



# House of Representatives

**File No. 608**

General Assembly

January Session, 2001

**(Reprint of File No. 26)**

Substitute House Bill No. 6583  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 3, 2001

***AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE  
REOPENING OF MATTERS BY THE COMMISSION ON HUMAN  
RIGHTS AND OPPORTUNITIES.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 46a-83a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) If a complaint is dismissed pursuant to subsection (b) of section  
4 46a-83, or is dismissed for failure to accept full relief pursuant to  
5 subsection (c) of said section 46a-83, and the complainant does not  
6 request reconsideration of such a dismissal as provided in subsection  
7 (e) of said section 46a-83 the executive director of the commission shall  
8 issue a release and the complainant may, within ninety days of receipt  
9 of the release from the commission, bring an action in accordance with  
10 section 46a-100 and sections 46a-102 to 46a-104, inclusive.

11 (b) The executive director of the commission may, upon the  
12 complainant's request, issue a release from the commission if (1) a  
13 complaint is dismissed pursuant to subsection (b) of section 46a-83,

14 and (2) the complainant requests reconsideration of the dismissal and  
15 the reconsideration request has been granted or denied, or the  
16 reconsideration request has not yet been acted upon in accordance  
17 with subsection (e) of section 46a-83. Whenever a reconsideration  
18 request has been granted or denied, a request for a release from the  
19 commission shall be made within fifteen days of receipt of the notice  
20 granting or denying such reconsideration request. The complainant  
21 may, within ninety days of receipt of the release from the commission,  
22 bring an action in accordance with section 46a-100 and sections 46a-102  
23 to 46a-104, inclusive.

24 Sec. 2. Subsection (c) of section 46a-94a of the general statutes is  
25 repealed and the following is substituted in lieu thereof:

26 (c) The commission on its own motion may, whenever justice so  
27 requires, reopen any matter previously closed by [it] the commission  
28 in accordance with the provisions of this subsection, provided such  
29 matter had not been appealed to the Superior Court pursuant to  
30 section 4-183. Notice of such reopening shall be given to all parties. A  
31 complainant or respondent may, for good cause shown, in the interest  
32 of justice, apply in writing for the reopening of a previously closed  
33 proceeding provided such application is filed with the commission  
34 [within six years of the commission's final decision or by October 1,  
35 2000, whichever comes first. After October 1, 2000, such application  
36 shall be filed] within two years of the commission's final decision.

37 Sec. 3. Section 46a-94a of the general statutes is amended by adding  
38 subsection (d) as follows:

39 (NEW) (d) The standards for reopening a matter may include, but  
40 are not limited to: (1) A material mistake of fact or law has occurred;  
41 (2) the finding is arbitrary or capricious; (3) the finding is clearly  
42 erroneous in view of the reliable, probative and substantial evidence  
43 on the whole record; and (4) new evidence has been discovered which  
44 materially affects the merits of the case and which, for good reasons,  
45 was not presented during the investigation.

46      Sec. 4. This act shall take effect July 1, 2001.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Commission On Human Rights and Opportunities

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill authorizes the executive director of the Commission On Human Rights and Opportunities (CHRO) to release upon a complainant's request, a discrimination complaint case after it has been dismissed without a full investigation. These are cases that complainants have asked the commission for reconsideration.

The commission may have a workload reduction due to the executive director having the authority of releasing cases from further consideration. The commission has 202 cases that could be reconsidered at the present time and could be released upon the complainant's request.

The bill establishes specific standards for reopening a matter previously closed by CHRO and requires complainant's requests for reopening to be in writing. The commission will not incur any additional workload since these standards clarify their current practice.

House "A" is technical in nature and has no fiscal impact.

House "B" is technical in nature and has no fiscal impact.

**OLR Amended Bill Analysis**

sHB 6583 (as amended by House "A" and "B")\*

***AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE REOPENING OF MATTERS BY THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

This bill authorizes the executive director of the Commission on Human Rights and Opportunities (CHRO) to permit people whose discrimination complaints have been dismissed without a full investigation, and who ask permission, to go directly to court, even if their request to CHRO to reconsider the dismissal has been granted or denied or is pending.

If CHRO grants or denies the reconsideration request, the bill requires that the complainant ask for permission to go to court within 15 days after he receives the notice about his reconsideration request. The bill requires that the complainant file the lawsuit within 90 days after he receives CHRO's permission to go to court. Under current law, CHRO can allow such people to go directly to court only if they have not asked for reconsideration of the dismissal. CHRO relinquishes its jurisdiction to do investigations once it gives the complainant permission to go to court.

The bill establishes standards for reopening a closed CHRO matter. The standards include: (1) discovery of a material mistake of fact or law; (2) the finding is arbitrary or capricious; (3) the finding is clearly erroneous in view of reliable, probative, and substantial evidence on the whole record; and (4) discovery of new evidence that materially affects the merits of the case and which, for good reasons, was not presented during the investigation.

The bill requires requests to CHRO to reopen a case to be in writing. By law, CHRO may reopen a case when asked to do so by a complainant or respondent for good cause shown, in the interest of justice. CHRO may also reopen a case on its own initiative, whenever justice requires it.

\*House Amendment "A" makes the bill effective July 1, 2001, instead

of upon passage. It also makes a technical change.

\*House Amendment "B" (1) authorizes CHRO's executive director to permit people to go directly to court if their request for a reconsideration of CHRO's decision to dismiss their complaint without a full investigation has been granted or denied; (2) requires that they request permission to go to court within 15 days after being notified of CHRO's decision whether to reopen the case, and (3) requires those who get permission to sue to file the lawsuit within 90 days after they receive permission to go to court.

EFFECTIVE DATE: July 1, 2001

## **BACKGROUND**

### ***Dismissal Without Full Investigation***

By law, CHRO may dismiss a complaint without a full investigation if (1) the executive director or her designee determines the accused person is exempt from the anti-discrimination laws or (2) the case does not state a claim for relief, is frivolous on its face, or has no reasonable possibility that an investigation will result in a reasonable cause finding (CGS Sec. 46a-83(b)).

### ***Reconsideration of Dismissals***

A request for reconsideration of a dismissal must be made within 15 days from the date CHRO dismissed it. CHRO's executive director must reconsider or reject the request within 90 days from the date CHRO dismissed the complaint (CGS Sec. 46a-83(e)).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 38    Nay 1