



State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND  
OPPORTUNITIES**

Central Office ~ 25 Sigourney Street, Hartford, CT 06106

*Promoting Equality and Justice for all People*

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**TESTIMONY  
JUDICIARY COMMITTEE  
WEDNESDAY, MARCH 12, 2014  
S.B. No. 385 (RAISED) AN ACT CONCERNING REVISIONS TO STATUTES  
CONCERNING HUMAN RIGHTS AND OPPORTUNITIES**

Chairmen Coleman and Fox, Ranking Members Kissel and Rebimbas and members of the Committee, my name is Jim O'Neill and I am the Legislative Liaison for the Commission on Human Rights and Opportunities. With me is our Principal Attorney Charlie Krich. We are here today to speak on behalf of Tanya Hughes the Executive Director of CHRO who sends her sincere regrets that she cannot be here today.

We strongly **SUPPORT** Raised Senate Bill 385, AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES. SB 1164, LCO 8352, was submitted by the Commission last year and passed the Judiciary Committee 35-8 with the members of the minority, as they informed me last year, voting no simply to flag it for bill review because of its length. Nothing wrong with that, but we would really like to have all of you supporting us this year. In order to do that we have submitted to the committee administrator electronically a marked up version of this bill explaining the changes to the statutes. The few differences between LCO 8352 and this bill are highlighted in yellow in

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the comments. We have also posted this on our website at:

<http://www.ct.gov/chro/cwp/view.asp?a=4313&Q=508090&PM=1>

As we did last year the Commission has reached out to interested business and legal groups who are working with us as they did last year. I believe if it were not for unfortunate circumstances near the end of the session this bill would have passed both chambers.

CHRO statutes have not been recodified since 1980. This has left the Human Rights statutes inconsistent, cumbersome and unduly difficult to use for the very people protected by these statutes. We believe that is wrong and that they should be able to understand their rights.

In 2011 you passed what became PA 11-237. That was the most significant change to CHRO statutes in history. It has brought us from creating a perpetual backlog to closing more cases than we bring in each year and clearing out some of the backlog that has existed.

But we can do better and have included changes to 11-237 to resolve disputes earlier rather than later which is a key to stopping a backlog from happening. We have added a no fault conciliation provision that employers may elect to participate in which can resolve cases faster and keep costs to employers down. We have also included changes to the PA 11-237 by combining Merit Assessment Review and legal reviews into a single step that reduces case processing from 150 to 60 days. We are changing the name Merit Assessment Review to Case Assessment Review to eliminate

the misperception that passing through MAR is an indication of the strength of a case rather than it just being an administrative stage which it is.

The biggest change for this year can be found in Lines 1833-1840 of the raised bill which allows the CHRO legal counsel to order attorneys for the parties, only when the complainant and respondent are represented, to conduct discovery, limited to interrogatories and the production of documents, to assist the commission in processing the complaint. This is a process Massachusetts and New Hampshire have had great success with.

Contract compliance provisions in the CHRO statutes provide for retainage of 2% of monthly payments to contractors who fail to comply with the state's contracting provisions, however the way the statute is constructed is confusing and we have proposed language that will fix that problem.

Below is a listing of proposed changes for conformity and consistency.

What we have done is:

- Alphabetized the definitions and made them consistent throughout
- Made the statutes gender neutral
- Eliminated antiquated terminology
- Clarified the roles and responsibilities of the executive director, staff and the human rights referees
- We have also made the string of protected classes consistent throughout the statutes rather than the hodgepodge that exists today

- Eliminated sexual orientation as a stand-alone statutes and included that class with all the other protected classes
- Deleted criminal provisions which we cannot enforce and instead created a mechanism to inform the state's attorney if illegal activities as suspected

We thank you for your ongoing support of human rights and the Commission.