



# House of Representatives

General Assembly

**File No. 654**

February Session, 2018

Substitute House Bill No. 5043

*House of Representatives, April 30, 2018*

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT PROMOTING A FAIR, CIVIL AND HARASSMENT-FREE WORKPLACE.***

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

1 Section 1. Section 46a-54 of the 2018 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2018*):

4 (a) The commission shall have the following powers and duties:

5 (1) To establish and maintain such offices as the commission may  
6 deem necessary;

7 (2) To organize the commission into a division of affirmative action  
8 monitoring and contract compliance, a division of discriminatory  
9 practice complaints and such other divisions, bureaus or units as may  
10 be necessary for the efficient conduct of business of the commission;

11 (3) To employ legal staff and commission legal counsel as necessary  
12 to perform the duties and responsibilities under section 46a-55. One

13 commission legal counsel shall serve as supervising attorney. Each  
14 commission legal counsel shall be admitted to practice law in this state;

15 (4) To appoint such investigators and other employees and agents as  
16 it deems necessary, fix their compensation within the limitations  
17 provided by law and prescribe their duties;

18 (5) To adopt, publish, amend and rescind regulations consistent  
19 with and to effectuate the provisions of this chapter;

20 (6) To establish rules of practice to govern, expedite and effectuate  
21 the procedures set forth in this chapter;

22 (7) To recommend policies and make recommendations to agencies  
23 and officers of the state and local subdivisions of government to  
24 effectuate the policies of this chapter;

25 (8) To receive, initiate as provided in section 46a-82, investigate and  
26 mediate discriminatory practice complaints;

27 (9) By itself or with or by hearing officers or human rights referees,  
28 to hold hearings, subpoena witnesses and compel their attendance,  
29 administer oaths, take the testimony of any person under oath and  
30 require the production for examination of any books and papers  
31 relating to any matter under investigation or in question;

32 (10) To make rules as to the procedure for the issuance of subpoenas  
33 by individual commissioners, hearing officers and human rights  
34 referees;

35 (11) To require written answers to interrogatories under oath  
36 relating to any complaint under investigation pursuant to this chapter  
37 alleging any discriminatory practice as defined in subdivision (8) of  
38 section 46a-51, and to adopt regulations, in accordance with the  
39 provisions of chapter 54, for the procedure for the issuance of  
40 interrogatories and compliance with interrogatory requests;

41 (12) To utilize such voluntary and uncompensated services of

42 private individuals, agencies and organizations as may from time to  
43 time be offered and needed and with the cooperation of such agencies,  
44 (A) to study the problems of discrimination in all or specific fields of  
45 human relationships, and (B) to foster through education and  
46 community effort or otherwise good will among the groups and  
47 elements of the population of the state;

48 (13) To require the posting by an employer, employment agency or  
49 labor organization of such notices regarding statutory provisions as  
50 the commission shall provide;

51 (14) To require the posting, by any respondent or other person  
52 subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-  
53 81e, of such notices of statutory provisions as it deems desirable;

54 (15) (A) To require an employer having three or more employees to:  
55 [post] (i) Post in a prominent and accessible location information  
56 concerning the illegality of [sexual] harassment on the basis of any  
57 status described in subsection (b) of section 46a-60 or section 46a-81c,  
58 which harassment may include, but need not be limited to, sexual  
59 harassment, and the remedies available to [victims] the targets of  
60 [sexual] such harassment; [; and (B) to require an employer having fifty  
61 or more employees to] and (ii) directly communicate such information  
62 and remedies to employees on an annual basis;

63 (B) To require an employer having fifteen or more employees to  
64 provide (i) (I) on or before October 1, 2019, two cumulative hours of  
65 awareness and antiharassment compliance training and education to  
66 all supervisory employees, [within one year of October 1, 1992, and to]  
67 and (II) after October 1, 2019, such training and education for all new  
68 supervisory employees [within] not later than six months [of] after  
69 their assumption of a supervisory position, provided any employer  
70 who has provided such training and education to any such employees  
71 after October 1, [1991] 2017, shall not be required to provide such  
72 training and education a second time; [.] (ii) (I) on or before October 1,  
73 2019, such training and education to all nonsupervisory employees,  
74 and (II) after October 1, 2019, such training and education for all new

75 nonsupervisory employees not later than six months after their date of  
76 hire, provided any employer who has provided such training and  
77 education to any such employees after October 1, 2017, shall not be  
78 required to provide such training and education a second time; and  
79 (iii) periodic, supplemental training that updates all supervisory and  
80 nonsupervisory employees on the content of such training and  
81 education not less than every five years; and

82 (C) Such training and education shall include, [information  
83 concerning] but need not be limited to: (i) Training on the federal and  
84 state statutory provisions concerning [sexual] harassment, [and]  
85 remedies available to [victims] targets of [sexual] harassment,  
86 including sexual harassment, the employer's policy against  
87 harassment, examples of the types of conduct that constitute and do  
88 not constitute harassment and strategies to prevent harassment, (ii)  
89 bystander intervention training, and (iii) a discussion of workplace  
90 civility that shall include what is acceptable and expected behavior in  
91 the workplace. As used in this subdivision, "sexual harassment" has  
92 the same meaning as provided in subdivision (8) of subsection (b) of  
93 section 46a-60, and "employer" includes the General Assembly;

94 (16) To require each state agency that employs one or more  
95 employees to (A) provide a minimum of three hours of diversity  
96 training and education (i) to all supervisory and nonsupervisory  
97 employees, not later than July 1, 2002, with priority for such training to  
98 supervisory employees, and (ii) to all newly hired supervisory and  
99 nonsupervisory employees, not later than six months after their  
100 assumption of a position with a state agency, with priority for such  
101 training to supervisory employees. Such training and education shall  
102 include information concerning the federal and state statutory  
103 provisions concerning discrimination and hate crimes directed at  
104 protected classes and remedies available to victims of discrimination  
105 and hate crimes, standards for working with and serving persons from  
106 diverse populations and strategies for addressing differences that may  
107 arise from diverse work environments; and (B) submit an annual  
108 report to the Commission on Human Rights and Opportunities

109 concerning the status of the diversity training and education required  
 110 under subparagraph (A) of this subdivision. The information in such  
 111 annual reports shall be reviewed by the commission for the purpose of  
 112 submitting an annual summary report to the General Assembly.  
 113 Notwithstanding the provisions of this section, if a state agency has  
 114 provided such diversity training and education to any of its employees  
 115 prior to October 1, 1999, such state agency shall not be required to  
 116 provide such training and education a second time to such employees.  
 117 The requirements of this subdivision shall be accomplished within  
 118 available appropriations. As used in this subdivision, "employee" shall  
 119 include any part-time employee who works more than twenty hours  
 120 per week;

121 (17) To require each agency to submit information demonstrating its  
 122 compliance with subdivision (16) of this [section] subsection as part of  
 123 its affirmative action plan and to receive and investigate complaints  
 124 concerning the failure of a state agency to comply with the  
 125 requirements of subdivision (16) of this [section] subsection; and

126 (18) To enter into contracts for and accept grants of private or  
 127 federal funds and to accept gifts, donations or bequests, including  
 128 donations of service by attorneys.

129 (b) If the commission provides any training required under  
 130 subdivisions (15) and (16) of subsection (a) of this section, such  
 131 training shall be provided within the available appropriations of the  
 132 commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	46a-54

**APP**      *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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 19 \$</b>	<b>FY 20 \$</b>
Human Rights & Opportunities, Com.	GF - Potential Cost	105,090	140,120
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	38,179	50,906

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill extends workplace harassment provisions, requiring an increased number of employers and employees to receive additional information, education, or trainings. Employers can either hire private firms to conduct trainings or request free trainings from the Commission on Human Rights and Opportunities (CHRO).

To the extent these requirements result in a significant increase in the number of training requests CHRO receives, there may be a potential cost for two additional training staff of \$143,269 in FY 19 (partial year) and \$191,026 in FY 20 (annualized), including fringe benefits.

The bill requires the free trainings to be provided within available appropriations. It does not appear that this mandates that the agency perform the activity regardless of available funding, therefore the cost

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

described above is potential.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to number of training requests.

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**OLR Bill Analysis****sHB 5043*****AN ACT PROMOTING A FAIR, CIVIL AND HARASSMENT-FREE WORKPLACE.*****SUMMARY**

Current law authorizes the Commission on Human Rights and Opportunities (CHRO) to require employers to take certain steps, including posting notices and providing training, to make employees aware that workplace sexual harassment is illegal and remedies to harassment are available. This bill expands these requirements by:

1. broadening them to cover harassment based on any status protected under employment discrimination laws;
2. applying the training requirements to nonsupervisory employees, in addition to supervisory ones; and
3. imposing the training requirements on employers with 15 or more employees, instead of 50 or more.

EFFECTIVE DATE: October 1, 2018

**WORKPLACE NOTICE REQUIREMENT**

Existing law authorizes CHRO to require all employers with at least three employees to post in a prominent and accessible location, notices that (1) sexual harassment is illegal and (2) provide information on available legal remedies. The bill broadens this notice requirement to include harassment based on any protected status (i.e., race; color; religious creed; age; sex; gender identity or expression; marital status; national origin; ancestry; present or past history of mental disability; intellectual disability; learning disability; physical disability, including blindness; status as a veteran (CGS § 46a-60(b)); and sexual orientation (CGS § 46a-81c)). It also specifies that harassment may include sexual



harassment.

The bill additionally requires employers to directly communicate this information annually to employees.

Current law refers to “victims” of sexual harassment. The bill changes this to “targets” of harassment. It also makes various conforming and technical changes.

### **TRAINING REQUIREMENT**

Under current law, CHRO can require employers with at least 50 employees to provide their supervisory employees with two hours of training regarding federal and state sexual harassment laws and remedies available to victims. The bill (1) lowers the employer threshold to those with at least 15 employees and (2) requires that training also be provided to nonsupervisory employees. It requires the training to cover the following additional specifics:

1. laws and remedies available for all types of harassment, including sexual harassment;
2. information on the employer’s policy against harassment;
3. examples of conduct that does, and does not, constitute harassment;
4. strategies to prevent harassment;
5. bystander intervention training; and
6. a discussion of workplace civility, including what constitutes acceptable and expected workplace behavior.

The bill requires the new training for supervisors and nonsupervisors to take place by October 1, 2019. After October 1, 2019, the training must take place within six months for either a newly-hired employee or newly-appointed supervisor, except that any employer who provided the bill’s training after October 1, 2017 is not required to

provide the training a second time.

The bill also requires that these employers provide periodic supplemental training for all employees at least once every five years.

By law, CHRO can also require a state agency that employs at least one person to provide a minimum of three hours of employee diversity training. The bill requires CHRO, whenever it provides anti-harassment or diversity training, to provide the training within its available appropriations. Existing law already requires the state agency diversity training to be accomplished within available appropriations.

**BACKGROUND**

***Legislative History***

The House referred the bill (File 166) to the Appropriations Committee, which reported it out on April 17 with a favorable substitute that added the language requiring any CHRO anti-harassment training and diversity training to be done within available appropriations.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable  
Yea 13    Nay 0    (03/20/2018)

Appropriations Committee

Joint Favorable Substitute  
Yea 52    Nay 0    (04/17/2018)