



General Assembly

Amendment

January Session, 2001

LCO No. 7403

Offered by:

SEN. COLEMAN, 2nd Dist.
SEN. HARP, 10th Dist.
SEN. HANDLEY, 4th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. PRAGUE, 19th Dist.

SEN. LOONEY, 11th Dist.
SEN. PENN, 23rd Dist.
SEN. PETERS, 20th Dist.
SEN. FINCH, 22nd Dist.

To: Subst. Senate Bill No. 1054

File No. 624

Cal. No. 207

"AN ACT CONCERNING CONTRACT COMPLIANCE PROCEDURES."

1 After line 108, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 5. Section 46a-86 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) If, upon all the evidence presented at the hearing conducted
6 pursuant to section 46a-84, the presiding officer finds that a
7 respondent has engaged in any discriminatory practice, the presiding
8 officer shall state [his] such presiding officer's findings of fact and shall
9 issue and file with the commission and cause to be served on the
10 respondent an order requiring the respondent to cease and desist from
11 the discriminatory practice and further requiring the respondent to

12 take such affirmative action as in the judgment of the presiding officer
13 will effectuate the purpose of this chapter.

14 (b) In addition to any other action taken hereunder, upon a finding
15 of a discriminatory employment practice, the presiding officer may
16 order (1) the hiring or reinstatement of employees, with or without
17 back pay, or (2) restoration to membership in any respondent labor
18 organization, [provided, liability] and (3) compensatory damages in an
19 amount not to exceed ten thousand dollars in cases where the
20 respondent has not less than three nor more than fifteen employees,
21 thirty-five thousand dollars in cases where the respondent has not less
22 than sixteen nor more than one hundred employees and sixty
23 thousand dollars in cases where the respondent has more than one
24 hundred employees, and reasonable attorney's fees and costs. Liability
25 for back pay shall not accrue from a date more than two years prior to
26 the filing or issuance of the complaint and, provided further, interim
27 earnings, including unemployment compensation and welfare
28 assistance or amounts which could have been earned with reasonable
29 diligence on the part of the person to whom back pay is awarded shall
30 be deducted from the amount of back pay to which such person is
31 otherwise entitled. The amount of any such deduction for interim
32 unemployment compensation or welfare assistance shall be paid by
33 the respondent to the commission which shall transfer such amount to
34 the appropriate state or local agency.

35 (c) In addition to any other action taken hereunder, upon a finding
36 of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-
37 64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer shall
38 determine the damage suffered by the complainant, which damage
39 shall include, but not be limited to, the expense incurred by the
40 complainant for obtaining alternate housing or space, storage of goods
41 and effects, moving costs and other costs actually incurred by [him]
42 the complainant as a result of such discriminatory practice and shall
43 allow reasonable attorney's fees and costs.

44 (d) In addition to any other action taken hereunder, upon a finding
45 of a discriminatory practice prohibited by section 46a-66 or 46a-81f, the
46 presiding officer shall issue and file with the commission and cause to
47 be served on the respondent an order requiring the respondent to pay
48 the complainant the damages resulting from the discriminatory
49 practice.

50 (e) If, upon all the evidence and after a complete hearing, the
51 presiding officer finds that the respondent has not engaged in any
52 alleged discriminatory practice, the presiding officer shall state [his]
53 such presiding officer's findings of fact and shall issue and file with the
54 commission and cause to be served on the respondent an order
55 dismissing the complaint."