

**TESTIMONY  
LABOR AND PUBLIC EMPLOYEES COMMITTEE  
MARCH 2, 2009**

Good afternoon, Senator Prague, Representative Ryan and members of the Labor and Public Employees Committee. My name is Bob Brothers. I am the Executive Director of the Commission on Human Rights and Opportunities.

**CHRO OPPOSES HB 5206, AN ACT PROVIDING AN INDIVIDUAL THE RIGHT TO BRING A DISCRIMINATORY PRACTICE ACTION IN SUPERIOR COURT RATHER THAN THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

CHRO acts on behalf of the EEOC to receive and investigate discrimination complaints. Each year the State receives approximately \$800,000 in federal moneys that go into the General Fund. With passage of this legislation that money could be jeopardized.

This bill would cut the heart out of a century of administrative law advancement in Connecticut. Administrative law is specifically designed to provide equal protection to all, -- both the poor and the rich. Administrative law provides the average citizen a speedier, more comprehensible and less expensive means of resolving a case without having to go to court.

Court is an intimidating prospect for many, but especially scary for the poor, those who have limited mental faculties, or those who are not proficient in English -- meaning those most likely to be victims of discrimination.

If this bill is passed you might as well eliminate the power of the DMV, DCF, DCP and DEP and the rest of the state agencies that enforce our laws administratively. That is sure to follow as a precedent to this legal bill.

The CHRO process is not nearly as long, expensive or uneven as is court. Many employees and employers, both big and small, count on state agencies to resolve employment disputes in an informal, cost effective, and timely way. Often the issue between an employee and the employer is a matter of miscommunication which can be readily resolved through administrative conciliation. The filing of a lawsuit as a first step would be like using a battering ram to open a package of Oreos. It's overkill.

Filing with the Commission and then the court does not take that long. Cases may be released to court on day one if both the complainant and respondent agree. They may also be dismissed after the 90 day assessment review has been completed and again after 210 days if the complainant so wishes.

Ironically, this bill creates discrimination by establishing a two-tier system of justice by allowing two years to file a lawsuit in court, but a CHRO complaint must be filed within six months. The two year period is problematic because a discrimination case often hinges on eye or ear witness testimony which usually fades quickly.

Think of it. Employers could be burdened with a lawsuit two years after an alleged discriminatory incident occurs. It might even be an allegation the employer was completely unaware of by an employee no longer at the company. Such a late filing in court would also instill in many the probably false hope that they could receive damages or get their jobs back.

This is a bad bill and you should vote no.

I will be pleased to answer any questions you may have.