

Memo

To: Government Administration and Employees Committee
From: Robert J. Brothers, Jr., Acting Executive Director
Date: March 23, 2009
Re: **SB 1154: AN ACT CONCERNING REFERRAL OF CONTESTED CASES AND SETTLEMENTS TO THE CHIEF HUMAN RIGHTS REFEREE**

The Commission on Human Rights and Opportunities **OPPOSES** SB 1154: AN ACT CONCERNING REFERRAL OF CONTESTED CASES AND SETTLEMENTS TO THE CHIEF HUMAN RIGHTS REFEREE.

Human Rights Referees were per diem attorneys prior to 1998 legislation which established the Office of Public Hearings and created seven full-time positions. Presently six of these positions are filled. The referees collectively receive approximately 60-80 cases per year and last year only twelve cases went to a full public hearing, or administrative trial as it might more accurately be called.

While the Office is under CHRO for administrative purposes only the Human Rights Referees are appointed by the governor and they are managed by a Chief Human Rights Referees. The only powers granted to the CHRO Executive Director is the ability to appoint Chief Referee, which I believe is problematic and a potential conflict of interest since it is CHRO attorneys who will appear before the referees to present discrimination cases.

Someone along the way must have concluded that the referees have time to spare if they believe these additional duties can be absorbed without adversely effecting the length of CHRO proceedings, which have often been criticized for taking too long. If the referees, in fact, have this additional time I would very much like to see them conducting functions directly related to CHRO which would help to speed our case processing.

While Subsection (b) of Section 2. appears to address the issue of costs, it does not address the substantial expenses imposed on the CHRO budget by referee salaries which range between \$85,000 and \$100,000, and related expenses. The bill does not require the referring agency to absorb these costs or allow CHRO to bill for such expenses as other agencies are allowed to do through FAC or memorandums of understanding.

Finally, Sec. 5. would prohibit the Commission on Human Rights and Opportunities from being a party to any appeal of a decision or mediation referred to the Chief Human Rights Referee. That is a fundamental right and obligation of CHRO as it represents the people of Connecticut in defense of equal rights.