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Human Rights Referee**

**March 31, 2011**

**Public Hearing of the Joint Committee on Appropriations**

**H.B. No. 6595: An Act Concerning the Commission on Human Rights and Opportunities**

Good afternoon, Senator Harp, Representative Walker and members of the Appropriations Committee. I am Donna Maria Wilkerson Brilliant, a human rights referee at the Commission on Human Rights and Opportunities. Thank you for the opportunity, on behalf of myself and fellow referees Attorneys Thomas C. Austin, Jr., Jon P. FitzGerald and J. Allen Kerr, to submit testimony on H.B. 6595: An Act Concerning the Commission on Human Rights and Opportunities.

The stated purpose of the bill is: "To improve case processing, reduce costs and streamline the functioning of the Commission on Human Rights and Opportunities." There are currently five referees at CHRO. Effective July 1, 2011, the number of referees will be statutorily reduced from five to three. The reduction to three referees will not improve case processing but, instead, will hinder the process.

The current budget funds five referees. We realize that these are difficult financial times. As such, we urge you to reduce the number of referees by only one, from five to four, still a twenty percent (20%) reduction from current staffing. It would be a disservice to the parties we serve to further diminish the integrity of a process that is currently working so efficiently and in the best interests of the public that we all serve.

We note that the Governor's proposed budget for CHRO funds seventy-five (75) full-time employees. As of this date, there are only seventy-three (73) full-time employees, including all five referee positions. Additionally, of the current seventy-three (73) employees, there is legislation proposing to transfer three employees to DAS. Our proposal, then, is a reallocation of the proposed funding, not a request for additional funding.

By way of background, in 1998, in response to the serious backlog of cases that had resulted from the use of part-time, per diem hearing officers, the legislature passed Public Act 98-245, replacing the hearing officers with full-time human rights referees. The reduction to three referees may again create a backlog of cases. A reduction to three will result in longer times for motions to be ruled on, public hearings (trials) to be held, and justice to be administered. Complainants and respondents in employment, public accommodation and housing situations need to know that their cases will be handled in a fair, timely and cost efficient manner.

Human rights referees manage their own caseload from the time the case is assigned to them by the chief human rights referee. The referees conduct scheduling conferences, settlement conferences, status conferences, prehearing conferences and the public hearings.

The referees also rule on motions including, but not limited to, motions to strike, to dismiss, and to compel the production of documents.

For example, in fiscal year 2009-2010, the referees held two hundred and nine (209) conferences, conducted public hearings totaling fifty-four (54) trial days, and ruled on four hundred and sixty-seven (467) motions. The superior court consistently upholds our decisions.

We expect our discrimination docket to increase. Complaints filed with the EEOC have increased as unemployment remains high, and the CHRO expects a large number of cases to come to the referees from approximately five hundred cases backlogged in the regions. We also anticipate an increase in our whistleblower retaliation docket due to a number of legislative initiatives.

A copy of our proposal is attached for your consideration.

Thank you for your attention, and I would be happy to answer any questions you may have.

## PROPOSAL

Subsection (a) of section 46a-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a)(1) The Governor shall appoint three human rights referees for terms commencing October 1, 1998, and four human rights referees for terms commencing January 1, 1999. The human rights referees so appointed shall serve for a term of one year.

(2) (A) On and after October 1, 1999, the Governor shall appoint seven human rights referees with the advice and consent of both houses of the General Assembly. The Governor shall appoint three human rights referees to serve for a term of two years commencing October 1, 1999. The Governor shall appoint four human rights referees to serve for a term of three years commencing January 1, 2000. Thereafter, human rights referees shall serve for a term of three years.

(B) On and after July 1, 2001, there shall be five human rights referees. Each of the human rights referees serving on July 1, 2001, shall complete the term to which such referee was appointed. Thereafter, human rights referees shall be appointed by the Governor, with the advice and consent of both houses of the General Assembly, to serve for a term of three years.

(C) On and after July 1, 2004, there shall be seven human rights referees. Each of the human rights referees serving on July 1, 2004, shall complete the term to which such referee was appointed and shall serve until his successor is appointed and qualified. Thereafter, human rights referees shall be appointed by the Governor, with the advice and consent of both houses of the General Assembly, to serve for a term of three years.

(D) On and after October 5, 2009, and until July 1, 2011, there shall be five human rights referees. Each of the human rights referees serving on October 5, 2009, shall serve until the term to which such referee was appointed is completed, or until July 1, 2011, whichever is earlier, and shall serve until a successor is appointed and qualified. In the case of a vacancy, a successor shall be appointed by the Governor, with the advice and consent of both houses of the General Assembly, to serve until July 1, 2011.

[(E) On and after July 1, 2011, there shall be three human rights referees who shall (i) be appointed by the Governor with the advice and consent of both houses of the General Assembly, and (ii) serve for a term of three years.]

**(E) On and after July 1, 2011, there shall be four human rights referees who shall (i) be appointed by the Governor with the advice and consent of both houses of the General Assembly, and (ii) serve for a term of three years.**

(3) When the General Assembly is not in session, any vacancy shall be filled pursuant to the provisions of section 4-19. The Governor may remove any human rights referee for cause.