



Senate

General Assembly

File No. 695

January Session, 2011

Substitute Senate Bill No. 1192

Senate, May 2, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROCESSING OF COMPLAINTS FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

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

1 Section 1. Subsection (i) of section 46a-83 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (i) The executive director of the commission or his designee may
5 enter an order of default against a respondent (1) who, after notice,
6 fails to answer a complaint in accordance with subsection (a) of this
7 section or within such extension of time as may have been granted or
8 (2) who fails to answer interrogatories issued pursuant to subdivision
9 (11) of section 46a-54 or fails to respond to a subpoena issued pursuant
10 to subsection (h) of this section and subdivision (9) of section 46a-54,
11 provided the executive director or his designee shall consider any
12 timely filed objection or (3) who, after notice and without good cause,
13 fails to attend a mandatory mediation session or a fact-finding
14 conference. Upon entry of an order of default, the executive director or

15 his designee shall appoint a presiding officer to enter, after notice and
16 hearing, an order eliminating the discriminatory practice complained
17 of and making the complainant whole. The commission or the
18 complainant may petition the Superior Court for enforcement of any
19 order for relief pursuant to section 46a-95.

20 Sec. 2. Section 46a-101 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2011*):

22 (a) No action may be brought in accordance with section 46a-100
23 unless the complainant has received a release from the commission in
24 accordance with the provisions of this section.

25 (b) (1) The complainant and the respondent, by themselves or their
26 attorneys, may jointly request that the complainant receive a release
27 from the commission at any time from the date of filing the complaint
28 until the expiration of [two hundred ten] one hundred eighty days
29 from the date of filing of the complaint. The complainant, or [his] the
30 complainant's attorney, may request a release from the commission if
31 [his] the complaint with the commission is still pending after the
32 expiration of [two hundred ten] one hundred eighty days from the
33 date of its filing.

34 [(c)] (2) The executive director of the commission shall grant a
35 release, allowing the complainant to bring a civil action, within ten
36 business days after receipt of the request for the release, except that if a
37 case is scheduled for a public hearing, the executive director may
38 decline to issue a release. The commission may defer acting on a
39 request for a release for thirty days if the executive director of the
40 commission, or [his] the executive director's designee, certifies that [he]
41 the executive director or the executive director's designee has reason to
42 believe that the complaint may be resolved within that period.

43 (c) In addition to a release described in subsection (b) of this section,
44 the executive director of the commission may grant a release at any
45 time after the completion of a review conducted pursuant to
46 subsection (b) of section 46a-83, as amended by this act, provided the

47 complainant or the complainant's attorney had filed with the executive
48 director or the executive director's designee, at the time the complaint
49 was initially filed with the commission, a letter of intent to request a
50 release. If such a letter of intent is filed, the executive director or the
51 executive director's designee shall expedite the completion of the
52 review conducted pursuant to subsection (b) of section 46a-83, as
53 amended by this act.

54 (d) Upon granting a release, the commission shall dismiss or
55 otherwise administratively dispose of the discriminatory practice
56 complaint pending with the commission without cost or penalty
57 assessed to any party.

58 (e) Any action brought by the complainant in accordance with
59 section 46a-100 shall be brought within ninety days of the receipt of the
60 release from the commission.

61 Sec. 3. Subsection (b) of section 46a-83 of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective*
63 *October 1, 2011*):

64 (b) Within ninety days of the filing of the respondent's answer to the
65 complaint, the executive director or the executive director's designee
66 shall review the file and shall expedite the completion of such review if
67 a letter of intent to request a release described in subsection (b) of
68 section 46a-101, as amended by this act, has been filed. The review
69 shall include the complaint, the respondent's answer and the responses
70 to the commission's requests for information, if any, and the
71 complainant's comments, if any, to the respondent's answer and
72 information responses. If the executive director or the executive
73 director's designee determines that the complaint fails to state a claim
74 for relief or is frivolous on its face, that the respondent is exempt from
75 the provisions of this chapter or that there is no reasonable possibility
76 that investigating the complaint will result in a finding of reasonable
77 cause, the complaint shall be dismissed. This subsection shall not
78 apply to any complaint alleging a violation of section 46a-64c or 46a-
79 81e. The executive director shall report the results of the executive

80 director's determinations pursuant to this subsection to the
81 commission quarterly during each year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46a-83(i)
Sec. 2	<i>October 1, 2011</i>	46a-101
Sec. 3	<i>October 1, 2011</i>	46a-83(b)

Statement of Legislative Commissioners:

In Sec. 2, the paragraphs in Subsecs. (b) and (c) were reordered for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes minor changes to the process in which the Commission on Human Rights and Opportunities handles complaints and does not result in a fiscal impact to the state and municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1192*****AN ACT CONCERNING THE PROCESSING OF COMPLAINTS FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

This bill reduces the time period, from 210 to 180 days, that must elapse before the parties to a complaint before the Commission on Human Rights and Opportunities (CHRO) jointly or the complainant alone can request a release from the commission in order to bring an action in Superior Court. It also allows CHRO to grant a release at any time after its review if the complainant files a letter of intent to request a release when filing the initial complaint. In that case, the bill requires CHRO to expedite its review.

The bill also adds the respondent's failure to attend a fact-finding conference to the reasons a respondent is subject to an order of default. CHRO can issue such an order when a respondent fails to appear or file an answer to a complaint as required by CHRO's complaint investigation and review procedures.

EFFECTIVE DATE: October 1, 2011

DISCRIMINATION LAWSUITS

The law gives those alleging discrimination before the CHRO the right to ask the executive director for permission to sue when their complaints have been pending for over 210 days. The complainant and respondent can also jointly ask for a release from the commission at any time up until 210 days after a complaint is filed. The bill reduces the time period to 180 days in both cases.

In addition, the bill gives the executive director authority to grant a

release to sue at any time after a review of the complaint is complete if the complainant files a letter of intent to request a release when he or she files the initial complaint. In that case, CHRO must expedite its review. The bill requires an expedited review; but, as under current law, CHRO has 90 days after the respondent files an answer to the complaint to review the file. When permission is granted, CHRO must dismiss or otherwise dispose of the pending complaint. The complainant has 90 days after receiving the commission's release to bring an action in court.

BACKGROUND

Related Bills

sSB 1188 (File 573) establishes a Division of Administrative Hearings (DAH) within the Department of Administrative Services to impartially hear contested cases for CHRO, among other agencies. Under this bill, beginning January 1, 2012, CHRO's powers, functions, and duties with respect to its contested cases transfers to DAH, which must conduct hearings and render proposed final decisions or final decisions when allowed or required by law. Any proposed final decision may be rejected, modified, or accepted by the referring agency (CHRO). It becomes final if CHRO fails to act within a specified period.

HB 6595, reported by the Appropriations Committee, makes the same change as this bill in the time period for requesting a release from the commission (reduced from 210 to 180 days). HB 6595 makes other changes to CHRO procedures and functions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/12/2011)