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Commission on Human Rights and Opportunities**

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**Raised Bill No. 1431: An Act Establishing a Demonstration Project for an Office of Administrative Hearings**

This bill would establish an independent office to oversee and conduct administrative hearings that are currently held by certain agencies. The bill would transfer the human rights referees to the Office of Administrative Hearings. While the establishment of such an office is a policy decision for the determination of the legislature and the Governor, the human rights referees do not oppose their inclusion in such an agency.

The Commission's administrative hearings are conducted by human rights referees, who issue final decisions that are not subject to review and approval by the Commission. The human rights referees have developed an expertise in the area of discrimination law. The Commission will not lose the benefit of the human rights referees' expertise and the referees will continue to be available to the Commission because the bill would require the chief administrative law judge to assign the Commission's discrimination cases to those administrative law judges who have the expertise in the area of discrimination law. In addition, the chief administrative law judge is required to develop, in consultation with the agencies included in this bill, a program for continuing education that will ensure the expertise of the present and future administrative law judges. See Section 2 (a) (2) and 2 (a) (8).

Section 4 (b) of the bill provides that persons transferring into the Office of Administrative Hearings who are represented by an employee organization will continue to be represented by the bargaining unit. Since the human rights referees are not members of a bargaining organization, and because the bill will place the administrative law judges in the classified service, the collective bargaining representative for administrative and residual state employees should also represent the human rights referees. For your consideration, the referees would suggest that the last sentence in section 4 (b) be amended as follows: "Administrative law judges appointed by the Chief Administrative Law Judge and persons transferred to the Office of Administrative Hearings pursuant to this section who are not members of an employee organization at the time of their transfer shall be represented by the collective bargaining representative for administrative and residual state employees."