



General Assembly

Amendment

January Session, 2021

LCO No. 10206



Offered by:

REP. FISHBEIN, 90th Dist.

REP. PAVALOCK-D'AMATO, 77th Dist.

To: Subst. Senate Bill No. 1023

File No. 614

Cal. No. 541

(As Amended by Senate Amendment Schedule "A")

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 46a-54 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2021*):

5 The commission shall have the following powers and duties:

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

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

12 (3) To employ legal staff and commission legal counsel as necessary
13 to perform the duties and responsibilities under section 46a-55. One
14 commission legal counsel shall serve as supervising attorney. Each
15 commission legal counsel shall be admitted to practice law in this state;

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

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

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

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

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

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

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

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

42 interrogatory requests;

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

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

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

56 (15) To require an employer having three or more employees to (A)
57 post in a prominent and accessible location information concerning the
58 illegality of sexual harassment and remedies available to victims of
59 sexual harassment, (B) provide, not later than three months after the
60 employee's start date with the employer, a copy of the information
61 concerning the illegality of sexual harassment and remedies available to
62 victims of sexual harassment to each employee by electronic mail with
63 a subject line that includes the words "Sexual Harassment Policy" or
64 words of similar import, if (i) the employer has provided an electronic
65 mail account to the employee, or (ii) the employee has provided the
66 employer with an electronic mail address, provided if an employer has
67 not provided an electronic mail account to the employee, the employer
68 shall post the information concerning the illegality of sexual harassment
69 and remedies available to victims of sexual harassment on the
70 employer's Internet web site, if the employer maintains such an Internet
71 web site. An employer may comply with the requirements of this
72 subparagraph, by providing an employee with the link to the
73 commission's Internet web site concerning the illegality of sexual

74 harassment and the remedies available to victims of sexual harassment
75 by electronic mail, text message or in writing; and (C) provide two hours
76 of training and education to employees within one year of October 1,
77 2019, provided any employer who has provided such training and
78 education to any such employees after October 1, 2018, shall not be
79 required to provide such training and education a second time. An
80 employer having (i) three or more employees, shall provide such
81 training and education to an employee hired on or after October 1, 2019,
82 not later than six months after the date of his or her hire, provided the
83 commission has developed and made available such training and
84 education materials in accordance with the provisions of subdivision (8)
85 of subsection (a) of section 46a-56; or (ii) less than three employees shall
86 provide such training and education to all supervisory employees
87 within one year of October 1, 2019, and to all new supervisory
88 employees within six months of their assumption of a supervisory
89 position, provided any employer who has provided such training and
90 education to any such supervisory employees after October 1, 2018, shall
91 not be required to provide such training and education a second time.
92 Any supervisory employee hired on or after October 1, 2019, by an
93 employer having less than three employees, shall receive such training
94 and education not later than six months after the date of his or her hire,
95 provided the commission has developed and made available such
96 training and education materials in accordance with the provisions of
97 subdivision (8) of subsection (a) of section 46a-56. Such training and
98 education shall include information concerning the federal and state
99 statutory provisions concerning sexual harassment and remedies
100 available to victims of sexual harassment. An employer who is required
101 to provide training under this subdivision shall provide periodic
102 supplemental training that updates all supervisory and nonsupervisory
103 employees on the content of such training and education not less than
104 every ten years. As used in this subdivision, "sexual harassment" has the
105 same meaning as provided in subdivision (8) of subsection (b) of section
106 46a-60, and "employer" includes the General Assembly and "employee"
107 means any individual employed by an employer, including an
108 individual employed by such individual's parent, spouse or child;

109 (16) To require each state agency that employs one or more
110 employees to (A) provide a minimum of three hours of diversity
111 training and education (i) to all supervisory and nonsupervisory
112 employees, not later than July 1, 2002, with priority for such training to
113 supervisory employees, and (ii) to all newly hired supervisory and
114 nonsupervisory employees, not later than six months after their
115 assumption of a position with a state agency, with priority for such
116 training to supervisory employees. Such training and education shall
117 include information concerning the federal and state statutory
118 provisions concerning discrimination and hate crimes directed at
119 protected classes and remedies available to victims of discrimination
120 and hate crimes, standards for working with and serving persons from
121 diverse populations and strategies for addressing differences that may
122 arise from diverse work environments; and (B) submit an annual report
123 to the Commission on Human Rights and Opportunities concerning the
124 status of the diversity training and education required under
125 subparagraph (A) of this subdivision. The information in such annual
126 reports shall be reviewed by the commission for the purpose of
127 submitting an annual summary report to the General Assembly.
128 Notwithstanding the provisions of this section, if a state agency has
129 provided such diversity training and education to any of its employees
130 prior to October 1, 1999, such state agency shall not be required to
131 provide such training and education a second time to such employees.
132 The requirements of this subdivision shall be accomplished within
133 available appropriations. As used in this subdivision, "employee"
134 includes any part-time employee who works more than twenty hours
135 per week;

136 (17) To require each agency to submit information demonstrating its
137 compliance with subdivision (16) of this section as part of its affirmative
138 action plan and to receive and investigate complaints concerning the
139 failure of a state agency to comply with the requirements of subdivision
140 (16) of this section; and

141 (18) To enter into contracts for and accept grants of private or federal
142 funds and to accept gifts, donations or bequests, including donations of

143 service by attorneys."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2021</i>	46a-54