

# Commission on Human Rights and Opportunities



## At a Glance

**TANYA A. HUGHES**, Executive Director

Cheryl A. Sharp, Deputy, Director

Established – 1943

Statutory Authority – CGS Chapter 814c

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

Website – [www.ct.gov/chro](http://www.ct.gov/chro)

Toll free telephone - (800) 477-5737

TDD – (860) 541-3459

**2018-2019 Budget: \$6,008,912** (\$5,715,977 in Personal Services; \$286,958 in Other Expenses) Number of positions filled - 70 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.

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. Effective July 14, 2019, another vacancy emerged upon the term expiration for Shuana Tucker. Currently, two vacancies remain 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.

#### **Martin Luther King, Jr Commission:**

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 life of Rev. Dr. Martin Luther King, Jr. on January 21, 2019 from 10 a.m. to 12:30 p.m. The state Commission on Human Rights and Opportunities and the MLK Commission held its annual bell-ringing event. Festivities included a continental breakfast, served at 10 a.m., an awards program at 11 a.m. and the Liberty Bell Ringing was rung at noon. The event was free and open to the public. The event commemorated the 30<sup>th</sup> Anniversary of the Sheff v. O'Neill Movement, inspired by Dr. King's final published work, "From Chaos to Community: Where Do We Go From Here?" The event was held in the Connecticut State Capitol building, 210 Capitol Ave in Hartford in the Hall of Flags. The annual budget for this commission is \$5,977.

#### **Improvements/ Achievements 2018-2019:**

The Commission on Human Rights & Opportunities celebrated its 75<sup>th</sup> Anniversary in 2018, having been established in 1943 at the Inter-racial Commission. The anniversary was marked by a weeklong lecture and panel series of events, culminating in our Anniversary Gala and presentation of our 2018 CHRO Legends and Leaders Awards. The theme, "Take a Stand for Justice," was highlighted throughout. We recognized outstanding individuals and partners who have contributed to our mission to eliminate discrimination in the State of Connecticut. The gala drew attendees and recognition from all over the country including Sen. Richard Blumenthal, Rep. Rosa De Lauro, Governor Dannel Malloy, and Mayor Luke Bronin, representatives from the US Department of Housing and Urban Development, US Equal Employment Opportunities Commission, and a multitude of others. The honorees: (the Edythe J. Gaines Award for Inclusive Education); Chief Justice Richard Robinson (the Alvin Penn Award for

Excellence in Leadership); Lotti Scott and Best Buddies (the Maria Colon Sanchez Community Activism Award); Yale Law School Worker and Immigrant Rights Advocacy Clinic (the Mario and Janet Vigezzi Award for Social Justice); Jamie & Cheryl McDonald (the Constance Baker Motley Award for Excellence in Business Law), and Alvin Carter, Sr. (the Katherine Hepburn Award for using Media in Leadership).

Under the direction of Deputy Director Cheryl Sharp, our education and outreach activities flourished and continued to focus on training, and providing analysis related to the #TimesUp campaign, with heightened focus on sexual harassment in the private and public sectors. In the 2019 legislative session, the Connecticut General Assembly passed and the Governor signed Public Acts 19-16 and 19-93, which together constitute the Time's Up Act. It makes multiple changes to the CHRO statutes. Among other changes to the CHRO process, this legislation establishes new rules and requirements regarding sexual harassment training and education. These provisions and requirements go into effect October 1, 2019. The language, which applies to employers which have three or more employees, includes:

- Employers will be required to provide to a new employee a copy of information regarding the illegality of sexual harassment and remedies available to victims.
- Employers must provide all existing employees with two hours of training by October 1, 2020.
- Employers must provide two hours of training and education to new employees hired on or after October 1, 2019 within six months of their start date.
- Employers with fewer than three employees must provide two hours of training and education to all existing supervisory employees by October 1, 2020 or within six months to new supervisory employees.
- Employers must provide periodic supplemental training not less than every ten years.

The Time's Up Act requires the CHRO to post information concerning sexual harassment and remedies available. The CHRO is currently in the process of developing and updating these materials and will make them available as they are completed.

The Act also requires the agency to develop an online training and education video and to make that available to employers at no cost. The CHRO is working on this project and aims to have the video completed and available by October 1, 2019 when the training requirements become effective for employers.

Promotional opportunities yielded one regional manager who was promoted from within (Shawn Burns) as well as an upgrade from an HRO Representative position to a supervisor position with the Affirmative Action unit (Neva Vigezzi). We were also able to fill a vacancy in our Legal unit while further improving policies and procedures in our Housing and Contract Compliance units.

**Complaint Tracking System:** We continue to make upgrades and improvements to our Complaint Tracking System. We maintain updated information our website to include many required reports in accordance with the statutes and regulations. The CHRO has embraced the era of Big Data and used new data analytics to improve our efforts. New

case tracking systems and analysis has resulted in the Commission being able to identify procedural impasses and correct them to improve case processing.

- The CHRO has established a work from home policy using new laptops and a VPN. This has allowed employees to be more productive by working from home while still being able to access CHRO files and documents.
- The CHRO has engaged with vendors concerning development and implementation of a Case Management System that will greatly increase agency efficiency.
- The Commission has refined an electronic filing system which allows the agency to access case documents without the need for a paper file.

The CHRO's technology strategy is to streamline office efficiencies, enhance productivity and decrease response time to our customer base by utilizing paperless technologies.

## 1. Complaints Filed by Region

The Commission is required to receive, serve and assess every complaint filed with the agency. The Commission received a total of 2625 complaints in FY 2018-19, an increase of 146 complaints from the previous year and the highest number of complaint filings in the past fifteen years. 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	600
Southwest	536
West Central	814
Eastern	461
Housing Discrimination Unit	<u>214</u>
Total	2479

## 2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. Complaints of race discrimination continue to be the most common. Sex discrimination, including sexual harassment are the second most common and physical disability are the third. 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. Intersectionality discrimination is most common with race and sex complaints. Complaints classified as "Other" include those not readily classified as one of the other categories.

Employment	2028
Housing	214

Public Accommodations	367
Other	<u>16</u>
Total	2625

Almost 20% of the complaints filed with the CHRO are on the basis of either a physical or mental disability, making these one of the more frequent complaints received each year. Connecticut law provides greater protection than federal law, so that anyone developing a chronic condition is covered. Employers, housing providers, and places of public accommodation are required to treat those living with disabilities no differently than anyone else and requires them to provide a reasonable accommodation unless doing so would cause an undue burden. CHRO has had many successful resolutions that resulted in reasonable accommodations that greatly enhanced living and working conditions for complainants at minimal costs / disruption to the Respondent. Many included policies and procedures to prevent like occurrences in the future as well as monetary awards.

### **3. Complaints Filed against State Agencies                      186 (an increase of 17)**

Complaints filed against state agencies are recorded at the time of complaint intake and categorized by the name of the Respondent.

### **4. Case Closures**

The Commission closed a total of 2640 complaints during the fiscal year (an increase of 216 cases). 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.

<u>Closure Type</u>	<u>Total</u>
Administrative Dismissal	108
Case Assessment Review – No Claim for Relief	4
Case Assessment Review – No Possibility of Reasonable Cause Finding	255
Case Assessment Review – Respondent Exempt	171
Case Assessment Review – Frivolous	4
No Reasonable Cause	349
No Reasonable Cause – Administrative Dismissal	12
No Reasonable Cause - Lack of Jurisdiction	8
Pre-determination Conciliation	45
Public Hearing/Court Closure	34
Release of Jurisdiction	612
Satisfactorily Adjusted	12
Unknown	3
Withdrawal	117
Withdrawal with Settlement	<u>906</u>
Grand Total	2424

### **5. 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	48
Reasonable Cause Drafts Issued	95

## 6. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on discrimination complaints certified after a finding of reasonable cause. Further, OPH conducts hearings on cases that are sent through the Early Legal Intervention process and chosen for public hearing after review by the Commission’s Legal Division. OPH also conducts hearings on requests for default and damages.

Motion to Dismiss/Administrative Dismissals	6
Public Hearing Withdrawals	2
Referee Decisions	9
Stipulated Agreements	38
Decertified	6
Release of Jurisdiction	5
<b>Grand Total</b>	<b>66</b>

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

Motion to Dismiss/Administrative Dismissals	9
Withdrawals	4
Referee Decisions	1
Stipulated Agreements	0
<b>Grand Total</b>	<b>14</b>

**Affirmative Action Training:** Connecticut law requires state agencies to file Affirmative Action Plans with the Commission and make efforts to recruit applicants to ensure diversity in the state’s workforce. 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 143 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 44 plans submitted.

A working group consisting of stakeholders ranging from large agencies like DOC and DOT, to small agencies like the Workers Compensation Commission have been meeting regularly to streamline the Affirmative Action Process. The Commission is also working with DAS to update the available workforce data used in Affirmative Action Plans. Incorporating up-to-date data from CORE and other governmental data bases will help ensure the state's workforce reflects the available workforce.

**Contract Compliance:** The Contract Compliance Unit ensures that construction projects funded with state taxpayer money comply with equal opportunity, affirmative action, and contract compliance laws. The unit also ensures that small and minority businesses are given the opportunity to bid on state funded projects. As a result, taxpayer dollars are kept inside the state and small businesses get the chance to work on projects they otherwise would not have had an opportunity to bid on. The Commission is dedicated to improving the way the program works. The agency is constantly studying ways to improve how we serve Connecticut. This includes an overhaul of the forms and documents required for plans to be approved and moving the system to a digital format to decrease errors and increase processing speed.

In 2018-2019 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, 723 new plans were received (an increase of 263 plans).

One of the most common critiques of the CHRO is that the Contract Compliance Unit procedures are overly complicated and burdensome. In response, the CHRO is conducting a study of the entire program with the goal of streamlining the process as much as possible while meeting all statutory and regulatory requirements. Despite an

insufficient number of staff, with overtime opportunities, staff were able to approve 735 plans with only 194 deficiencies noted. This continues a recent trend for increased numbers of approvals, demonstrating how contract compliance is helping Connecticut businesses grow.

The Connecticut Set-Aside Program provides opportunities for qualified small and minority businesses to be included in contracting on state-funded public works. This program relies, however on outdated data on the barriers facing small and minority-owned businesses would ensure the program is tailored to affording equal opportunity for everyone in Connecticut.

**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:** The Diversity & Inclusion committee was established 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

**Federal Revenue:**

The CHRO has workshare agreements with both the Equal Opportunity Commission (EEOC) and the US Department of Housing and Urban Development (HUD). For every complaint dual-filed with both the CHRO and either EEOC or HUD, the federal government remits payment to the CHRO to process and investigate the complaint on their behalf. To ensure fair and impartial processing, this money is not contingent on the outcome of the complaint. As a result of this arrangement, approximately 22% of the commission’s budget is covered by federal vouchers for case processing. This revenue is directly deposited into the General Fund. In FY 2017-2018, The CHRO vouchered for \$1,239,200 from the EEOC for case processing and \$438,093 from HUD for case processing. An additional \$20,550 was received from HUD for a grant to conduct housing testing, plus another \$9,250 from HUD for training and travel. Additional funding was obtained from HUD to hire Luz Morales on a part-time basis as an Office Assistant in the Fair Housing Unit to assist with administrative tasks in support of investigations. This hire was eventually converted to a full-time position. As a result, CHRO was able to improve its performance in the area of completing the Housing investigations within the prescribed 100 day timeframe. It improved from 39% closed within 100 days to the current rate of 71% closed within 100 days.

**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 2018-2019, ending with the highest number of pending cases in recent history at 161. This remains 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.

The CHRO testified on 29 bills Legislative Session during the 2018-2019 session and kept a close eye on several dozen more. While we were supportive of many of those bills, there were also a number with which we had serious concerns. We submitted public hearing testimony and discussed our concerns with legislators and staff, and ultimately none of the more problematic bills passed. Five of the bills that we supported did pass into law, though sometimes in different forms than when we had testified on them in committee. Under her direction, with assistance from the legal department, CHRO provided testimony and or guidance on the following during the 2018-2019:

- PA 19-141 (HB 6666): An Act Requiring the Prompt Payment of Contractors
- PA 19-142 (HB 6921): An Act Establishing a Council on the Collateral Consequences of a Criminal Record
- PA 19-12 (HB 7082): An Act Concerning the Inclusion of Black and Latino Studies in the Public School Curriculum
- PA 19-27 (SB 58): An Act Concerning Gay and Transgender Panic Defense
- PA 19-94 (SB 857): An Act Concerning Expedited Approval of Affirmative Action Plans Submitted by Contractors to the Commission on Human Rights and Opportunities

Legislative priorities for the 2020 session continue to pursue legislative approval and funding for a disparity study. The state fervently needs updated data regarding the availability pool for the state set-aside program, as well as evidence of past or present discrimination in state contracting. Other legislative priorities include the rights of transgender students, combating Islamophobia, erasing bullying from schools and dismantling the school-to-prison pipeline. The Commission will continue to partner with special interest groups like the CT Equality Coalition, Racial Profiling Advisory Board, Safe Schools Coalition, Minority Construction Council and Connecticut Breastfeeding Coalition.

### **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.