



State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Central Office ~ 25 Sigourney Street, Hartford, CT 06106

*Promoting Equality and Justice for all People*

**Testimony to the Committee on Veterans' Affairs  
Tuesday, February 23, 2016**

**SB-197, AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND THE  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

**&**

**SB-21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S NONDISCRIMINATION  
LAWS.**

Good afternoon Senator Flexer, Representative Hennessy, Senator Martin, Representative Yaccarino, and members of the Committee on Veterans' Affairs. My name is Michael Roberts, and I am an attorney at the Commission on Human Rights and Opportunities (CHRO). I am here to state the CHRO's **support** of SB-197 and SB-21.

SB-197 seeks to add veteran status as a protected class under Connecticut's anti-discrimination statutes.<sup>1</sup> As the members of this Committee are well aware, veterans seeking to transition into civilian life often face discrimination in employment, housing, and other areas. An employer or housing provider may incorrectly believe that a veteran could be called back to active duty soon after starting a job or signing a lease. Others may have concerns with regard to posttraumatic stress disorder (PTSD) for veterans returning from front-line or combat service. Discrimination based on these assumptions and generalizations prevents many veterans from having full access to the opportunities made possible in part by their service.

While the federal Uniform Services Employment and Reemployment Rights Act (USERRA) already prohibits discrimination on the basis of military service, SB-197, if enacted, will open the door for veterans who are victims of discrimination to utilize additional venues of action, such as the CHRO complaint process. SB-197 will also afford veterans who are victims of discrimination the ability to obtain the various remedies authorized by Connecticut's civil rights statutes. With that in mind, SB-197 allows CHRO public hearing officers to award compensatory damages such as attorney's fees in cases where the Referee determines that unlawful discriminatory practices have occurred. Such authority will ease some of the burden for veterans who bring complaints of discrimination and deter discrimination from occurring. CHRO public hearing officers can already award compensatory damages in housing, whistleblowing, and public accommodations cases.

The CHRO would point out, however, a slight drafting error in the way that Section 13(b) of SB-197 would change Conn. Gen. Stat. § 46a-86. Specifically, some of the language that would be inserted is improperly placed in that section. We have attached a suggested change to the language to my testimony.

The CHRO therefore urges the Committee to **favorably report** SB-197.

<sup>1</sup> A "veteran" is defined in Conn. Gen. Stat. § 27-103(a) as "any person honorably discharged from, or released under honorable conditions from active service in, the armed forces". While the CHRO would support expanding the proposed protections to include active and reserve duty personnel, that is a decision for the committee.



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## Testimony (Cont'd)

SB-21, meanwhile, prohibits discrimination in the Connecticut Military Department with regard to membership, units, duties, and accommodations on the basis of religion, national origin, color, race, sex, gender identity or expression, and sexual orientation. This follows closely on the heels of the announcement in December that the federal Department of Defense would open all combat roles to women for the first time.

The CHRO is firmly committed to the belief that no one should be prevented from realizing their full potential on the basis of an immutable characteristic. On front lines and assembly lines, in boardrooms as well as classrooms, the doors should be open for everyone to have an equal role in shaping the future of our nation. No one should be prevented from doing so by obsolete notions of what they can do.

To that end, the CHRO would respectfully suggest that SB-21 go further. As written, SB-21 does not include age or any form of disability in its list of protected classes. It is true that there are age restrictions on enlistment and certain physical and medical requirements. SB-21 provides a caveat for those situations covered by federal law, regulation, or policy. Outside of those situations, however, there is no reason why age or disability should not be protected. We would therefore ask that the Committee consider including age as well as mental, intellectual, learning, and physical disability in the enumerated protected classes in SB-21.

With this concern in mind, the CHRO otherwise urges the Committee to **favorably report** SB-21.

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



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**Suggested Change to Sec. 13(b) of SB-197**

Conn. Gen. Stat. § 46a-86(b) begins by assuming that there has been a finding of discriminatory employment practice. There is therefore no need to list possible discriminatory employment practices. Moreover, these would not be "damages"; that term refers to compensation.

Remove from current version as follows:

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer [may order] ~~shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, refusal to hire or employ, discharge from employment, discrimination against in compensation or in terms, conditions or privileges of employment, failure or refusal to classify properly or any other cost actually incurred by the complainant as a result of such discriminatory practice. The presiding officer shall order the hiring, promotion or reinstatement of any individual, with or without back pay, or restoration to membership in any respondent labor organization and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant.~~ Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint. Interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency.

Suggested text:

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer [may order] shall order the hiring, promotion or reinstatement of any individual, with or without back pay, or restoration to membership in any respondent labor organization and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint. Interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency.