

Commission on Human Rights and Opportunities



At a Glance

TANYA A. HUGHES, Executive Director

Established – 1943

Statutory Authority – CGS Chapter 814c

Central office – 450 Columbus Blvd, Suite 2, Hartford, CT 06103

Website – www.ct.gov/chro

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2017-2018 Budget: \$6,218,831 (\$5,916,770 in Personal Services; \$302,061 in Other Expenses) Number of positions filled - 66 full-time; Authorized positions - 83 full-time

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

Mission:

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

Statutory Responsibility:

The statutory responsibility of the Commission is to:

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

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

In October 2016, the Commission heard a complaint from the Connecticut Conference of the National Association for the Advancement of Colored People (NAACP) alleging racial discrimination within the Connecticut Department of Mental Health and Addiction Services. After commission staff conducted an investigation of complaints received by the CHRO regarding DMHAS, the Commission voted to hold a public forum on the issue, allowing employees the chance to be heard regarding the situation.

In April of 2017, the Commission concluded a year-long investigation into the recruitment, hiring and retention of minority teachers in the City of Waterbury. Though the investigation – which included two public hearings, the production and review of thousands of documents, and work with the State Department of Education – did not result in a finding of discrimination, the City of Waterbury and the Commission drafted best practice recommendations in order to address areas that needed improvement. As part of the agreement, the City agreed to keep the Commission updated on its progress. In this six-month progress report, the City of Waterbury told the Commission that it has established an advisory committee, revised hiring and interview guidelines, created several talent recruiter positions, held multiple Cultural Competency Trainings for school employees, and established Future Teachers Clubs in middle and high schools.

Eight Commissioners were serving at the end of the fiscal year. They were Chairperson Cherron Payne, Secretary Edward Mambruno, and Commissioners Andrew Norton, Edith Pestana, Joseph Suggs, Dr. Shuana Tucker, Lisa Giliberto and Nicholas Kapoor. One vacancy remains unfilled.

An Executive Director appointed by the Commission oversees the operations of the agency. Executive Director Tanya Hughes was appointed Interim Executive Director on July 13, 2013 and appointed to a four-year term on November 17, 2013. She was re-appointed to a second four-year term in November 2017. The agency's administrative office, also located in Hartford, houses the Office of the Executive Director, Tanya Hughes, the Office of the Deputy Director, Cheryl Sharp, the Legal Division, Charles Krich, Principal Attorney, the Affirmative Action and Contract Compliance Unit, the Fair Housing Unit and the Office of Public Hearings. There are also four regional offices located in Hartford, Bridgeport, Norwich and Waterbury.

Improvements/ Achievements 2017-2018:

Under the direction of Deputy Director Cheryl Sharp, this year, our education and outreach activities included participation in training, and providing analysis related to the #MeToo campaign, with heightened focus on sexual harassment in the private and

public sectors. CHRO continued to provide education and outreach through its Business Training Institute. Further, the Joint Committee on Legislative Management petitioned the Commission to develop a presentation that would: explore areas of protection and the limitations, review the current filing trends and employer pitfalls, and establish Best Practices for a safe and non-discriminatory work environment.

CHRO continued its successful CT Kids Court Essay Competition and Kids Speak Program, commemorating the 25th year since Cheryl Sharp and Rae Theisfield founded it while students at the University of Connecticut School of Law. The Kids Court Competition provides Jr. High and High School students with an opportunity to research a specific civil or human rights issue and advocate a position, initially in an essay and then orally before a panel of judges. Kids Speak, which is the kickoff to the Kids Court Essay Competition, is a half-day program of interactive exercises, peer debate, improvisations, an interactive panel discussion and peer dialogue aimed at raising student's consciousness about civil and human rights issues and reducing discriminatory bullying and prejudice and improving school climate. Over 750 students from across the State of Connecticut and the tristate area were invited to participate in this groundbreaking event, where they were exposed to the functions of the three branches of government and how each branch works to bring about equality. This year there were five topics for Kids Speak and the Kids Court Essay Competition. The students chose from the following topics: #Dreamers: The Immigration Debate; #Hate Crimes: Don't Pull the Trigger; #Me Too; #Where I Live, Who Can I Become; #Educational equity: race, power & privilege. Kids Speak was held on Tuesday, May 22, 2018 from 9:00 a.m. - 1:30 p.m. at the University of Connecticut School of Law on 55 Elizabeth Street in Hartford. Kids Court took place on Tuesday, June 12, 2018. at the State Capitol in the Old Judiciary Room, 210 Capitol Avenue, Hartford, CT, from 5:00-7:30 p.m.

The Commission's case processing efforts continue to focus on reducing statutory timeframes and lengths of the investigative process. This included changes in our Early Legal Intervention to require that our Legal department conduct initial case assessment reviews (CARs) of all files. This was a direct result of a review and recommendation(s) from the legislative Program Review and Investigations Committee (PRI), a legislative task force. The purpose for this change is to ensure that the proper legal standard is consistently applied while maintaining our requirement to conduct these reviews within 60 days.

Our Internship program, which began rather modestly in 2012, has produced law interns from UCONN, William and Mary, New York University, Western New England University, Boston University, Washington and Lee, New York Law School, UMASS-Dartmouth and expanded this year to include undergraduate from UCONN and Wesleyan. The program has given us the opportunity to secure permanent positions for four attorneys.

Promotional opportunities yielded two regional managers who were promoted from within (Ronald Simpson and Lynda Rizzo) as well as a full-time clerical/intake position in

our Housing unit. We were also able to fill a vacancy in our Affirmative Action unit while improving policies and procedures in our Contract Compliance unit.

Complaint Tracking System: We continue to make upgrades and improvements to our Complaint Tracking System. We have updated our website to include many required reports in accordance with the statutes and regulations.

1. Complaints Filed by Region

The Commission received a total of 2479 complaints in FY 2017-18. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission’s website.

Capitol	552
Southwest	563
West Central	733
Eastern	442
Housing Discrimination Unit	189
Total	2479

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint will be classified according to what the majority of the allegations relate to. Complaints classified as “Other” include those not readily classified as one of the other categories.

Employment	2088
Housing	190
Public Accommodations	177
Other	24
Total	2479

3. Complaints Filed Against State Agencies **169**

Complaints filed against state agencies are recorded at the time of complaint intake according to who the Respondent is.

4. Case Closures

The Commission closed a total of 2424 complaints during the fiscal year. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to reflect accurately the kind of closure or are a result of an internal system error.

Closure Type	Total
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Administrative Dismissal	95
Case Assessment Review – No Claim for Relief	178
Case Assessment Review – No Possibility of Reasonable Cause Finding	179
Case Assessment Review – Respondent Exempt	3
Case Assessment Review – Frivolous	2
No Reasonable Cause	332
No Reasonable Cause – Administrative Dismissal	31
No Reasonable Cause - Lack of Jurisdiction	6
Pending	2
Pre-determination Conciliation	56
Public Hearing/Court Closure	51
Release of Jurisdiction	542
Satisfactorily Adjusted	22
Unknown	11
Withdrawal	115
Withdrawal with Settlement	799
Grand Total	2424

5. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on any discrimination complaints certified after a finding of reasonable cause or for cases that are sent direct through the Early Legal Intervention process.

Motion to Dismiss/Administrative Dismissals	3
Public Hearing Withdrawals	8
Referee Decisions	5
Stipulated Agreements	34
Decertified	6
Release of Jurisdiction	1
Grand Total	57

In addition to the discrimination complaints included above, the OPH also conducts hearings on Whistleblower Retaliation complaints.

Motion to Dismiss/Administrative Dismissals	3
Withdrawals	7
Referee Decisions	0
Stipulated Agreements	1
Grand Total	11

6. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued, the parties have fifteen (15) days to comment on the draft findings.

The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	53
Reasonable Cause Drafts Issued	75

Affirmative Action Training: CHRO is mandated by CONN. GEN. STAT. § 46a-68(b)(3) to provide training concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints to persons designated by state agencies, departments, boards or commissions as Equal Employment Opportunity professionals. The AA Unit staff provided 103 technical assistance training opportunities to Affirmative Action Officers during the fiscal year. CHRO is continually reviewing the Affirmative Action/Contract Compliance database and working with BEST to implement an effective change. The AA unit added a full time analyst in January 2018. This restored the staffing level to two, allowing the unit to provide continual timely review of all 45 plans submitted.

Contract Compliance: In 2017-2018 the Commission on Human Rights and Opportunities' (CHRO) Contract Compliance Unit (CCU) advised state agencies and their funding recipients of their anti-discrimination and supplier diversity statutory and regulatory obligations under C.G.S. §4a-60 and relevant CHRO Contract Compliance Regulations. Agency staff also reviewed Affirmative Action Plans (AAPs) submitted by contractors who were awarded state-funded public works and other state financed contracts whose monetary values ranged from \$50,000 to \$174,000,000. Thousands of technical assistance sessions and/or conversations were conducted to assist contractors in complying with anti-discrimination and supplier diversity statutes and regulations. From July 2017 through June 2018, the contract compliance unit had two fewer investigators than the previous year. During this period, 433 new plans were received. Despite the lower number of staff, with overtime opportunities, staff were able to approve 453 with only 89 deficiencies noted. This reflected a 143.8% increase in approvals and a 66.4% decrease in deficiencies.

Complaints Against Agency Heads and Affirmative Action Officers: Pursuant to CONN. GEN. STAT. § 46a-68(b)(4)(B), the Commission receives any complaint alleging that the executive head of a state agency or department, any member of a state board or commission or any affirmative action officer engaged in discriminatory conduct to determine whether it should be forwarded to the Department of Administrative Services (DAS) for investigation. If the complaint is filed against DAS, the Commission conducts

the investigation. The purpose of this legislation was to eliminate the conflict that may arise if an affirmative action officer has to investigate allegations against his/her supervisor, as EEOs report directly to the appointing authority. In this fiscal year, the Commission has not received or forwarded any such complaints to DAS.

Diversity and Education: CHRO formed a Diversity & Inclusion committee during FY 2017-2018. In furtherance of our mission, the D&I committee drafted its own mission statement wherein the “Commission pledges to foster a culture committed to affirming the identities of all people, embracing and accepting their differences, hearing their voices, and acknowledging their contributions.

The Commission is committed to growth, and is open to new ideas. We recognize that achieving our mission is an ongoing process. Therefore, we will continue to assess our policies, practices, and office environment to ensure we can best serve our colleagues and the people of Connecticut.”

To fulfill our mission, we have identified the following goals:

- Implementing practices designed to identify and eradicate implicit bias
- Advancing diversity and inclusion within our agency
- Respecting the diversity of the public whom we serve
- Developing cultural competency as wide-ranging as our constituencies
- Improving vertical access to information
- Fostering mentorship and positive pipelines for the next generation of civil rights leaders
- Maintaining vigilance to the needs of our citizens
- Continuing the advancement of civil rights
- Collaborating with organizations with whom we have shared goals
- Providing comprehensive outreach to Connecticut residents

CHRO Diversity and Inclusion Committee Members:

Hughes, Tanya	Committee Chair, Executive Director
Simonetti, Alix	Committee Co-Chair, Legal Division
Chao, Patrick	Eastern Region Office
Dryfe, Cynthia	Housing Discrimination Unit
Guadalupe, Arnaldo	Capital Region Office, Hartford
Kent, David	Legal Division
Kohut, Jessica	Southwest Region Office
Morris, Kimberly	Office of Public Hearings
Perry, Charles	Legal Division
Roberts, Michael E.	Legal Division
Wheeler, Lori	West Central Region Office
Yeomans, Jennifer	Affirmative Action/Contract Compliance Unit

By statute, the Commission serves as the secretariat for the Martin Luther King, Jr. Holiday Commission (MLK). The MLK Commission, with assistance from the CHRO, sponsored the 31st annual awards event commemorating the

Rev. Dr. Martin Luther King, Jr. on January 15, 2018 in the Hall of Flags at the State Capital, Hartford, CT. The annual budget for this commission is \$5,977.

Field Operations Reports: Due to an inability to refill vacant positions, CHRO contracted for more cases than we received in new filings. Contributing to the reduction in production numbers was the transfer of Case Assessment Reviews from the regions to the legal department. Additionally, each unit has insufficient clerical support as vacancies due to retirement or attrition were not approved for refill and the positions were “red-circled” for elimination. Therefore, CHRO requested a modification to reduce our EEOC contract from 2251 to 1700. We believe the primary reason for inability to meet our anticipated contract level was due to extreme staff shortages with two manager positions that were vacant, 10 investigator positions and about 8 attorney positions that we were not able to refill. This will result in a reduction of generated funds totaling \$385,000. We remained vigilant in our efforts to meet our mission, albeit with limited resources. Every entity that has studied the agency or reported on the agency, including the auditor of public accounts has made it clear that we are understaffed and under-resourced. Therefore, we will continue to pursue the refill of critical positions.

Public Hearings: The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases brought by the Commission and in whistleblower retaliation cases filed with the Chief Human Rights Referee pursuant to CONN. GEN. STAT. § 4-61dd. The average number of cases pending litigation at OPH continued to show increase in FY 2017-2018, averaging at 135. This was largely due to an extended vacancy in referee appointments. This division operates autonomously and is slated to consist of three appointed referees. It is significant to note that one of the positions has remained vacant since June of 2014. Current CHRO Referees include Chief Referee Michelle Mount and Alissa Wright (appointed 7/20/2015). Currently, a vacancy remains. Unless the third vacancy is filled, cases will continue to languish at public hearing and become severely aged.

Legal and Legislative Accomplishments: In FY 2017-2018, the Connecticut Commission on Human Rights and Opportunities (CHRO) was able to fill the vacancy for a Legislative Analyst II with the hire of Darcy Jones-Strand, a former intern. Under her direction, with assistance from the legal department, CHRO provided testimony and or guidance on the following:

- PA 18-2: An Act Assisting Students without Legal Immigration Status with the Cost of College
- PA 18-3: An Act Concerning Minority Teacher Recruitment and Retention
- PA 18-4: An Act Concerning the Fair Treatment of Incarcerated Persons
- PA 18-8: An Act Concerning Pay Equity
- PA 18-95: An Act Concerning Appeals Under the Freedom of Information Act and Petitions for Relief from Vexatious Relief
- PA 18-14: An Act Creating a Working Group to Study Housing Options for Persons Reentering the Community After Incarceration

- PA 18-47: An Act Concerning Benefits for Certain Veterans Who have been Diagnosed with Post-Traumatic Stress Disorder or Traumatic Brain Injury or Who Have Had an Experience of Military Sexual Trauma
- PA 18-78: An Act Concerning Racial and Ethnic Impact Statements
- PA 18-171: An Act Concerning Sober Living Homes
- SA 18-3: An Act Establishing a Task Force to Study Best Practices for Providing Transportation for Persons with Disabilities, Senior Citizens and Veterans

On April 19, 2018 CHRO announced new guidance to ensure that all veterans receive equal treatment when seeking employment opportunities. Currently, some private employers categorically exclude job applicants with less-than-Honorable discharges from the military (colloquially known as “bad paper”). However, due to a number of discriminatory policies and practices, the military issues bad paper at a significantly higher rate to Black and Latino service members, LGBT service members, and service members with a disability. Accordingly, employers with blanket policies of rejecting these veterans during the job application process may run afoul of antidiscrimination law. CHRO’s announcement follows the state Senate’s passage of Senate Bill 284, which would also assist veterans with other-than-honorable discharges by ensuring that they can access state veterans benefits.

During FY 2017-2018, the Commission filed amicus briefs in the two Yale v. Connecticut Building Codes and Standards Committee cases (gender identity bathrooms), McKnight v. Old Ship of Zion Missionary Baptist Church, Karagozian v. OHB Medical Group, CHRO v. Cantillon, Phan v. City of Hartford, Trinity Christian School v. CHRO, Barnes v. CHRO, two Miller v. CHRO cases, Cohen v. CHRO, Reagan v. CHRO, New Haven Board of Education v. CHRO, Kisala v. CHRO, and two cases in federal court, Jaggon v. Community Health Services and Jansson v. Stamford Hospital.

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 Executive Director. The Executive 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.