDE STATEMENT OF EMPLOYER'S POLICY AND PROCEDURES].
Contact [your Employer's Representative] if you have questions or concerns or believe that you or others are being sexually harassed.

_____ _____
Name Telephone Number

_____
Unit

IF YOU **NEED ADDITIONAL INFORMATION** CONTACT THE **PERMANENT COMMISION ON THE STATUS OF WOMEN,** 90 Washingtone Street, Hartford, Connecticut 06106.

(TELEPHONE AND TDD NUMBER 566-5702).

(Effective February 24, 1993)

Sec. Appendix A.

SEXUAL HARASSMENT IS ILLEGAL

AND IS PROHIBITED

BY

THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT

(Section 46a-60 (a) (8) of the Connecticut General Statutes)

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PLOYMENT;

(2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR

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DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS
Remedies for **SEXUAL HARASSMENT** may include
CEASE AND DESIST ORDERS
BACK PAY
COMPENSATORY DAMAGES
HIRING, PROMOTION OR REINSTATEMENT

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT
MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.
* *

OPTIONAL

[INCLUDE STATEMENT OF EMPLOYER'S POLICY AND PROCEDURES].
Contact [your Employer's Representative] if you have questions or concerns or believe that you or others are being sexually harassed. .

_____ _____ .
Name Telephone Number .

_____ .
Unit .

IF YOU **NEED ADDITIONAL INFORMATION** CONTACT THE **PERMANENT COMMISION ON THE STATUS OF WOMEN,** 90 Washingtone Street, Hartford, Connecticut 06106.

(TELEPHONE AND TDD NUMBER 566-5702).

(Effective February 24, 1993)