

## Commission on Human Rights and Opportunities



### At a Glance

**TANYA A. HUGHES**, Executive Director

Established – 1943

Statutory Authority – CGS Chapter 814c

Central office – 25 Sigourney Street, Hartford, CT 06106

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

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**2015-2016 Budget: \$6,519,813**

**Number of positions filled - 76 full-time**

**Authorized positions - 85 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, Dawn Niles, Edith Pestana, Joseph Suggs, Dr. Shuana Tucker and Lisa Giliberto. One vacancy remains unfilled.

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

**Improvements/ Achievements 2015-2016:** This has been a banner year for the Commission. The commission reduced its aged inventory to less than 2% agency wide. This is a feat that hasn't been accomplished for decades. Case processing lengths went from greater than two years for completion of a full investigation to under one year to be processed through intake, merit assessment review, mandatory mediation, early legal intervention and or full investigation. At the beginning of fiscal year 2013-14, the agency reported approximately 35% of its regional inventory was aged (more than 2 years from the date of filing.) At the end of FY 2013-14 the agency reported 11% aged inventory and by the end of FY 2015-16, the agency reported a historical low of less than 1.22 % aged inventory, closing 2,786 while filing 2,203 cases. This was the best production rate reported by agencies from across the country at the annual EEOC conference. CHRO staff was able to increase overall productivity securing over \$10,250,000 in monetary settlements. Many of these cases were handled by staff from the legal division, managers and investigators who eagerly utilized the tools made available through PA 11-237.

This year, we submitted legislation which further improved case processing efficiencies started under PA-11-237 and corrected some of the technical deficiencies in our statutes, making CHRO more understandable by clarifying certain terms, and removing the oath requirement from housing cases.

The Commission was able to significantly streamline office efficiencies by utilizing paperless technologies, thereby enhancing productivity and response time to our

customer base. Effective August 26, 2016 the Central office and Capital region moved to 450 Columbus Blvd in Hartford. The technology infrastructure in this state owned building encompasses new technologies that the agency did not have in the past. This will allow for statewide cost savings due to the fact that agencies are now under one system. Technology achievements will include a hardware refresh for the entire agency.

**Complaint Tracking System:** Our recently created Complaint Tracking System, developed with the assistance of BEST, resulted in opportunities to accurately report and monitor data on case processing activities. The new system features significant upgrades to our mechanisms to provide all required reports in accordance with the statutes and regulations.

**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 has provided numerous technical 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.

**Contract Compliance:** In 2015-2016 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. In October of 2015, the legislature granted the CHRO 11 new positions to fulfill the requirements of legislation which lifted the municipal exemption, imposing the set aside program for municipal public works contracts and contracts for quasi-public agency projects. CHRO invited and provided training on the new law to municipalities and quasi-governmental agencies prior to the bill's implementation. This program ensures fairness to small Connecticut businesses that are the cornerstone of our economy. During FY 2015-2016, 301 new plans were filed; 530 were assigned (149 approved ; 204 disapproved; 63 were deficient; 204 were closed). 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, totaling \$819,610,030; thousands of technical assistance sessions and/or conversations were conducted to assist contractors in complying with anti-discrimination and supplier diversity statutes and regulations. The unit has provided 18 training sessions over the past fiscal year.

**Complaints Against Agency Heads and Affirmative Action Officers:** Pursuant to CONN. GEN. STAT. § 46a-68(b)(4)(B), the Commission receives any complaint alleging that the executive head of a state agency or department, any member of a state board or commission or any affirmative action officer engaged in discriminatory conduct to determine whether it should be forwarded to the Department of Administrative Services (DAS) for investigation. If the complaint is made against DAS, the Commission conducts the investigation. The purpose of this legislation was to eliminate the conflict that may arise if an affirmative action officer has to investigate allegations against his/her supervisor, as EEOs report directly to the appointing authority. In this fiscal year, the Commission has not received or forwarded any such complaints to DAS.

**Diversity and Education:** By statute, the Commission serves as the secretariat for the Martin Luther King, Jr. Holiday Commission (MLK). The MLK Commission, with assistance from the CHRO and the African American Affairs Commission, sponsored the 29th annual awards event commemorating the Dr. Martin Luther King, Jr. on January 20, 2016 in the Hall of Flags at the State Capital, Hartford, CT. The award recipients were: Black Student Alliance at Yale (BSAY); Author and Entrepreneur June Archer; Leonard Epps; and John Lobon, Member of the Syracuse 8. Keynote speaker for this event was Senator Eric Coleman. CHRO Executive Director introduced Governor Dannel Maloy.

**Field Operations Reports:** The CHRO maintains work-sharing agreements with the US Department of Housing and the US Equal Employment Opportunity Commission. For the past three years the agency has focused on re-establishing adequate staffing levels and fulfillment of the strategic enforcement plan in accordance with the work sharing contact. With accelerated efforts, the FY2015-2016 contract was again raised to the highest ever at 1920 case closures in dual filed complaints with the EEOC. Overall, CHRO was successful at closing 2,786 complaints while filing 2,203 cases. This was the best production rate reported by agencies from across the country at the annual EEOC conference. Of this number, 1312 cases were closed during the earliest phases of the investigation as Release of Jurisdiction, Merit Assessment/Case Assessment Review. Another 1,383 were closed as the result of Pre-determination Conciliation, Withdrawals or Withdrawals with Settlement. CHRO staff was able to increase overall productivity securing over \$10,250,000 in monetary settlements. Many of these cases were handled by staff from the legal division, managers and investigators who eagerly utilized the tools originally made available through PA 11-237.

**Housing:** The FY 2015-2016 Performance Assessment award for CHRO was \$395,245. This reflects \$274,200 in case processing totals, conciliation adjustments of \$300, supplemental payments of \$37,000, administrative funds at \$55,000 and training funds at \$28,750).

**Public Hearings:** The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases brought by the Commission and in whistleblower retaliation cases filed with the Chief Human Rights Referee pursuant to CONN. GEN. STAT. § 4-61dd. The average number of cases pending litigation at OPH significantly increased in FY 2015-2016, averaging at 155. This was largely due to an extended vacancy in appointments. This division operates autonomously and consists of three appointed referees. It is significant to note that one of the positions remained vacant from June of 2014 until June of 2015 following the resignation of Referee Ellen Bromly. Current CHRO Referees include Chief Referee Michelle Mount and Alissa Wright (appointed 7/20/2015). Currently, a vacancy remains.

**Training, Education and Outreach:** In FY 2015-2016, CHRO collaborated with the Connecticut Rainbow Coalition, The Ms. Foundation, The International Association of Official Human Rights Agencies (IAOHRA), Massachusetts Commission Against Discrimination, the State Department of Education and the State Department of Economic Development. At the invitation of the US Department of Justice, Executive Director Tanya Hughes and Deputy Director Cheryl Sharp were invited to attend and participate in a DOJ Training event at the White House as the only state entity present.

CHRO executive staff received advanced labor relations training for managers in the Spring of 2016. Topics included avoiding liability, assessing performance, the disciplinary process, grievance and arbitration and workplace violence assessment.

Human Rights Attorneys serve on the Safe Schools Climate Committee and the Safe Schools Climate Resource Network of professionals working to eliminate discriminatory bullying in schools. The CHRO partnered with the Department of Labor, Health and the CT Breastfeeding Coalition to publish joint guidance regarding breastfeeding at work and in places of public accommodation. The CHRO hosted multiple conferences on the School to Prison Pipeline, Racial Profiling, Religious Bias, Fair and Impartial Policing, Barriers to Health Equities and Bullying in Schools.

The CHRO developed several power-point presentations for training purposes and public use. The CHRO is working closely with the EEOC to integrate all components of EEOC's strategic enforcement plan (SEP) into the state enforcement plan. The national priorities of the SEP are:

1. Eliminating barriers in recruitment in hiring.
2. Protecting immigrant, migrant and other vulnerable workers.
3. Addressing emerging and developing issues.
4. Enforcing equal pay laws.
5. Preserving access to the legal system.
6. Preventing harassment through systemic enforcement and targeted outreach.

CHRO Attorneys collaborated with the Department of Justice to provide outreach to the Muslim, Seikh and Arab communities regarding their rights to be free from

discriminatory bullying in schools and places of accommodation. CHRO Attorneys participated in a National Blacks in Government Conference and served as panelists.

CHRO Attorneys provided training on transgender law at UCONN during the Transgender Lives Conference. CHRO Attorneys participated in a Call to Action: regarding the discriminatory effect that lead paint exposure has on children of color. CHRO Attorneys served as panelists for the Civil Rights Conference sponsored by the Department of Justice and served as speakers for the training conference designed to address law enforcement personnel regarding disability rights law. The CHRO sponsored a Housing Fair for all of the municipal housing authorities throughout the state.

The CHRO sponsored a Kids Court Competition to raise the social consciousness of youth regarding civil and human rights issues. The 2016 conference housed closed to 500 participants from all over the state. Key speakers included DJ Buck and NancyBarrow from WZMX Hot 93.7 Radio station. The CHRO sponsors an internship program for high school, college and law school students which allows students to learn first-hand about the civil rights movement and the CHRO's role in that movement. Human Rights Attorneys provided diversity training to over 2,000 educators across the state.

The CHRO, in collaboration with the Governor's Prevention Partnership held housing training seminars across the state to educate the public about housing laws, bullying and discrimination. The Executive Director and Human Rights Attorneys serve on the Racial Profiling Advisory Board and are developing a program to address racial profiling in the state.

Human Rights Attorneys, as a part of the Agencies Business Training Institute and Speaker's Bureau provided training to over twenty business and non-profit organizations across the state on the Commission's complaint process, sexual harassment in the workplace, and employment, credit, housing and public accommodations discrimination. The CHRO co-sponsored multiple informational sessions and community events throughout the state to raise the consciousness of the general public regarding civil and human rights laws.

## **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, 2014 was conditionally approved. The Commission remains on a biennial filing schedule and will file the next plan on January 30, 2017. Over the last fiscal year, the Commission reviewed fourth-eight (48) affirmative action plans submitted by state agencies. Of these, thirty-six (36) were approved, seven (7) were disapproved, and five (5) were conditionally approved. Additionally, the Commission

staff conducted 393 technical assistance reviews with agencies seeking assistance to address weak or deficient areas of their affirmative action plans. Due to reorganization of many agencies, technical assistance was provided to agencies regarding how to file plans for the newly created agencies that resulted from this reorganization.

### **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 2015-2016 received a total of 131 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.