

Commission on Human Rights and Opportunities



At a Glance

ROBERT J. BROTHERS, Jr., Executive Director

Established – 1943

Statutory authority – C.G.S. Chapter 814c

*Central office – 21 Grand Street,
Hartford, CT 06106*

2009-10 Budget – \$5,677.297

Number of employees – 74 full-time, 1 part-time

Authorized positions – 80

Organizational structure – Nine-member commission establishes policy, Executive Director manages administrative office and four regional offices, independent Human Rights Referees hear contested cases

Website – www.ct.gov/chro

Toll free telephone – (800) 477-5737

TDD – (860) 541-3459

**Historical and statistical data as of June 30, 2009*

Mission

The mission of the Connecticut Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all within the state through advocacy and education.

Statutory Responsibility

The statutory responsibility of the Commission is to:

- Eliminate illegal discrimination in employment, housing, public accommodations and credit transactions through education and law enforcement;
- Monitor contract compliance laws and small contractor set-aside provisions by state agencies, contractors and subcontractors;
- Review and monitor state agency affirmative action plans and compliance with laws requiring affirmative action and equal opportunity in state government; and
- Establish equal opportunity and justice for all persons in Connecticut through education and outreach.

Public Service

The Commission is headed by a policy-making body consisting of nine members. Five of the members are appointed by the Governor and four are appointed by the leadership of the General Assembly. All new appointments require legislative approval through the advice and consent of the House and Senate. The Commission conducts regular monthly meetings on the second Wednesday of the month. The Commission conducts special meetings as it deems necessary.

Nine Commissioners were serving at the end of the fiscal year. They are Chairperson Andrew Norton, Secretary Edward Mambruno, and Commissioners Shelley Best, Cheryl Lynn Clarke, Alexia E. Cruz, Milton Johnson, Dawn Niles, Edith Pestana and Patricia Wrice.

An Executive Director appointed by the Commission oversees the operations of the agency. The agency has four regional offices located in Hartford, Waterbury, Bridgeport and Norwich, which receive and investigate cases from individuals who believe that they have suffered illegal discrimination. The agency's administrative office, also located in Hartford, houses the Office of the Executive Director, the Legal Division, the Chief of Field Operations, the Affirmative Action and Contract Compliance Unit, the Fair Housing Unit and the Office of Public Hearings.

Improvements/Achievements 2009-10

Affirmative Action: During the past fiscal year, the Commission reviewed 75 affirmative action plans submitted by state agencies. Of these, 59 were approved, 7 were disapproved and 9 were conditionally approved. In addition 328 technical assistance reviews were conducted by Commission staff with agencies that sought assistance in addressing weak or deficient areas of their affirmative action plans.

Staff also met at the Community College System Office with AAOs for training on statistics used in plan development. Revisions of the Affirmative Action Regulations of State Agencies are underway and should be completed in the next year. Staff completed a Report to the Governor on Affirmative Action in State Agencies 2004-2008. The Affirmative Action Unit attended two monthly meetings of the Community College Affirmative Action Officers at the system office. The staff reviewed the Affirmative Action Regulations and explained the ways in which the colleges could demonstrate compliance with the regulations. There was significant discussion regarding ways in which the affirmative action plans could be more consistent across the colleges in the system. As part of this initiative to

create more consistency across the colleges' plans, the CHRO staff created data charts using the tables from the Digest of Education Statistics data from 2007 to provide current data that would be used by all colleges.

Affirmative Action Training: In conjunction with the Permanent Commission on the Status of Women, the Commission is mandated by CONN. GEN. STAT. § 46a-68(b)(3) to provide training concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints to persons designated by state agencies, departments, boards or commissions as affirmative action officers (AAOs) and persons designated by the Attorney General or the Attorney General's designee to represent such agencies before the Commission or the EEOC (AGDs). "Foundation Training" was provided to 22 new AAOs and ADGs over ten (10) hours on November 19 and 20, 2009. Foundation Training is the standardized training provided to all new AAOs and AGDs, and introduces individuals new to these positions to the laws covering discrimination in the workplace, sexual harassment, the CHRO complaint process, how to investigate a discrimination complaint and making credibility determinations. "Update Training" was provided to all of the state's approximately 190 AAOs and ADGs for five (5) hours on June 18 and 28, 2010. Each AAO/AGD attended one of those sessions. The Update Training topics change every year, but cover any changes in the discrimination laws, recent/important cases. This year, the training consisted of a panel discussion on the case Ricci v. Destefano and its impact on the future of Affirmative Action, a representative from the EEOC gave a presentation about the federal Genetic Information Non-discrimination Act (GINA), while attorneys in private practice discussed the State counterpart and discussed recent changes in case law on discrimination. An FOI Public Information Officer explained the FOI laws and their applicability to investigations.

Continuing its outreach efforts to Connecticut based businesses, the CCU took on a host of opportunities such as holding a training session for members of the Associated Builders and Contractors, Inc (ABC). The training session focused on how a general contractor is to accurately complete an Affirmative Action Plan (AAP) so the general contractor's AAP is approved by the Contract Compliance Unit upon its first submission. CCU also participated in the Connecticut Business Expo located at the Connecticut Convention Center. The CCU booth allowed Connecticut Businesses with one-on-one interaction with Contract Compliance staff.

Broadening its knowledge of how its sister agencies ensure compliance, the CCU attended the U.S. Department of Labor Office Federal Contract Compliance's information session. This information session provided organizations in receipt American Recovery and Reinvestment Act funds with the tools needed to understand federal compliance requirements in the areas of ensuring equal opportunity, workforce goals, apprenticeship goals, on-the-job training, and disadvantage business participation. Then, the CCU attended two of the Connecticut Department of Transportation's (CONNDOT) Business Opportunity Summit. This summit was organized to allow DOT certified disadvantaged businesses (DBE) to network with organizations who have received funding from the American Recovery and Reinvestment Act (ARRA). Afterwards, The Federal Highway Administration (FHWA) and the Connecticut

Department of Transportation (CONNDOT) allowed the CCU to shadow the two agencies as they conducted field review audits on two Fairfield county projects funded by the American Recovery and Reinvestment Act. Although, CHRO contract compliance requirements are different from federal contract compliance requirements, it provided CHRO's contract compliance unit with ideas regarding how to jump-start its field review process. Currently, state statutes and CHRO regulations allows for the CCU to conduct field review audits.

The staff designed Affirmative Action training for CHRO commissioners and provided training to two of the new commissioners. The training was condensed to less than four hours in preparation for training commissioners next year.

Complaints Against Agency Heads and Affirmative Action Officers: Pursuant to P.A. 07-181, now codified as CONN. GEN. STAT. § 46a-68(b)(4)(B), the Commission receives any complaint alleging that the executive head of a state agency or department, any member of a state board or commission or any affirmative action officer engaged in discriminatory conduct to determine whether it should be forwarded to the Department of Administrative Services (DAS) for investigation. If the complaint is made against DAS, the Commission conducts the investigation. The purpose of this legislation was to eliminate the conflict that may arise if an affirmative action officer has to investigate allegations against his/her supervisor, as AAOs report directly to the appointing authority. In this fiscal year, the Commission has received and forwarded five complaints to DAS.

Contract Compliance: Agency staff also reviewed 523 affirmative action plans submitted by contractors who were awarded public works and construction contracts. 6,393 technical assistance reviews, meetings, conversations were conducted to assist contractors in complying with contracting and set-aside provisions. Throughout the 2009-2010 year the Commission on Human Rights and Opportunities' (CHRO) Contract Compliance Unit (CCU) continued its efforts to advise state agencies of their, and their funding recipients'', contractual obligations under C.G.S. §4a-60 and CHRO Contract Compliance Regulations. CHRO CCU continues its efforts with such agencies as the New Haven Neighborhood Works New Horizon University of Connecticut (UCONN), Department of Economic and Community Development (DECD), the Department of Social Services (DSS), and the Department of Education, and other state agencies and the Metropolitan District Commission's (MDC) as circumstances dictate.

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

Diversity and Education: By statute, the Commission serves as the secretariat for the Martin Luther King, Jr. Holiday Commission (MLK). The MLK Commission, with assistance from the Commission, presented the 23rd Annual Bell Ringing Ceremony at the State Capitol to commemorate the birthday of the slain civil rights leader.

Field Operations: During the fiscal year, the Commission received 1,971 complaint affidavits; 1,740 alleged discrimination in employment, 135 in housing, 79 in public accommodation and 17 in some other area. The greatest number of complaints alleged discrimination based on race (589), followed closely by color (527), sex (500), age (482) and physical disability (479). There were 162 complaints of sexual harassment. Commission investigators made 75 findings of reasonable cause. The Commission closed 1,764 complaints, of which 588 were closed through no-fault agreements, conciliation or settlement. A total of \$4,352,107.05 in known settlements was secured for complainants. There were other settlements reached by the parties themselves or where the Commission did facilitate settlement but the dollar amount remains confidential.

Public Hearings: The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases brought by the Commission and in whistleblower retaliation cases filed with the Chief Human Rights Referee pursuant to CONN. GEN. STAT. § 4-61dd. Of the 66 discrimination cases closed by OPH in the fiscal year, two (2) cases were withdrawn by the complainant, nine (9) cases were closed following decertification by the Executive Director, three (3) cases were closed following the issuance of a release of jurisdiction and three (3) were dismissed following orders of dismissal. Human Rights Referees closed forty-two (42) cases through settlement and seven (7) by final decision. The Referees secured \$522,924 for complainants through non-confidential settlement agreements and substantial additional amounts through confidential settlement agreements. The Referees awarded complainants \$61,905.75 in final decisions issued following trial. Also in FY 2009-10, OPH closed twenty-nine (29) whistleblower cases. Six (6) cases were closed through withdrawal and/or settlement, twenty (20) cases were dismissed administratively or upon motion by the respondent, two (2) were dismissed following orders of dismissals, and one (1) final decision dismissing a complaint was issued by a Referee following trial.

Reopenings/Reconsiderations: During the fiscal year, the Legal Division received 5 requests for reopening and made recommendations to the Commissioners on 6. Three were denied and 3 were granted by the Commission. The agency also received 178 requests for reconsideration of complaints previously dismissed. The Executive Director or designee issued decisions on 264 requests for reconsideration, granting 133 and rejecting 131.

Training: During the last fiscal year, Commission staff attended the annual Housing and Urban Development National Conference. Together with the African American Affairs Commission, the Commission hosted a police-community relations forum. Staff also coordinated a training program for the Secretary of State's office through the "Our True Colors" group on the issue of rights/obligations when employees are transgendering in the workplace. The Legal Division also assisted in providing mandatory training for the agency's Commissioners pursuant to CONN. GEN. STAT. § 46a-52(b). Commission staff were also speakers and presenters at various fair housing and employment discrimination programs before educational, civic, professional and community organizations throughout the state.

Information Reported as Required by State Statute Affirmative Action

The Commission remains firmly committed to the principles of affirmative action and equal employment opportunity. The Commission's affirmative action plan for the review period ending October 31, 2009, was conditionally approved. The Commission exceeded its fiscal year 2009/2010 set-aside goals for small and minority business enterprise contracts. The agency awarded \$75,218 in small business contracts, which exceeded the small business goal of \$62,877, by \$12,341. Of the \$75,218 in small business contracts, \$22,819 was awarded in minority business contracts, which exceed the minority business goal of \$15,719 by \$7,100.

Freedom of Information

The Commission takes seriously its responsibility to comply with the provisions of the state's Freedom of Information Act. The Legal Division is responsible for responding to all freedom of information (FOI) requests, except those received directly in a regional office requesting a file being processed by that office. The Legal Division also responds to subpoenas for documents and testimony related to agency procedures and documents. Support staff handles most requests; complex requests and hearings are referred to the Managing Director. The Legal Division in fiscal year 2009-10 received a total of 110 FOI requests. The Managing Director ensures that all regular and special Commission meetings are properly noticed and filed with the Office of the Secretary of State in accordance with the requirements of the Freedom of Information Act.

Additional Information: Individuals seeking more information about the Commission, the laws it enforces or its services and programs are encouraged to contact the Commission's website (<http://www.ct.gov/chro>) or call our toll-free number (800) 477-5737.