

# COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

EXPEDITED CASE  
PROCESSING  
PURSUANT TO  
PUBLIC ACT 11-  
237

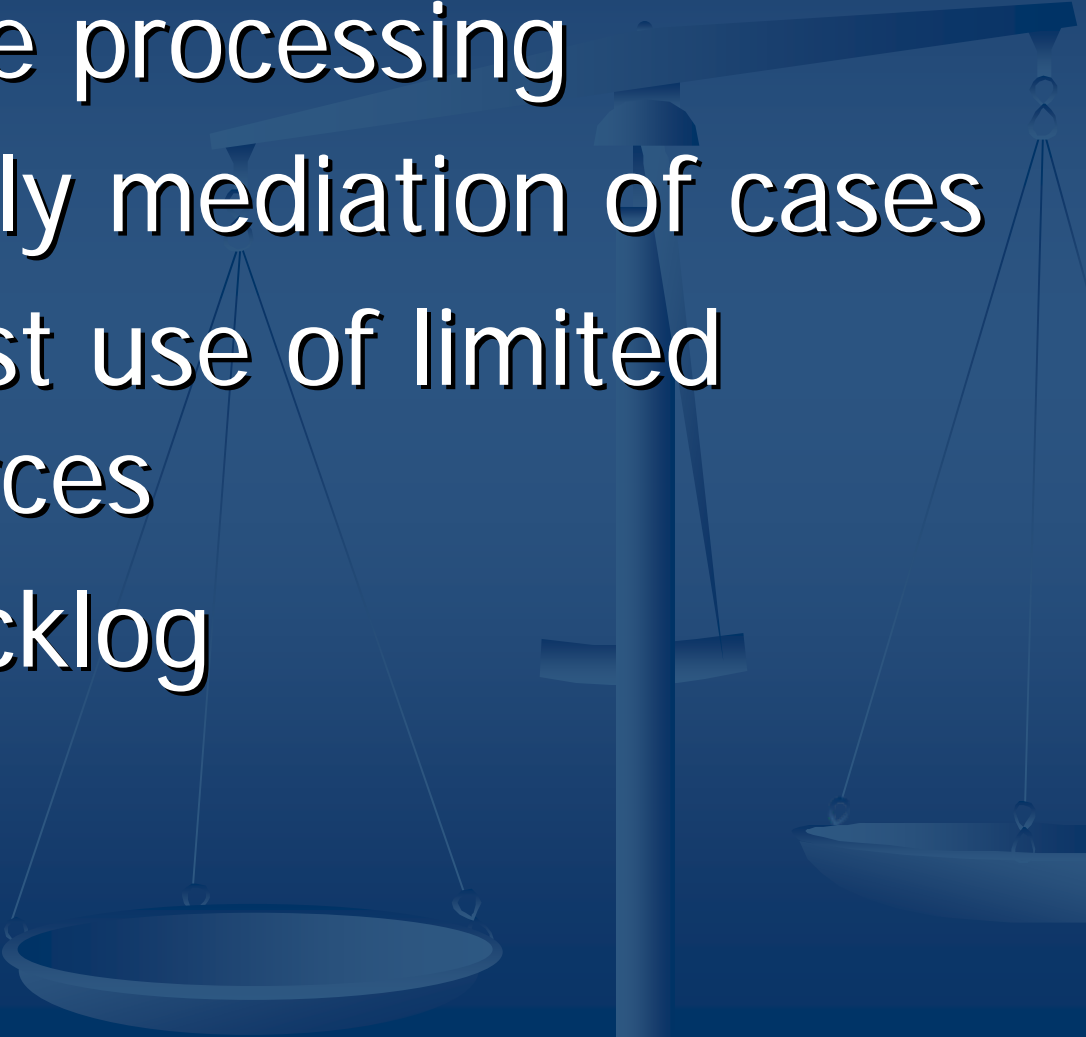


# Goals of this training

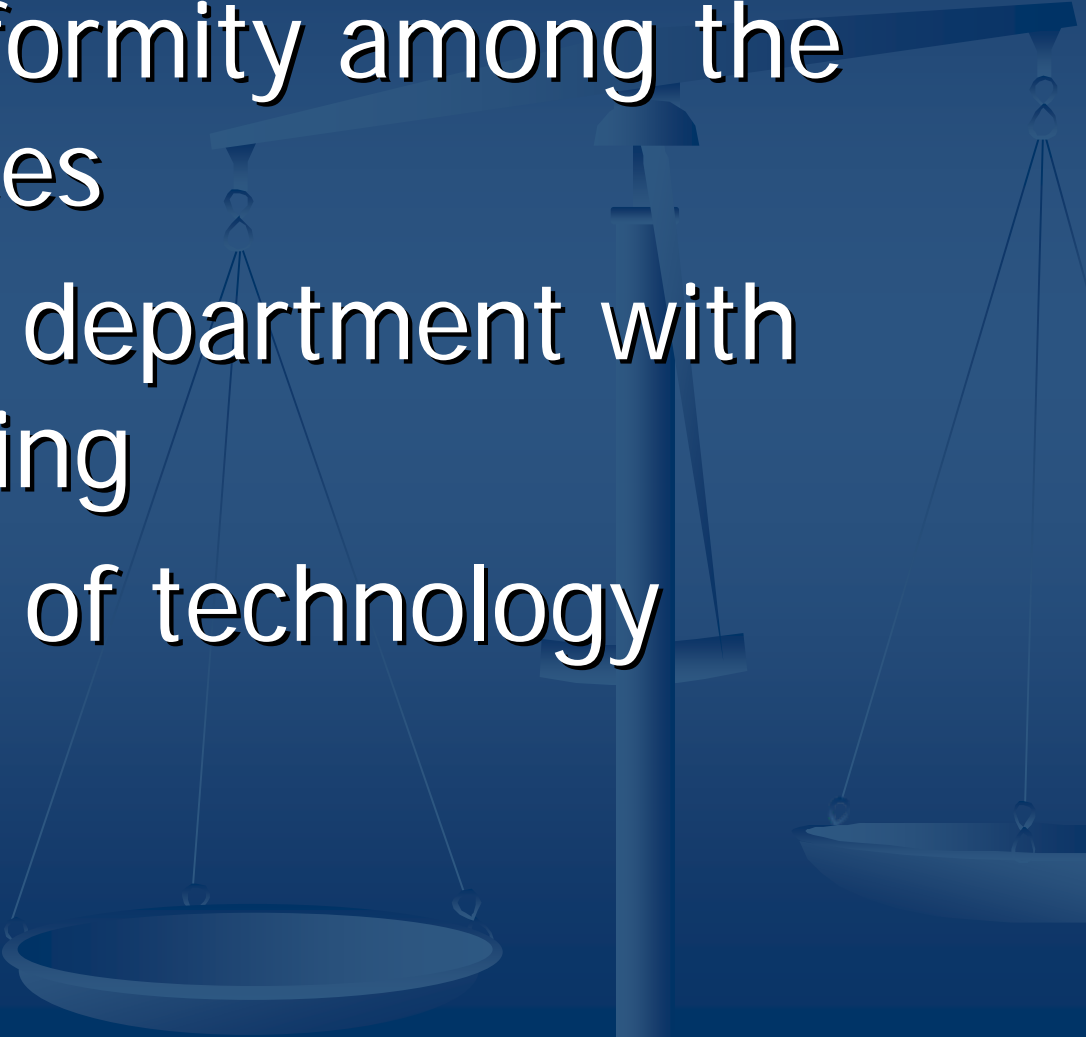
To inform constituents about how CHRO processes complaints and to highlight changes in the processing as a result of Public Act 11-237



# Public Act 11-237 Themes

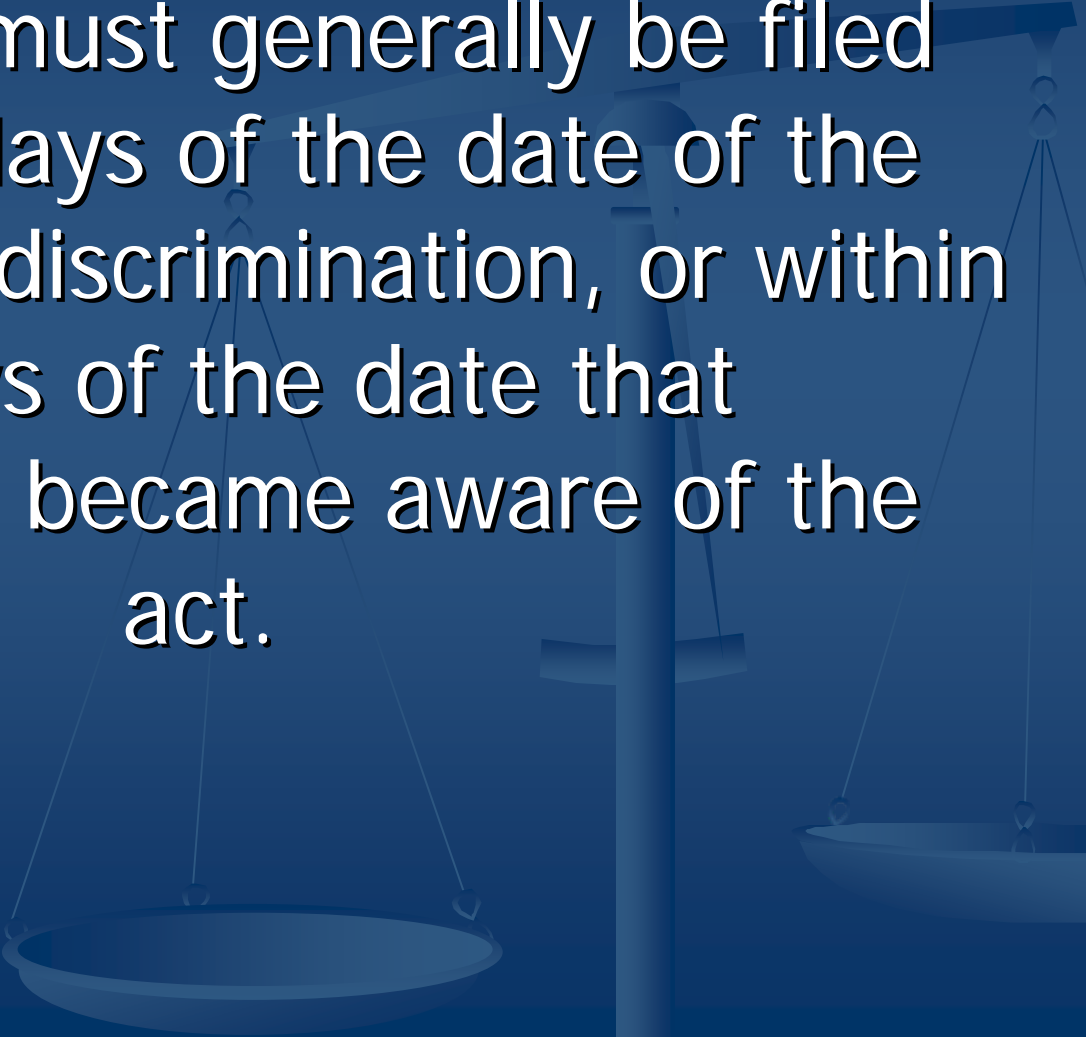
- Expedite case processing
  - Focus on early mediation of cases
  - Make the best use of limited CHRO resources
  - Clear our backlog
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# Themes of the Legislation, cont'd

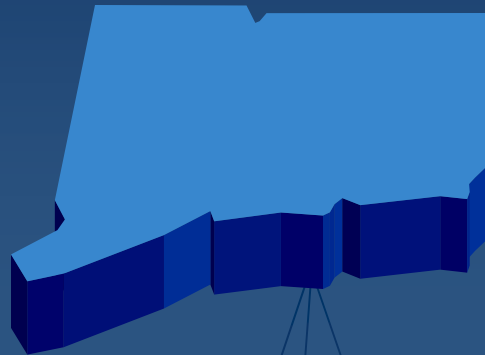
- Increase uniformity among the regional offices
  - Involve legal department with case processing
  - Increase use of technology
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- A faint, stylized image of a scale of justice is visible in the background. It features a central vertical pillar supporting a horizontal beam with two pans hanging from it. The image is rendered in a light blue color against the dark blue background.

# 180 day Statute of Limitations

Complaints must generally be filed within 180 days of the date of the alleged act of discrimination, or within 180 days of the date that complainant became aware of the act.



# Where to File a CHRO Complaint in Connecticut



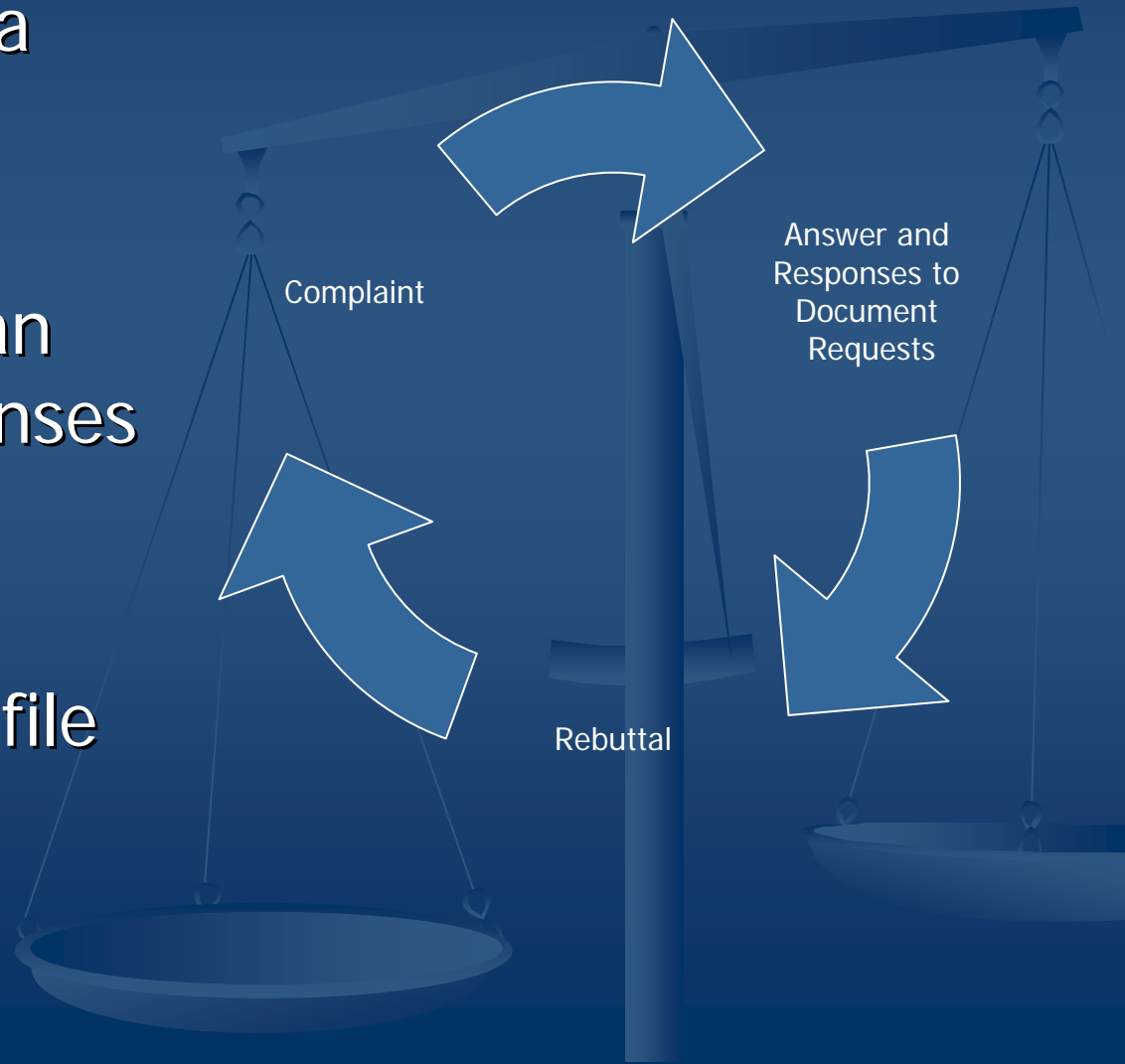
To file an employment discrimination complaint, go to the [contacting us](#) link at

<http://www.state.ct.us/chro/HowTo.htm>

to find the town in which the alleged discriminatory act took place, and the phone number of the Regional Office that serves that town.

# CHRO Complaint Process

- Complainant files a complaint
- Respondent files an answer and responses to "Schedule A"
- Complainant may file rebuttal



# MERIT ASSESSMENT REVIEW

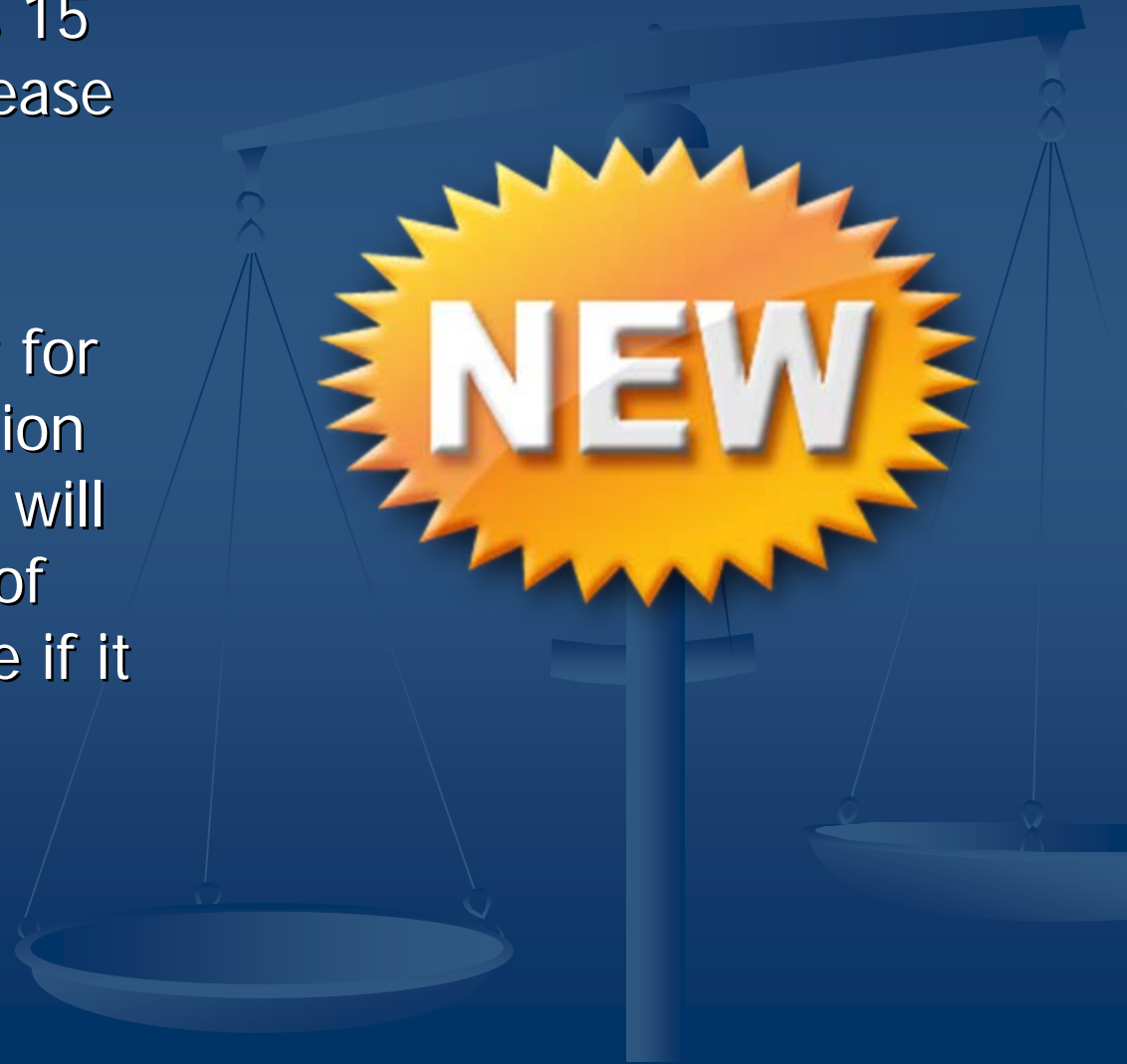
The CHRO will then review the complaint, answer (and related documents) and rebuttal and conduct a Merit Assessment Review (**MAR**) to determine whether the complaint should be retained for a full investigation, or dismissed.

- STANDARD 1 – Does the complaint fail to state a claim for relief?
- STANDARD 2 – Is the complaint frivolous on its face?
- STANDARD 3 – Is the respondent exempt from the provisions of Chapter 814c of Connecticut General Statutes?
- STANDARD 4 – Is there no reasonable possibility that investigating the complaint will result in a finding of reasonable cause?

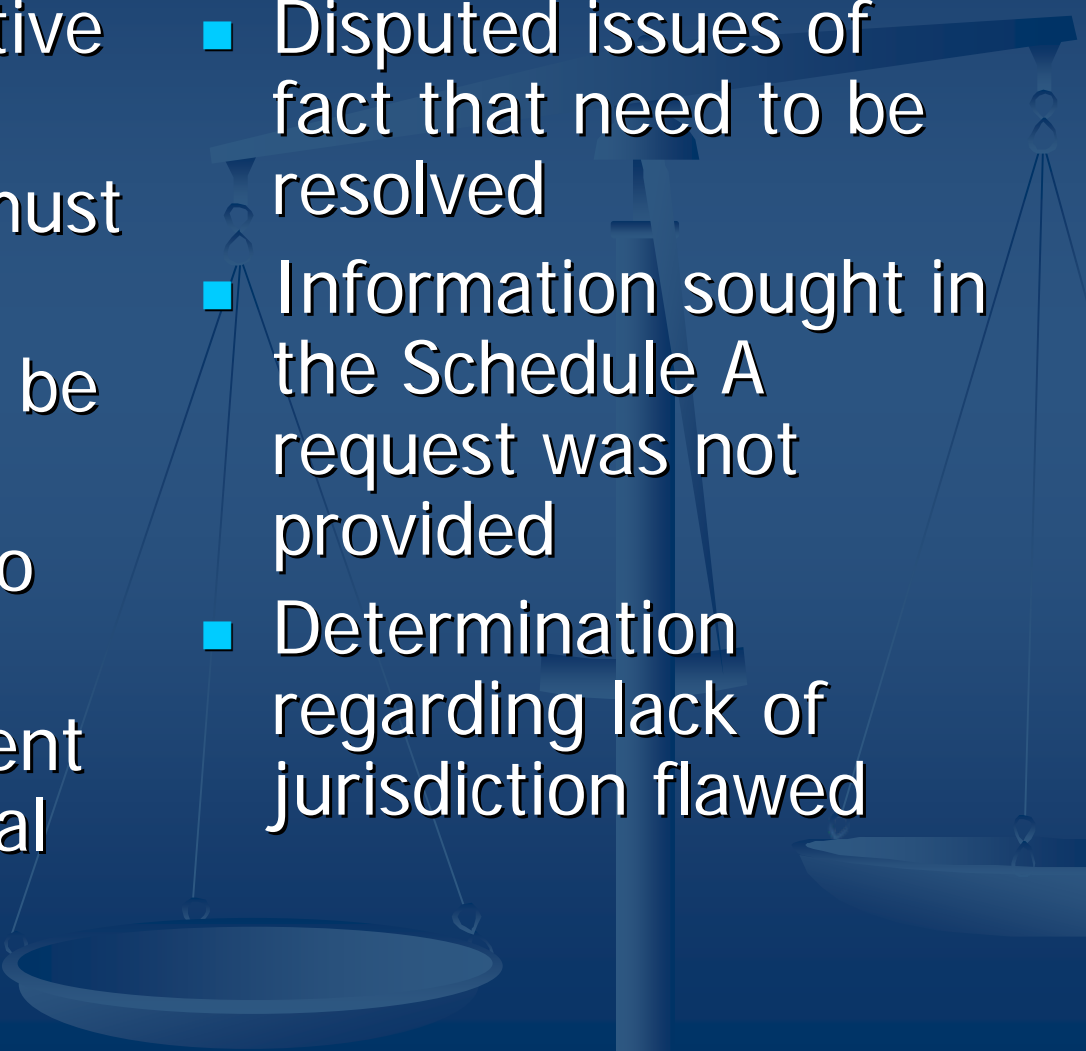


# What happens after MAR if the case is dismissed?

- The Complainant has 15 days to ask for a Release of Jurisdiction.
- If there is no request for a Release of Jurisdiction the legal department will do a “Legal Review” of the case to determine if it should be reinstated.



# Reasons a case would be reinstated after a Legal Review

- Relevant comparative data not provided
  - Credibility issues must be resolved
  - Witnesses need to be interviewed
  - Documents need to be sought
  - Response insufficient to support dismissal
  - Disputed issues of fact that need to be resolved
  - Information sought in the Schedule A request was not provided
  - Determination regarding lack of jurisdiction flawed
- 

# POST- LEGAL REVIEW

- If the complaint is reinstated, a letter will be sent to the parties.
- After legal review denying reinstatement, a letter will be sent to the parties with the ROJ.



# What happens after MAR ?



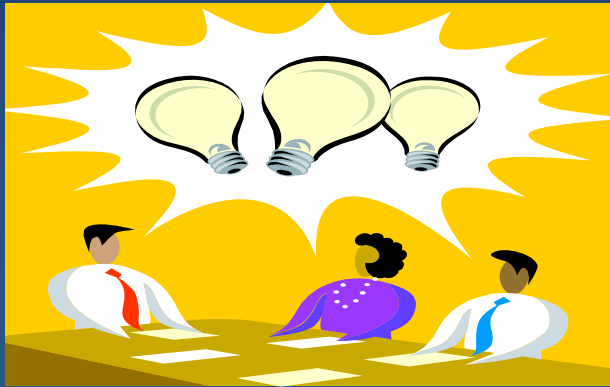
# NEW FOCUS ON MEDIATION

**NEW**



Mediation will  
take place  
shortly after  
each case is  
retained or  
reinstated

# Mandatory Mediation

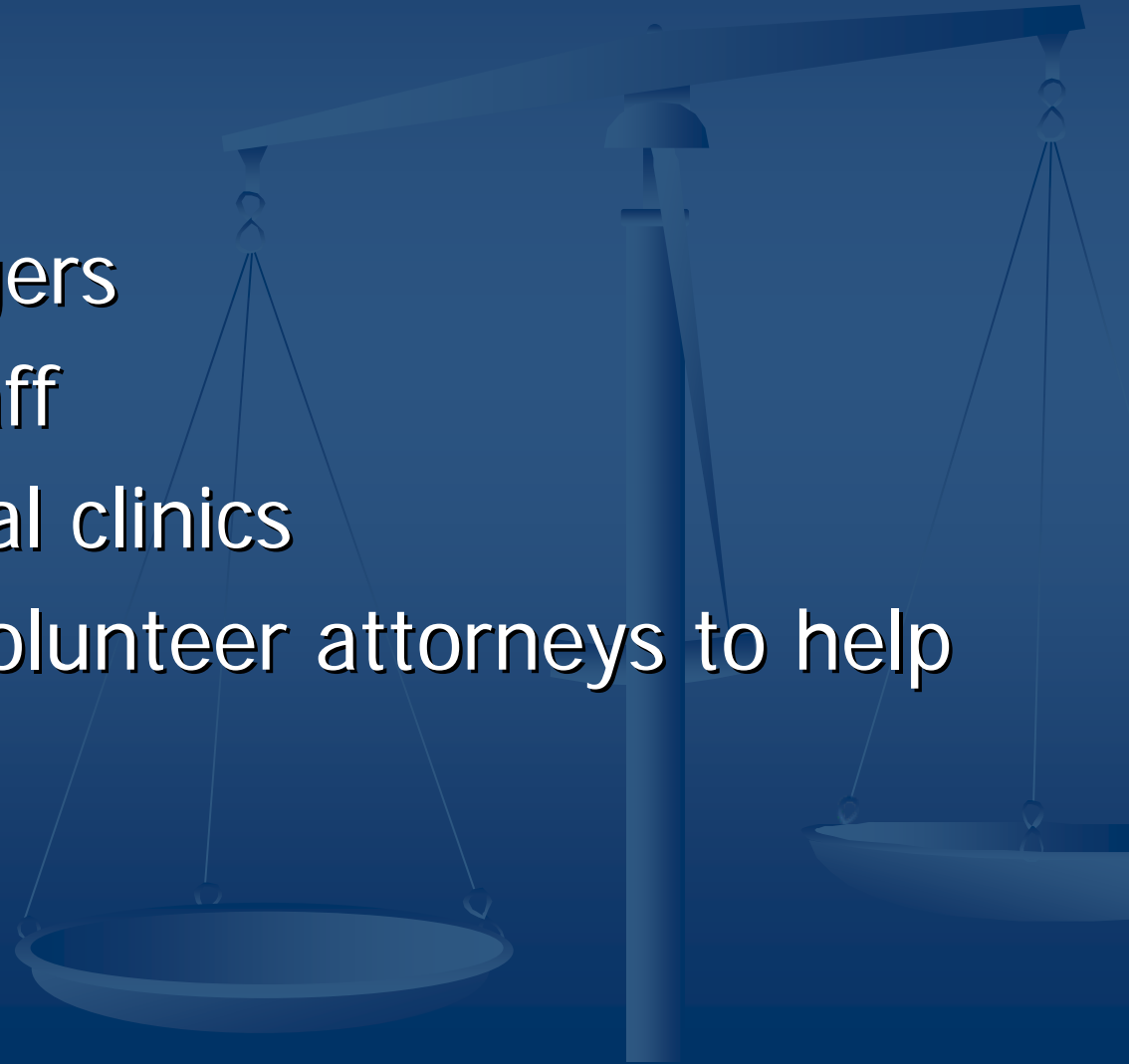


The mediator will determine the method of mediation. Mediation may take place in person, via email or on the telephone.



# Who will mediate?

- Legal Staff
- Investigators
- Regional Managers
- Other CHRO staff
- Interns and legal clinics
- We may seek volunteer attorneys to help



# What else is new in case processing?

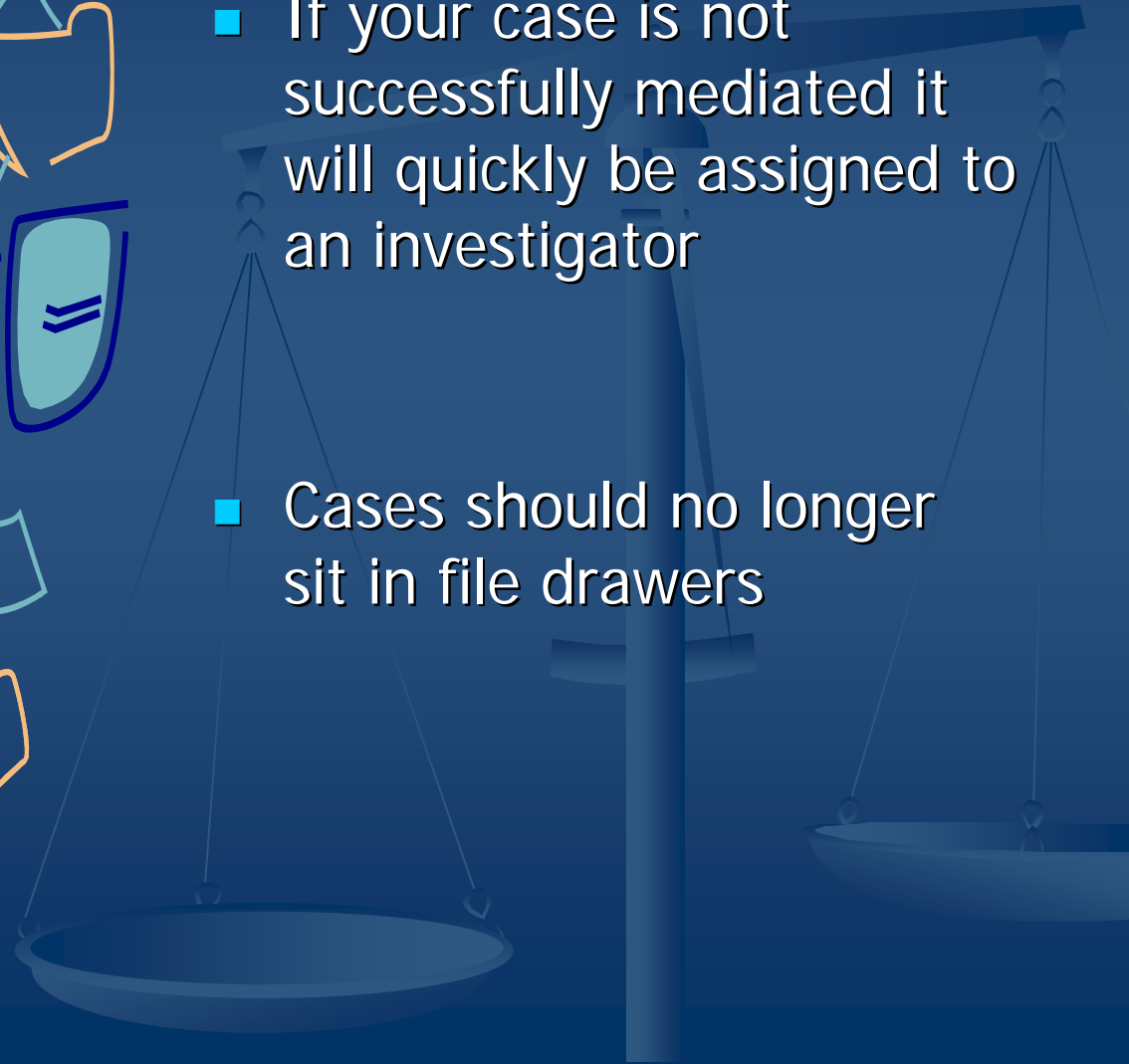




# An Investigator Will Be Assigned to Your Case



- If your case is not successfully mediated it will quickly be assigned to an investigator
- Cases should no longer sit in file drawers



# Anything Else New?

## Early Legal Intervention



# EARLY LEGAL INTERVENTION – What is it?

The parties or Commission can request an Early Legal intervention. The legal department will review the case and make one of the following decisions:

- There is enough evidence for the case to go directly to public hearing
- The Complainant should be given an ROJ
- There should be some specific further investigation done



# Investigations



FACT FINDING  
CONFERENCE

OR

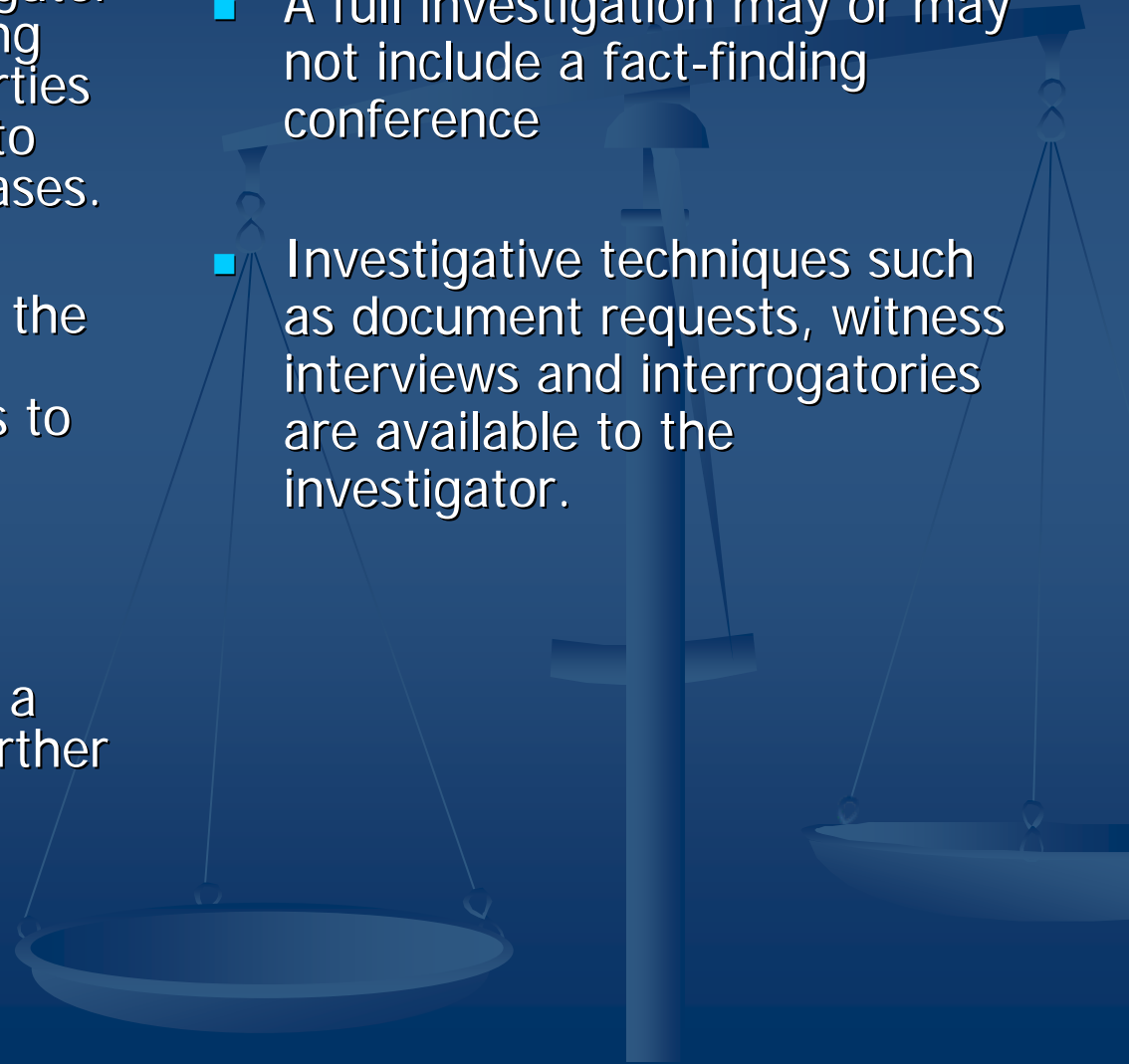


FULL  
INVESTIGATION

OR A COMBINATION OF BOTH

# THE INVESTIGATOR WILL DECIDE THE BEST WAY TO INVESTIGATE EACH CASE

- In most cases the investigator will schedule a Fact-finding conference where the parties have a day at the CHRO to prove and defend their cases.
- The investigator may ask the parties to bring certain witnesses and documents to the conference.
- After the fact-finding conference is over, the investigator will send out a decision without much further investigation.
- A full investigation may or may not include a fact-finding conference
- Investigative techniques such as document requests, witness interviews and interrogatories are available to the investigator.

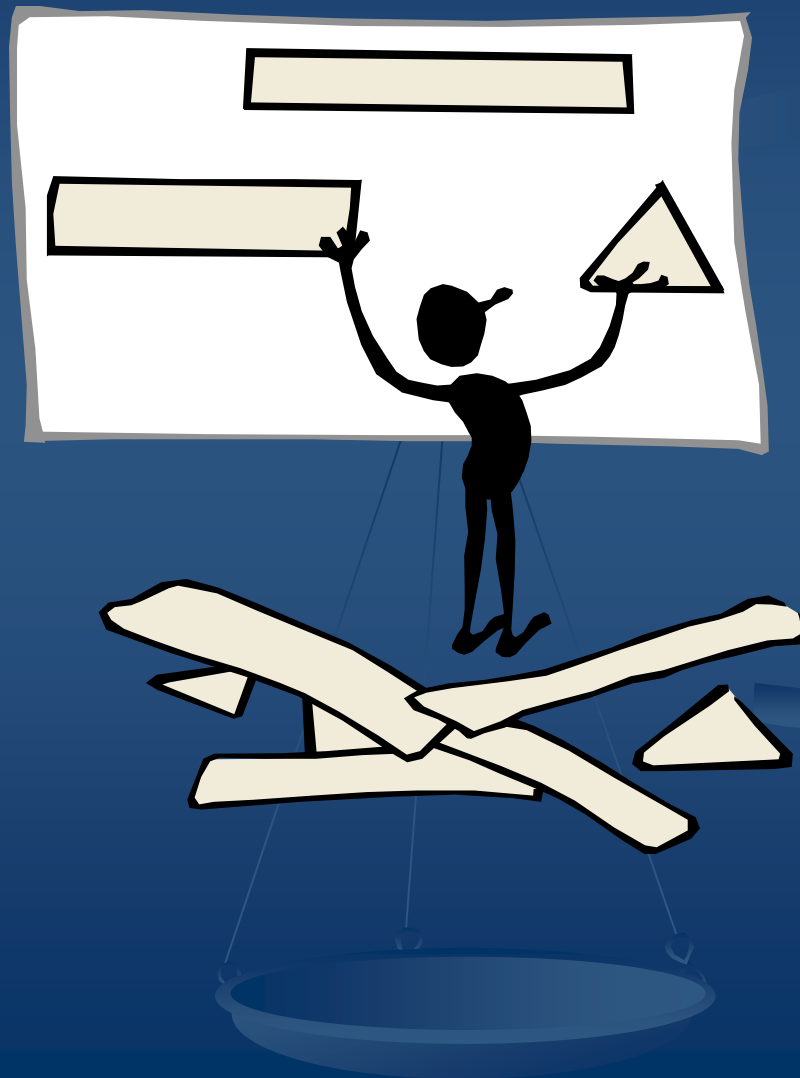


# Determinations



- After the investigator completes the investigation, s/he prepares a draft finding of Reasonable Cause or No Reasonable Cause to share with the parties.
- The parties then have **15 days** to comment on the draft.
- The investigator will review the parties' comments with his/her manager and determine if further inquiry is necessary. If not, the investigator issues her/his findings.

# Other Changes . . .



# Many documents will be e-mailed to parties

- The Public Act allows us to send parties many documents through email.
- Parties will be asked to supply an email address to the agency.
- Please make sure to regularly check your email for correspondence.





# The time to get an ROJ has changed

**NEW**



- Complainants can now ask for an Release of Jurisdiction after 180 days (rather than 210)
- Complainants can also ask for an expedited MAR if they want an ROJ prior to 180 days
- If both sides agree, parties can get an ROJ immediately after the complaint is filed (not new)

# Intervention as a Matter of Right

- The Complainant can intervene as a matter of right in a housing election case
- CHRO's legislative response to – [CHRO v. Litchfield Housing Authority](#)



# Attorney Fees are Not Contingent on Damages Requested or Awarded to the Complainant



- CHRO's legislative response to State Appellate court's decision in [CHRO v. Brookstone Court](#)
- Affects fees awarded at public hearing or in court – amends C.G.S. §§46a-86, 104
- Amends C.G.S. § 46a-95 – award of attorney fees and costs for enforcement to Commission or Complainant



# Questions ????

