

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-109—sSB 1023

Judiciary Committee

**AN ACT CONCERNING THE DUTIES AND RESPONSIBILITIES OF
THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

SUMMARY: This act makes various changes affecting the Commission on Human Rights and Opportunities (CHRO) and related laws.

For all types of discriminatory practice complaints, the act allows claimants to file a complaint within 300 days after the alleged act. This applies to discriminatory acts that allegedly occurred on or after October 1, 2021. Under prior law, claimants had 300 days to file complaints for certain types of discrimination (e.g., employment and several types of state agency discrimination) and 180 days for other types (e.g., housing, public accommodations, and credit).

For purposes of existing requirements for employee training in sexual harassment laws, the act allows employers to not provide the training to an employee who, within two years before being hired, received it while working for another employer. This applies if CHRO gave that training in-person or through the online training program it is required, by law, to offer (see BACKGROUND).

Existing law allows state entities' equal employment opportunity officers to not investigate discrimination complaints filed against the entity if a complaint was also filed with CHRO or the Equal Employment Opportunity Commission (EEOC); instead, the entity may rely on CHRO's or the EEOC's process. The act provides that even if the entity relies upon the applicable commission's process, it still must mitigate discriminatory conduct and take immediate corrective action to prevent a similar occurrence. This provision generally applies to state agencies, departments, boards, and commissions.

For CHRO complaints that reach the public hearing stage, the act specifies that the chief referee must serve the complaint and required notice by first class mail, email, fax, or file transfer protocol.

By law, CHRO's executive director must approve, conditionally approve, or disapprove certain contractors' affirmative action plans within 120 days of their submission. The act specifies that these contractors are not barred from bidding on future contracts if the executive director failed to meet the deadline and the plan was deemed deficient without consequence. Existing law already provides that these contractors are not barred if their plans are deemed approved (see BACKGROUND).

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Employee Training on Sexual Harassment Laws

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By law, employers generally must provide their employees, within specified deadlines, two hours of training on sexual harassment laws and remedies available to victims. (For employers with fewer than three employees, the requirement only applies to supervisory employees.) CHRO must develop and make available to employers a free, online training video or other interactive method that meets these training requirements.

Affirmative Action Plans and Contract Bidding

By law, the successful bidder for certain large state, municipal, or quasi-public agency contracts must file with CHRO, and obtain its approval for, an affirmative action plan before the contract is awarded. A contractor who is not subject to this requirement still must file an affirmative action plan with CHRO if the contractor (1) has 50 or more employees and (2) is awarded a contract for more than \$50,000 (hereinafter, "other contractors").

The CHRO executive director or her designee must review and approve, conditionally approve, or disapprove affirmative action plans submitted by other contractors within 120 days after their submission. If she or her designee fails to do so, the plans are deemed approved or deficient without consequence.