

# STATE OF CONNECTICUT



***AUDITORS' REPORT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
FOR THE FISCAL YEARS ENDED JUNE 30, 2005, 2006, AND 2007***

**AUDITORS OF PUBLIC ACCOUNTS**

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November 26, 2008

**AUDITORS' REPORT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
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We have made an examination of the financial records of the Commission on Human Rights and Opportunities for the fiscal years ended June 30, 2005, 2006, and 2007. This report on that examination consists of the Comments, Condition of Records, Recommendations and Certification, which follow.

Financial statement presentation and auditing have been done on a Statewide Single Audit basis to include all State agencies. This audit has been limited to assessing the Commission's compliance with certain provisions of financial related laws, regulations, contracts and grants and evaluating the Commission's internal control structure policies and procedures established to ensure such compliance.

**COMMENTS**

**FOREWORD:**

The Commission on Human Rights and Opportunities (CHRO) operates primarily under the provisions of Chapter 814c, Sections 46a-51 through 46a-104 of the General Statutes. Its principal duty is to enforce State laws prohibiting discrimination in employment, housing, credit, and public accommodations through civil and human rights law enforcement. The CHRO investigates all discrimination complaints and attempts to correct any violation it finds through conciliation, public hearing, or court action. It also enforces laws regarding affirmative action and contract compliance of Connecticut State agencies. The CHRO functions through a central office in Hartford and four regional offices in Hartford, Norwich, Bridgeport, and Waterbury.

In a typical fiscal year, about 2,200 complaints are filed and closed with the Commission. Eighty-five to ninety percent are employment complaints, about ten percent are housing complaints, and the remainder involves service, credit, and public accommodations complaints. As of April 11, 2008, 2,211 cases were open. A review of these complaints found the following: two cases were filed in

## ***Auditors of Public Accounts***

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calendar year 1998, one in 1999, 10 in 2000, four in 2001, eight in 2002, 11 in 2003, 22 in 2004, 95 in 2005, 333 in 2006, and 1,157 in 2007.

### **Members and Officials of the Commission on Human Rights and Opportunities:**

Pursuant to Section 46a-52 of the General Statutes, the Commission on Human Rights and Opportunities consists of nine members. Five Commission members are selected by the Governor and are appointed for five-year terms. One of the five Commissioners is appointed as the chairperson by the Governor. The President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives each appoints one member for a three-year term. The Commissioners serve without pay, but are allowed to incur reasonable expenses in the course of serving on the Commission. As of June 30, 2007, the following members served on the Commission:

Andrew M. Norton, Chairperson  
Cheryl Lynn Clarke  
Edward Mambruno, Secretary  
Larry Conaway  
Lillian Brown  
James Griffin  
John Lobon  
George A. Marshall  
Gloria Mengual

Also serving on the Commission during the audited period:

Esther Armand  
Debra Borrero  
Amalia Bzdyra  
Edith Pestana  
Benjamin Rhodes

The Commission appoints the Executive Director for a four-year term. R. Hamisi Ingram was appointed the Executive Director in August 2004 and served through November 2006. Raymond Pech, formerly the Assistant Director, was appointed interim Executive Director in December 2006 and Executive Director on March 9, 2007. Executive Director Pech retired on June 1, 2008, and Managing Director and Commission Attorney Robert Brothers Jr. was named Acting Executive Director.

### **Martin Luther King Jr. Holiday Commission:**

Section 10-29b of the General Statutes established the Martin Luther King Jr. Holiday Commission (the "MLK Jr. Commission"). The MLK Jr. Commission is obligated, among other mandates, to ensure the commemoration of the birthday of Martin Luther King Jr. in the State is meaningful and reflective of the spirit of his life and death. The MLK Jr. Commission consists of 19

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members, 11 members appointed by the Governor and eight members by the General Assembly leadership. The CHRO serves as the secretariat for the MLK Commission. As of June 30, 2007, the following members served on the MLK Commission:

Dennis J. King, Chairman  
Diane Paige Blondet  
Webster Brooks  
Sonya Dean  
Sarah Diaz  
William L. Dixon  
Rev. King T. Hayes  
Bradford Howard, Jr.  
Rodney E. Matthews  
Benjamin F. Rhodes, Jr.  
Mark S. Robinson  
Carol Anderson  
Elizabeth W. Brown  
Rev. Carlton J. Giles  
Annette Carter  
James Williams

There were three vacancies on the MLK Jr. Commission as of June 30, 2007.

**Human Rights Referees:**

Section 46a-57 of the General Statutes allows the Governor to appoint human rights referees, with the advice and consent of both houses of the General Assembly, to conduct settlement negotiations and authorized hearings. Human rights referees serve for a term of three years. The Executive Director designates one human rights referee to serve as the Chief Human Rights Referee for a term of one year. As of June 30, 2007, the following persons served as human rights referees within the CHRO's Office of Public Hearings (OPH):

Donna M. Wilkerson, Chief Referee  
Gordon Allen  
Jon P. FitzGerald  
David S. Knishkowy  
Jerome Levine

Leonard Trojanowski also served during the audited period.

**Recent State Legislation:**

Public Act 05-201 gives CHRO 90, instead of 45, days to bring a housing discrimination complaint to court after an investigator finds reasonable cause that discrimination occurred and one of the parties requests a court resolution rather than an administrative hearing. This Act also authorizes injunctive relief, punitive damages or a civil penalty in such cases under certain circumstances. Public Act 05-201 also limits what claims, counterclaims, or defenses can be raised in such cases, alters the procedures CHRO must follow when it goes to court to seek punitive

damages, a civil penalty or equitable relief and extends CHRO's authority to file a petition in court to pursue these remedies in public accommodation discrimination cases, and automatically restrains a property owner from making his property unavailable to a complainant while the court considers a petition to grant a permanent or temporary restraining order against him. Lastly, the Act requires that one of the legal counsel appointed by CHRO serve as supervisory attorney and specifies that each CHRO legal counsel be licensed to practice in Connecticut and requires that when the CHRO's executive director assigns legal counsel to represent it he do so through the supervisory attorney.

Public Act 07-181 requires investigations of discrimination complaints made against or by a State agency head, a board or commission member, or an affirmative action officer (AAO) to be shifted to another agency. By law, each State agency, department, board, or commission must designate an AAO. Under the Public Act, complaints against or by an agency head, board or commission member, or AAO must be referred to the Commission on Human Rights and Opportunities for review and if appropriate to the Department of Administrative Services for investigation. Also it requires that a discrimination complaint against CHRO be handled by DAS and a complaint against DAS be handled by CHRO.

**Pending Litigation:**

As of the time of our fieldwork, eight lawsuits, filed by former and current employees, were pending against the Commission.

**RÉSUMÉ OF OPERATIONS:**

**General and Federal Fund Receipts and Expenditures:**

General Fund receipts totaled \$800,343, \$1,581,237 and \$6,680 for the fiscal years ended June 30, 2005, 2006, and 2007, respectively, as compared to \$775,587 for the fiscal year ended June 30, 2004. Receipts consisted primarily of Federal aid received under cooperative agreements with the Department of Housing and Urban Development (HUD), and with the Equal Employment Opportunity Commission (EEOC). Under these agreements, the CHRO is paid a fixed fee for each HUD case and for each EEOC case, up to a maximum number of cases each fiscal year. These receipts are deposited to the State's General Fund. For the fiscal year ended June 30, 2007, General Fund receipts totaled only \$6,680 because no case processing fees were received during that fiscal year, due to the fact that the approval of most Federal awards occurred late in the State fiscal year. As a result, these case processing fees receipts are reflected in the deposits for the fiscal year ended June 30, 2008.

During the fiscal years audited, the CHRO also received Federal funds from the EEOC and HUD for travel, training, administrative costs, special enforcement efforts and other purposes. Such Federal grant receipts totaled \$50,470, \$26,727 and \$389, for fiscal years ended June 30, 2005, 2006, and 2007, respectively.

The Commission, through the conciliation process, also secures settlements for complainants.

The Commission reports a total of \$1,900,675, \$2,382,083, and \$1,867,055 in known settlements during the fiscal years ended June 30, 2005, 2006, and 2007, respectively. In addition, confidential

settlements are reached between the parties in which the Commission is not a participant. Due to confidentiality requirements, these settlement payments are not deposited but are paid directly to the complainants.

The Office of Public Hearings reports having dismissed from the public hearing process, either by decision or by settlement, 55 cases, 70 cases, and 54 cases, during fiscal years ended June 30, 2005, 2006, and 2007, respectively. The value of these settlements awarded to complainants were reported as \$605,474, \$702,962, and \$878,750 during the fiscal years audited, not including complaints settled for undisclosed amounts. Similar to settlements received through the conciliation process, these settlements are not deposited by the Commission.

A summary of General Fund expenditures for the fiscal years ended June 30, 2005, 2006 and 2007, is presented below:

	<b><u>Fiscal Year Ended June 30,</u></b>		
	<b><u>2005</u></b>	<b><u>2006</u></b>	<b><u>2007</u></b>
Budgeted Accounts:	\$	\$	\$
Personal services	5,333,896	6,047,831	6,241,220
Other Expenses	537,115	537,797	552,403
Equipment	767	760	1,000
Martin Luther King Jr. Commission	<u>2,209</u>	<u>4,307</u>	<u>6,650</u>
Total General Fund	<u>\$5,873,987</u>	<u>\$6,590,695</u>	<u>\$6,801,273</u>

For comparison purposes, total expenditures for the fiscal year ended June 30, 2004, totaled \$5,638,236. Overall expenditures increased significantly during the audited period, mostly in personal services, which increased by \$1,191,323 over June 30, 2004 levels, and primarily reflects increases in full-time filled positions as of June 30, 2007, and general wage increases. As of June 30, 2007, the Commission had 103 full-time positions, an increase of 20 full-time positions, or 24 percent, over June 30, 2004 levels.

Federal funds expenditures totaled \$29,490, \$28,851, and \$36,355 for fiscal years ended June 30, 2005, 2006, and 2007, respectively.

## CONDITION OF RECORDS

Our examination of the financial records of the Commission on Human Rights and Opportunities found the following areas that warrant comment.

### **Compliance with the Statutory Timeframes for Making a Finding of Reasonable Cause:**

- Criteria:* Section 46a-83, subsection (d), of the Connecticut General Statutes requires the CHRO to make a finding of reasonable cause or no reasonable cause, with respect to a complaint of workplace discrimination, within 190 days from the date of the merit assessment review (MAR) determination. The Executive Director may grant no more than two extensions, of three months each, for a maximum of 370 days from the date of the MAR.
- Condition:* According to CHRO's annual reports to the Legislature's Judiciary Committee, as required under Section 46a-82(e), subsection (b) of the General Statutes during the fiscal years ended June 30, 2005, 2006, and 2007, 49, 45 and 54 percent of the 1,033, 1,154, and 1,183 complaints closed during the fiscal years, respectively, exceeded the statutory maximum of 370 days.
- Effect:* Generally, the longer it takes to make a determination of cause, or no cause, the longer the complainant must wait for a resolution of his or her complaint.
- Cause:* In the reports to the Judiciary Committee, the CHRO cites the need for additional investigators, as well as recently hired staff not having become fully productive, as primary causes of this condition. The CHRO also cites training issues and investigators making an effort to reduce the oldest outstanding complaints in the inventory, and thus increasing the number of reported cases exceeding the 370 day timeframe.
- Recommendation:* The Commission on Human Rights and Opportunities should take steps to fully comply with Section 46a-83, subsection (d), of the Connecticut General Statutes by improving its performance in completing determinations of reasonable cause or no reasonable cause in cases of alleged workplace discrimination within the statutory timeframe. (See Recommendation 1.)
- Agency Response:* "Staff turnover is one of the primary factors contributing to complaints exceeding the statutory timeframes. When a HRO Representative (investigator) in a regional office, or our housing unit leaves, complaints in that person's inventory must be reassigned to remaining

staff. This results in a delay assigning new pending unassigned complaints until levels in an investigator's inventory are reduced so that new complaints can be assigned. When factors outside of the agency's control prevent immediate refill of a vacancy (such as a hiring freeze or a delay in obtaining DAS and OPM approval), case processing is further delayed. New hires can take up to a year before they are fully productive. During the time period FY 2005-2007, nine HRO Representatives assigned to the regional offices processing complaints left CHRO. During the same period, 16 HRO Representatives were hired or rehired and assigned to a regional office.

The agency continues to make the processing of aged complaints a priority. The above factors result in an increase of reported complaints exceeding the timeframes.”

**Annual Affirmative Action Reports and Contract Compliance Reports Not Submitted:**

*Criteria:* Section 46a-56, subsection (a) (6), of the Connecticut General Statutes requires the Commission on Human Rights and Opportunities to submit a report annually to the General Assembly concerning State contracts with female and minority business enterprises (the “Contract Compliance” report).

Section 46a-68, subsection (f), of the Connecticut General Statutes requires the CHRO to submit a report to the Governor and to the General Assembly on affirmative action plans of State agencies by April first of each year (the “Affirmative Action” report).

*Condition:* The CHRO has not submitted the “Contract Compliance” reports covering the fiscal years ended June 30, 2004, 2005, 2006, and 2007.

The CHRO has not submitted the “Affirmative Action” reports covering the calendar years 2004, 2005, 2006, and 2007.

*Effect:* The reporting requirements of Sections 46a-56, subsection (a) (6), and 46a-68, subsection (f), of the Connecticut General Statutes have not been complied with.

*Cause:* The cause was not determined.

*Recommendation:* The Commission on Human Rights and Opportunities should comply with the reporting requirements of Section 46a-56, subsection (a) (6), and Section 46a-68, subsection (f), of the Connecticut General Statutes and submit the required Contract Compliance and Affirmative Action Reports. (See Recommendation 2.)

*Agency Response:* “Due to a major layoff, the staff in Contract Compliance was virtually

eliminated in 2003 and there were only two professional staff members left in Affirmative Action. At the end of February 2005, two professional staff members were transferred to the Central Office to conduct contract compliance reviews. A supervisor was hired in May 2005 to supervise both the Affirmative Action and Contract Compliance Units. In February 2006 three professional staff members were placed on administrative leave for 12 to 14 weeks, leaving one analyst and the supervisor to complete the work. The Affirmative Action/Contract Compliance Unit has added more staff so the workload is manageable. The Unit is completing a final draft of an Affirmative Action Report that covers 2004, 2005 and 2006. In addition, the data for 2007 has been collected and analyzed and a draft of this Affirmative Action Report will be finished in the fall of 2008. Work on the Contract Compliance Reports is underway and the agency hopes to be fully compliant by the end of 2008.”

**Lack of a Formal Agency Training Program and Elimination of the Training Officer’s Position:**

*Criteria:* The Legislative Program Review and Investigation Committee (LPRIC) report issued on the Commission in 1999 recommended the CHRO establish a “comprehensive training and professional development program, designed to provide extensive training in civil rights law, investigative techniques, mediation, analytical methods, communications skills and other necessary areas... tailored to fit the needs of the enforcement staff at each level of the process, including, but not limited to, intake, merit assessment review, and investigation. In addition, CHRO should conduct ongoing assessment of training needs of the agency’s enforcement staff. The assessment results should be monitored and used to adjust the training curriculum and to identify areas for staff improvement whenever necessary”.

*Condition:* The CHRO does not currently have a formal training program. In late calendar year 2005, the CHRO hired a Curriculum Manager (training officer) to begin implementing the LPRIC’s recommendation. The Curriculum Manager resigned from the Commission in August 2006. The vacancy was posted and several applications were received but the Commission subsequently decided not to refill the position.

*Effect:* This action reverses the CHRO’s prior implementation of the LPRIC’s recommendation to develop a comprehensive training and professional development program in order for the agency to “be efficient, effective, and uniformly implement its policies and procedures....”

Without a comprehensive training program, it is less likely that the

organizational objectives of efficiency, effectiveness, and uniformed application of policies and procedures are being met.

*Cause:* The CHRO requested from the Department of Administrative Services a reclassification of the Curriculum Manager's position to a HRO representative's position in the Affirmative Action/Contract Compliance unit in the Central Office. Approval was received on January 19, 2007.

*Recommendation:* The Commission on Human Rights and Opportunities should establish a comprehensive training and professional development program headed by a training officer, as recommended by the Legislative Program and Investigations Committee's 1999 report. (See Recommendation 3.)

*Agency Response:* "CHRO does not have a formal training program. However, as training needs or skill improvement areas are identified, the situations are addressed. Case law and statutory changes are immediately brought to the attention of the case processing staff. This is done through quarterly legal visits to the regional offices and relevant central office units or via e-mail or memoranda. All relevant training sources outside the agency are also utilized. The agency has been able to send recently hired staff to three training sessions conducted and paid for by the U. S. Equal Employment Opportunity Commission (EEOC) during the past two years. EEOC also conducted a four-day investigator techniques training session in Hartford for all investigative staff in 2007. Staff also has access to in-service training opportunities held at various community colleges.

All Fair Housing investigators and the supervisor are currently attending or have concluded a five week comprehensive program conducted and paid for by the U. S. Department of Housing and Urban Development at the National Fair Housing Training Academy in Washington, D. C.

The lack of a full time training officer has not resulted in training needs going unmet."

### **Irregular Transactions in the Retirement of a Human Rights Referee:**

*Criteria:* Section 46a-57 of the Connecticut General Statutes states: "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."

Section 4-33a of the General Statutes states: “All boards of trustees of state institutions, state department heads, boards, commissions, other state agencies responsible for state property and funds and quasi-public agencies...shall promptly notify the Auditors of Public Accounts and the Comptroller of any unauthorized, illegal, irregular or unsafe handling or expenditure of state or quasi-public agency funds or breakdowns in the safekeeping or any other resource of the state or quasi-public agencies or contemplated action to do the same within their knowledge.”

*Condition:*

A Human Rights referee (the “predecessor”) in the Office of Public Hearings was kept on the Commission’s payroll for approximately two and one-half months on medical sick leave after his successor had been appointed on March 29, 2007. The predecessor was informed of this by letter from the Governor’s Office that stated: “As you know, Human Rights Referees are appointed by the Governor. Your successor has been appointed by Governor Rell. Your term as Human Rights Referee, therefore, will end effective 5:00 p.m on Thursday March 29, 2007”.

The predecessor was apparently given permission to remain on the payroll for the period March 30, 2007 to April 12, 2007, while his successor was being qualified, based on an e-mail from the Executive Director to the Governor’s Office which stated, in part: “Since (the successor) will not be starting until April 13, you agreed that we could extend (the predecessor’s) last day of employment from March 29, to April 12, 2007.”

We also found that a medical certificate was never obtained for the period in question, and timesheets for the period in question contained neither the employee’s or supervisor’s signature.

*Effect:*

Upon appointment and qualification of the successor, there was no statutory authority to keep the predecessor on the payroll from March 30, 2007 until June 30, 2007, for a total of 536 hours, totaling \$22,076. Since the predecessor was in fact eligible to retire under a “normal”retirement on March 30, 2007, he was eligible to receive payment for one-fourth of his accumulative sick-leave balance of 423 hours as of that date, or 105.75 hours. Accordingly the balance of 430.25 hours, or \$17,720 was overpaid. If the period March 30, 2007 to April 12, 2007 is excluded from this calculation, the amount of overpayment is further reduced by 80 hours, or by \$3,295.

The CHRO should have reported this irregular expenditure of State funds under the provisions of Section 4-33a of the General Statutes.

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*Cause:* Proper personnel procedures were not followed and internal controls were circumvented.

*Recommendation:* The Commission on Human Rights and Opportunities should improve controls over the payroll and personnel function to prevent unauthorized personnel actions from being processed. (See Recommendation 4.)

*Agency Response:* “CHRO’s former Executive Director Pech asked for, and received, permission from the Governor’s Office to continue employment of this employee from March 30, 2007 to April 12, 2007, as the successor had to postpone his start date for two weeks. CHRO has improved internal controls to prevent unauthorized personnel transactions from being processed. Specifically, internal controls have been strengthened to include a cross reference between timesheets submitted, reflecting more than five days charged to accrued sick leave, and Human Resources receipt of medical certification. In addition, employee and supervisor signatures are required on all timesheets submitted prior to payroll processing.”

*Auditors’ Concluding*

*Comments:* As noted, we acknowledged the fact that the Commission received permission to keep the employee on the payroll until April 12, 2007. However, the Commission could not produce any evidence of permission having been granted to keep the employee on the payroll beyond that date.

**Noncompliance with Telecommuting Program Guidelines:**

*Criteria:* Section 5-248i of the Connecticut General Statutes states: “The Commissioner of Administrative Services may develop and implement guidelines, in cooperation with interested employee organizations, as defined in subsection (d) of Section 5-270, authorizing telecommuting and work-at-home programs for state employees where such arrangements are determined to be cost effective.”

The Department of Administrative Services issued the Telecommuting Program guidelines. Under the program guidelines it states: A formal telecommuting arrangement is completed which outlines, among other requirements:

- The hours the employee works.
- The alternate work site location (home office or another site).
- A description of the work activities involved.

- Effective dates to begin and terminate the program.
- The agency has determined that the full range of an employee’s job can be readily and effectively completed at an alternate site.

Telecommuting agreements are subject to approval by the Department of Administrative Services.

The Telecommuting Program Guidelines state: “to ensure appropriate working conditions, the agency shall make on-site inspections at a mutually agreed upon time or given 24 hours advance notice to the employee.” It also states: “Certificates of homeowners or renters insurance will be kept with the employee’s approved telecommuting arrangement form.”

*Condition:*

We found the following conditions pertaining to telecommuting agreements:

- Employees continued to work at home well after the telecommuting agreement had expired.
- Timesheets did not agree with the telecommuting agreement, and were not coded to properly reflect the actual telecommuting hours worked.
- Required insurance policies had not been obtained and inspections of the home worksite were not performed prior to the start of the agreement.
- A telecommuting agreement allowed an employee to work several hours a week at a location which does not qualify as an “alternate site” under the program guidelines.
- We learned that on two occasions, an employee who had a telecommuting agreement claimed to be working at home on a particular project, but the supervisor discovered the project sitting on the employee’s desk.

*Effect:*

State resources are being wasted. Controls over the employees work hours were weakened. The State’s exposure to workers’ compensation claims is increased.

*Cause:*

Controls over this area were lax.

*Recommendation:*

The Commission on Human Rights and Opportunities should comply with all applicable requirements of the Telecommuting Program

guidelines when approving and administering telecommuting agreements. (See Recommendation 5.)

*Agency Response:* “These agreements were reached as an accommodation for a disability or illness and are consistent with the Americans with Disabilities Act. The Department of Administrative Services required CHRO to utilize the Telecommuting Program Arrangement form as there was no comparable form to be used. The agreements in question state very clearly that these agreements were entered as reasonable accommodations for a disability, and should not be construed as telecommuting.

CHRO has strengthened internal controls to ensure compliance with all applicable requirements of the Telecommuting Program. Specifically, approved telecommuting agreements will be in place prior to any employee being permitted to telecommute and timesheets are coded to reflect actual telecommuting hours worked.”

*Auditors’ Concluding Comments:*

We are aware the agreements were used to grant ADA accommodations, and note that use of a telecommuting as a short-term ADA accommodation is listed by the DAS Telecommuting Program manual as one of the “potential advantages” for the State as an employer. We also note that formal telecommuting agreements were signed that obligates the employees to comply with all applicable provisions of the Telecommuting Program manual, but there was significant noncompliance by the employees and failure by the management to address such non-compliance.

**The Assistant Director’s Position has been Vacant since December 2006:**

*Criteria:* Section 46a-52, subsection (d), of the General Statutes permits the Executive Director to appoint no more than two deputy directors with the approval of a majority of the members of the Commission.

Several years ago, the position of Assistant Director was established and has been filled in lieu of appointing one or two deputy directors.

*Condition:* The Assistant Director’s position has been vacant since December 1, 2006.

*Effect:* The duties normally associated with the assistant director have been performed by the Executive Director, or by other managerial employees on an ad-hoc basis. The Assistant Director also is responsible for overseeing the Affirmative Action/Contract Compliance unit, which has been the source of numerous personnel issues.

*Cause:* In December 2006, the then Assistant Director became the Executive

Director, but the Commission did not begin the recruitment process to fill the vacancy for several months after. In February 2008, the Commission finally made an offer to an applicant who accepted the offer, but then rejected it.

*Recommendation:* The Commission on Human Rights and Opportunities should appoint an Assistant Director, or permit the Executive Director to appoint one or two Deputy Directors in accordance with Section 46a-52, subsection (d), of the Connecticut General Statutes. (See Recommendation 6.)

*Agency Response:* “The agency acknowledges that this audit finding is accurate. Appointment of an Assistant Director must be made by the nine-member Commission pursuant to Section 46a-54(4) of the Connecticut General Statutes.”

**Noncompliance with the Violence in the Workplace Policy:**

*Criteria:* The State of Connecticut’s Violence in the Workplace Policy and Procedures Manual states: “Each agency will establish a Threat Assessment Team (TAT) to handle workplace violence complaints filed regarding behaviors and activities that violate this policy, assess the agency’s vulnerability to workplace violence, and reach agreement on preventive actions.” The Policy also requires timely investigation of all Violence in the Workplace complaints.

*Condition:* During most of the audited period, the CHRO did not have a Threat Assessment Team to investigate violence in the workplace complaints. Several Violence in the Workplace complaints were filed during this period and some remain open. One such complaint was filed with the CHRO in May 2006. For about three months, no action was taken by CHRO to investigate this complaint. In August 2006, we inquired as to the reasons for this failure to conduct a timely investigation. As a result, in September 2006 the CHRO turned it over to the Department of Public Works’ Statewide Security Unit, but as of the last day of our fieldwork, this matter has not been resolved.

The CHRO evidently re-assembled a Threat Assessment Team in May 2007 but did not provide for training for this team until May 2008.

*Effect:* The CHRO has failed to comply with the Violence in the Workplace policy that requires that all complaints of violence or the threat of violence be thoroughly and promptly investigated. A lawsuit was filed during November 2007, citing, among other things, the lack of action with respect to the complaint made in May 2006.

*Cause:* The CHRO stated that it was unsure as to how to handle this complaint, and was unaware that the threat assessment team handles these complaints. At the time the May 2006 complaint was filed, the CHRO did not have a TAT in place.

*Recommendation:* The Commission on Human Rights and Opportunities should investigate all complaints of alleged violence in the workplace in a timely manner and comply with all provisions of the Violence in the Workplace Policy and Procedures Manual. (See Recommendation 7.)

*Agency Response:* “The agency respectfully disagrees with the audit finding that it has failed to comply with the Violence in the Workplace Policy. CHRO has strengthened the process for investigating all complaints of workplace violence to ensure that complaints are investigated in a timely and thorough fashion with appropriate action taken as warranted.”

*Auditors’ Concluding  
Comments:*

We emphasize that the CHRO did not have a fully functioning trained TAT in place during the audited period. Such a team is required by the Violence in the Workplace Policy to address complaints in a timely manner. However, we found that during the audited period, several complaints were filed but were not investigated in a timely manner, as required.

**Performance Assessment and Recognition Forms were not Prepared:**

*Criteria:* The Commission on Human Rights and Opportunities participates in the Performance Assessment and Recognition System (PARS) for managerial employees. A PARS Handbook, published by the Department of Administrative Services, details the processes and the forms required to be filed at the beginning of the fiscal year for each managerial employee. These forms are a “Planning and Appraisal” record and an “Annual Review” form. The purpose of the Performance Assessment and Recognition System (PARS) is to:

- facilitate joint planning between a manager and supervising manager on what the manager is expected to accomplish.
- establish clear, achievable, measurable, results-oriented performance objectives, consistent with the agency’s priorities and mission, and considered fair by both the manager and the supervising manager.
- promote ongoing communication between the manager and the supervising manager concerning expectations, how well the

manager is meeting these expectations, and what steps must be taken to ensure that objectives are met.

- guide regular evaluations of progress and promotion of the manager's professional development.
- identify corrective action needed when a manager has not accomplished a performance objective.
- provide a basis for differentiating among levels of performance and thus serve as a basis for a manager's annual salary increase or bonus payment.
- improve individual job performance and thereby increase the effectiveness of the agency.

Participation in the Performance Assessment and Recognition System is voluntary. However, if any agency elects not to participate, it cannot award lump-sum payments to a manager who has reached the maximum of his or her pay plan.

*Condition:* The required PARS forms were not prepared for the fiscal years ended June 30, 2006, and June 30, 2007.

*Effect:* The objectives of the Performance Assessment and Recognition System are not being achieved. PARS increases and bonuses were awarded without the required documentation in the employees' files.

*Cause:* It appears that management has not placed a high priority on meeting this requirement. PARS increases are being awarded even if the required forms are not in place, so there is no financial disincentive for failing to comply with its requirements.

*Recommendation:* The Commission on Human Rights and Opportunities should comply with all provisions of the Performance Assessment and Recognition System Handbook when awarding managerial merit increases and bonuses. (See Recommendation 8.)

*Agency Response:* "During the last two fiscal years ending in June 30, 2006 and June 30, 2007, CHRO has undergone a period of transition with agency leadership. While managers have not consistently had a formal PARS document in place, goals for the managers' positions have previously been established and managers have strived to achieve those goals. Formal PARS goals for each manager are being revived and implemented as soon as possible."

**Martin Luther King Jr. Holiday Commission Failed to Report to Governor:**

- Criteria:* Section 10-29b, subsection (b) (5), of the Connecticut General Statutes, requires the Martin Luther King Jr. Holiday Commission (MLK Commission) to submit a report to the Governor on its findings, conclusions, proposals and recommendations by each September first. The Commission on Human Rights and Opportunities acts as the secretariat to the MLK Commission.
- Condition:* The MLK Commission did not submit a report to the Governor during the fiscal years ended June 30, 2005, June 30, 2006, and June 30, 2007, as required by the General Statutes. The MLK Commission apparently has never submitted a report to the Governor.
- Effect:* The reporting requirement of Section 10-29b, subsection (b) (5), of the Connecticut General Statutes has not been complied with.
- Cause:* The cause was not determined.
- Recommendation:* The Martin Luther King Jr. Holiday Commission should submit an annual report to the Governor, in accordance with Section 10-29b, subsection (b) (5), of the Connecticut General Statutes. (See Recommendation 9.)
- Agency Response:* “Pursuant to CGS Section 10-29b(d), the Commission on Human Rights and Opportunities serves as secretariat and consultant to the MLK Commission. The CHRO also has a line item in its budget for the MLK Commission. The agency has recently been advised that the MLK Commission has formed a subcommittee which has been assigned the task of preparing a report for the Governor for this September.”

**Issues of Managerial Supervision, and Employee Noncompliance, in the Affirmative Action/Contract Compliance Unit:**

- Criteria:* The Department of Administrative Services promulgates the official job descriptions for each position in the Executive Branch of State service. Included in each job description is a “Supervision Received” section. For the Affirmative Action/ Contract Compliance Supervisor’s position at the Commission on Human Rights and Opportunities, a collective bargaining unit position, the job specification states: “Works under the supervision of the Human Rights and Opportunities Manager, Affirmative Action and Contract Compliance and Training.”
- The State of Connecticut Personnel Policies and Regulations provide guidance on proper administration of the State workforce.

*Condition:* The Affirmative Action and Contract Compliance Unit supervisor currently reports to the Executive Director, and not to the Human Rights and Opportunities Manager, Affirmative Action and Contract Compliance and Training, (a position that has been replaced by an equivalent position). As a result, this lack of managerial oversight has contributed, in part, to numerous issues of employees' noncompliance with established State personnel policies and regulations in this unit, some of which have not been adequately addressed. We found:

- Employees working at home without a current work-at-home agreement. (See Recommendation 5).
- A timesheet for a per-diem summer worker that was approved for 16 hours not worked. The overpayment of wages had to be recovered in a subsequent paycheck.
- An employee working a non-standard workweek without an agreement in place as required by the collective bargaining agreement.
- Employees whose work hours begin late in the morning and end late in the evening, past official work hours, without adequate supervision.
- A timesheet was approved for an employee that included three days for which the employee called in sick, but coded his timesheet as "regular" time.
- Submission of timesheets not signed by the employee.
- Nine grievances are pending from this unit, of a total of 13 for the entire agency, at the time of our review.

*Effect:* State resources are being wasted, as the official duties of the unit are not being given full attention.

*Cause:* The inability of the Commission to fill the Assistant Director's position required the Executive Director to supervise this unit, in addition to his other duties and responsibilities. Another cause has been management's inadequate response in dealing with employees' noncompliance of this nature. Lastly, the supervisor requires additional training in State personnel policies and procedures, and in general supervision.

*Recommendation:* The Commission on Human Rights and Opportunities should provide

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for managerial supervision of the Affirmative Action/Contract Compliance unit, provide additional training to personnel in order to prevent instances of noncompliance with State personnel policies and regulations, and address all instances of noncompliance quickly and decisively. (See Recommendation 10.)

*Agency Response:* “There is no position equivalent to the Human Rights and Opportunities Manager, Affirmative Action and Contract Compliance and Training position in CHRO at this time. Currently, the Affirmative Action/Contract Compliance Supervisor reports to the Executive Director. Employees working at home do so as an accommodation for a disability and illness and are consistent with the Americans with Disabilities Act. Errors in the timesheet were identified and appropriate measures were taken to correct any mistakes. Employees working a non-standard workweek do so as an accommodation for a disability. If an employee is absent at the conclusion of a pay period, the employee is expected to sign the timesheet when he/she returns to work. All staff within the Affirmative Action/Contract Compliance Unit are bargaining unit employees, including the supervisor. As bargaining unit employees, they are entitled to file a grievance if he or she feels the union contract or his/her rights under that contract are violated.

The agency is aware of the internal strife within the Affirmative Action/Contract Compliance Unit and has taken action to improve the overall morale and productivity of this Unit. The current vacancy of an Assistant Executive Director is problematic with respect to this Unit in that additional supervision could be provided if such position were filled.”

*Auditors’ Concluding Comments:* We understand that bargaining unit employees are entitled to file a grievance if they feel the union contract has been violated. We point out that the majority of the pending grievances filed for the agency are from this one unit, because they are illustrative of the “internal strife” the agency acknowledges exist but has inadequately addressed.

**The Commission’s Investigator’s Forms and Procedures Manual Needs to be Updated:**

*Criteria:* Good business practices require that an employees’ policy and procedures manual be kept current.

*Condition:* The Commission on Human Rights and Opportunities’ Investigator’s Forms and Procedures manual has not been updated for several years.

- Effect:* A manual that is not kept up-to-date reduces the likelihood that all employees are current on changes in agency policies and procedures.
- Cause:* The cause was not determined.
- Recommendation:* The Commission on Human Rights and Opportunities should update its Investigator's Forms and Procedures manual. (See Recommendation 11.)
- Agency Response:* "A comprehensive revision and updating of the Investigator's Forms and Procedures Manual should be undertaken. Lack of adequate resources, including staff, have contributed to the delay in this endeavor. When statutory changes result in the need to amend a form or policy, this is addressed and communicated to staff. While many changes have been implemented since the manual was first issued, all of the updates have not been assembled into a comprehensive updated manual. This will be addressed as resources and staffing permit."

**Travel Authorizations Not on File:**

- Criteria:* The State Comptroller requires the preparation of the Travel Authorization Request form CO-112 for travel "requiring prior approval."
- Condition:* Travel authorization request forms were not on file for an employee who attended four "board meetings" of a national affirmative action organization, for a total of eight days, during calendar year 2007. We were informed that permission was given by the Executive Director to attend these meetings as it serves a State purpose.
- Effect:* Potential workers' compensation issues are possible.
- Cause:* Because the employee did not request reimbursement for these trips, the CHRO did not believe a travel authorization form was necessary.
- Recommendation:* The Commission on Human Rights and Opportunities should require the submission and approval of the State Comptroller's travel authorization request form CO-112 for any travel requiring prior approval. (See Recommendation 12.)
- Agency Response:* "Effective July 1, 2007, blanket travel authorizations have been changed to include attendance at work-related meetings held either in state or out of state for the entire fiscal year."

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**Annual Evaluation of the Executive Director:**

<i>Criteria:</i>	Section 46a-52, subsection (c), of the General Statutes states: “The executive director shall be supervised and annually evaluated by the Commission.”
<i>Condition:</i>	At the time of our review, the CHRO has not prepared the annual evaluation of the Executive Director, who completed his first year in February 2008.
<i>Effect:</i>	The Executive Director has not received feedback on his job performance.
<i>Cause:</i>	The cause was not determined.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should annually prepare an evaluation of the Executive Director, as required by Section 46a-52, subsection (c), of the General Statutes. (See Recommendation 13.)
<i>Agency Response:</i>	“The audit finding is correct. The agency defers to the Commissioners for a more direct response.”

**Issues Involving Affirmative Action Plans:**

<i>Criteria:</i>	Section 46a-68 of the General Statutes governs the development, review, and approval, conditional approval, or disapproval of agencies’ affirmative action plans, and requires the CHRO to adopt regulations to carry out the requirements of this Section.
<i>Condition:</i>	We noted several various conditions pertaining to affirmative action plans: <ul style="list-style-type: none"><li>• During fiscal year 2005-2006, three affirmative action plans were approved by default because the plans had not been reviewed by the CHRO within 90 days of submission, as required.</li><li>• During fiscal year 2006-2007, affirmative action plans for five long-established State agencies were filed only for the first time with the CHRO.</li><li>• CHRO’s own affirmative action plan, due on February 15, 2008, is overdue and has not been submitted as of the last day of our fieldwork.</li><li>• CHRO regulations do not provide for any penalty for late submission or failure to file affirmative action plans.</li></ul>

- Several affirmative action plans, which were recommended for disapproval, were conditionally approved at the Commission’s monthly meetings, based on evidence presented by the agencies at these meetings.
- The Commission’s regulations do not address the circumstances when a “conditional approval” of an affirmative action plan should be granted.

*Effect:* The Statutes and Regulations governing affirmative action plans are not being applied uniformly.

*Cause:* Various causes are attributable to the above conditions:

- The approval of the three affirmative action plans by default is attributable to the layoff of staff in the Affirmative Action unit during that fiscal year.
- The cause of the five affirmative action plans filed for the first time for long-standing agencies appears to be administrative oversight.
- The cause of the late submission of CHRO’s 2008 affirmative action plan appears to be due to internal disagreement as to what should be included, or not included in the plan, and may be due in part to the fact that that the Commission’s 2007 plan was disapproved.
- The cause of the conditional approval or approval of plans, recommended for disapproval by staff, appears to be the Commission’s willingness to consider evidence or explanations submitted at the Commission meeting.
- The lack of up-to-date Regulations is due to administrative oversight.

*Recommendation:* The Commission on Human Rights and Opportunities should conduct a comprehensive review of its procedures for reviewing affirmative action plans to ensure that all plans are received, submitted in a timely manner, and are reviewed within ninety days of receipt. The CHRO also should amend its regulations to address the issue of late submission, and the requirements for granting conditional approval of affirmative action plans. (See Recommendation 14.)

*Agency Response:* “Three affirmative action plans were approved by default in 2005-2006

because three professional staff members were placed on administrative leave by Executive Director Ingram. Since the return of staff members, no plans have been approved by default. The regulations were amended to include nine agencies that had not filed affirmative action plans, many of which have less than 20 employees, specifically: the Department of Emergency Management and Homeland Security, Commission on Culture and Tourism, Office of the Child Advocate, Office of State Ethics, State Elections Enforcement Commission, Freedom of Information Commission, Southeastern Mental Health Authority and Commission on Fire Prevention and Control. The Commission on Human Rights and Opportunities' Affirmative Action Plan was filed on June 11, 2008, for the reporting period covering November 1, 2006 through October 31, 2007. The agency is currently in the process of reviewing the affirmative action regulations and the process that is utilized to ensure that an accurate and uniform standard of review is applied."

**Property Control Issues:**

*Criteria:* Section 4-36 of the Connecticut General Statutes provides that each State agency shall establish and keep inventory records in the form prescribed by the State Comptroller. Standards and procedures for recording and maintaining inventory records are set forth in the State of Connecticut's Property Control Manual. The Core-CT "Asset Management Guide for Managers" requires all capital assets with a cost or value of \$1,000 or more to be listed in Core-CT. It also requires personal property with a cost or value of less than \$1,000 that is designated by the agency as controllable to be listed in Core-CT.

*Condition:* The CHRO is not maintaining its capitalized or controllable assets in the Core-CT Asset Management module. The CHRO's capitalized and controllable assets were converted from their Excel spreadsheet to the Core-CT Asset Management module on July 1, 2005, but the Agency has failed to keep the information up to date. The Agency has failed to correct assets that were originally considered capitalized assets, but during the conversion to Core-CT are now listed as controllable in Core-CT. Staff have failed to tag and record new purchases upon receipt as required. Staff have also failed to enter other assets, deletions and transfers in Core-CT as required. The CHRO continues to maintain a list of assets in an Excel spreadsheet, but the Agency has also failed to keep the information up to date. CHRO does not use form CO-1079 "Record of Equipment on Loan" or equivalent as required by the Property Control Manual for State property removed from the premises.

*Effect:* The CHRO's property control records are not in compliance with the Connecticut General Statutes, established policies, or procedures. The conditions described above weaken internal control over equipment and

increase the likelihood that the loss of equipment may occur and not be detected by management.

*Cause:* The CHRO has failed to follow established policies and procedures.

*Recommendation:* The Commission on Human Rights and Opportunities should comply with section 4-36 of the Connecticut General Statutes, the State of Connecticut's Property Control Manual and the Core-CT "Asset Management Guide for Managers", and improve internal control over equipment inventory and reporting. (See Recommendation 15.)

*Agency Response:* "During fall 2007 and spring 2008, training was provided to all employees responsible for maintaining the Asset Management module in Core-CT. The CHRO is in the process of updating all Asset Management records in Core-CT and ensuring all assets are properly tagged and classified. This process will be complete prior to the end of the current fiscal year. CHRO will comply with C.G.S. Section 4-36, the State of Connecticut's Property Control Manual and Core-CT Asset Management Guide for Managers."

**Rental Payments at the Southwest Regional Office not Supported by Lease Agreement:**

*Criteria:* The State Comptroller's State Accounting Manual requires the following documents for payments to be processed for rental property: Lease and Rent Control Transmittal Form, all supporting legal documentation and authorization including the original copy of the lease and documentation supporting any changes to the lease terms or conditions. Approval of lease agreements is required by the lessor and the agency, the Department of Public Works, the State Properties Review Board, the Office of Attorney General, and the Office of Policy and Management.

*Condition:* Since February 2007, monthly rental payments of \$5,398.55 for the lease of office space housing the Southwest Regional Office in Bridgeport have not been supported by a Lease and Rent Control form and a fully-executed lease agreement. The original lease expired and a

month-to-month "holdover" agreement, with a monthly rent payment of \$4,608.33, commenced on April 1, 2006, but expired on February 1, 2007. A second month-to-month holdover lease agreement was agreed to but at the time of our fieldwork, had not been duly approved by all of the approvers.

*Effect:* Since February 1, 2007, rental payments for the lease of space at the Southwest Regional Office have not been supported by the documentation required by the State Accounting Manual.

*Cause:* The Southwest Regional Office was in the process of moving to a new facility. The original lease had expired and a “holdover” agreement was signed, anticipating a move no later than February 2007. When this timeframe could not be met, a second holdover agreement was necessary. The CHRO then submitted the required forms and documentation but, at the time of our fieldwork, the documentation was still awaiting final approvals.

*Conclusion:* We are not making a recommendation as the condition described above is not likely to recur in the near future. The Southwest Regional Office is currently the only office space which the CHRO expends out of its appropriation and, at the time of our fieldwork, was in the process of moving into new office space with a 10-year lease term. The Central Office and the Capitol Regional Office are located in Hartford and as such, rental payments are the responsibility of the Department of Public Works. The Eastern Regional Office is currently located in property that is partially owned by the State (the Norwich City Hall) and except for parking, pays no monthly rental charge.

*Agency Response:* “Lease Agreements and Rent Control Cards are issued by the Department of Public Works. A second month-to-month holdover lease agreement, as prepared by DPW on October 17, 2007, is still pending approval from the Office of Policy and Management and the Office of the Attorney General. Verbal authorization was provided from DPW to CHRO to process monthly rental payments, in the amount of \$5,398.55, to avoid eviction proceedings.”

**Other Matters:**

In addition to the preceding findings, we reviewed other matters pertaining to the Commission on Human Rights and Opportunities.

- In October 2006, we investigated an alleged improper transaction pertaining to the former Executive Director Hamisi Ingram’s salary. The former Executive Director accepted a salary of \$114,000, as established by the Commission when the job was offered in July 2004. In a letter dated March 10, 2006, from the then chairman of the Commission, the personnel office retroactively processed an increase to reflect a salary greater than what was originally offered, but the Business Office refused to process this unauthorized transaction, and the former Executive Director received the salary he was entitled to.

## RECOMMENDATIONS

### *Status of Prior Audit Recommendations:*

- The Commission on Human Rights and Opportunities should take steps to comply with Section 46a-83, subsection (d), of the Connecticut General Statutes by improving its performance in completing determinations of reasonable cause or no reasonable cause in cases of alleged workplace discrimination. This recommendation is being repeated.
- The Commission on Human Rights and Opportunities should comply with Section 4-32 of the Connecticut General Statutes, requiring Agencies to deposit amounts of \$500 or more within 24 hours of receipt. This recommendation has been implemented.
- The Commission on Human Rights and Opportunities should establish receivable ledgers for its Federal cooperative agreements with the Department of Housing and Urban Development, and the Equal Employment Opportunities Commission. This recommendation has been implemented.
- The Commission on Human Rights and Opportunities should apply for “Partnership Initiative” funds when such funds are included in its cooperative agreement with the Department of Housing and Urban Development. We are not repeating this recommendation as the HUD agreements during the fiscal years audited did not provide for any Partnership Initiative funds.
- The Commission on Human Rights and Opportunities should comply with Sections 3-117, requiring Agencies to support each claim against the State with vouchers showing the items of each claim, and 4-89, subsection (b), of the Connecticut General Statutes, requiring that all unexpended balances of appropriations shall lapse at the end of the period for which they had been made, and the State Accounting Manual, when processing expenditures. This recommendation has been implemented.
- The Commission on Human Rights and Opportunities should comply with Department of Administrative Services’ General Letter 71 when procuring goods or services and Section 4-214, subsection (a), of the Connecticut General Statutes, requiring each personal services agreement executed, having a cost of not more than twenty thousand dollars and a term of not more than one year, shall be based, when possible, on competitive negotiations or quotes, when entering into personal services agreements. This recommendation has been implemented.
- The Commission on Human Rights and Opportunities should comply with all applicable provisions of the State Comptroller’s Property Control Manual, pertaining to submission of CO-59 Inventory Reports and good internal control over inventory. We are repeating this recommendation.

- The Martin Luther King Jr. Holiday Commission should submit a report to the Governor in accordance with Section 10-29b, subsection (b) (5), of the Connecticut General Statutes. We are repeating this recommendation.
- The Commission on Human Rights and Opportunities should comply with the reporting requirements of Section 46a-56, subsection (a) (6), and Section 46a-68, subsection (f), of the Connecticut General Statutes, requiring the CHRO to submit annual contract compliance reports. We are repeating this recommendation.
- The Commission on Human Rights and Opportunities should comply with State Personnel Regulations when transferring employees. As noted in the prior audit, the employee whose transfer to the Central Office was not in accordance with State Personnel Regulations, was returned to her position as Regional Manager of the West Central Region. There were no other conditions of this nature noted; accordingly, we are not repeating this recommendation.
- The Commission on Human Rights and Opportunities should comply with Section 5-240a, subsection (f), of the State Personnel Regulations when placing employees on administrative leave with pay. We did not find any additional conditions, thus we are not repeating this recommendation.
- The Commission on Human Rights and Opportunities should strengthen internal controls over overtime payments. This recommendation has been implemented.

*Current Audit Recommendations:*

- 1. The Commission on Human Rights and Opportunities should take steps to fully comply with Section 46a-83, subsection (d), of the Connecticut General Statutes by improving its performance in completing determinations of reasonable cause or no reasonable cause in cases of alleged workplace discrimination within the statutory timeframe.**

Comment:

According to CHRO's annual reports to the Legislature's Judiciary Committee, as required under Section 46a-82(e), subsection (b) of the General Statutes, during the fiscal years ended June 30, 2005, 2006, and 2007, 49, 45 and 54 percent of the 1,033, 1,154, and 1,183 complaints closed during the fiscal years, respectively, exceeded the statutory maximum of 370 days.

2. **The Commission on Human Rights and Opportunities should comply with the reporting requirements of Section 46a-56, subsection (a) (6), and Section 46a-68, subsection (f), of the Connecticut General Statutes and submit the required Contract Compliance and Affirmative Action Reports.**

Comment:

The reporting requirements of Sections 46a-56, subsection (a) (6), and 46a-68, subsection (f), of the Connecticut General Statutes have not been complied with.

3. **The Commission on Human Rights and Opportunities should establish a comprehensive training and professional development program headed by a training officer, as recommended by the Legislative Program and Investigations Committee's 1999 report.**

Comment:

The CHRO does not currently have a formal training program. In late calendar year 2005, the CHRO hired a curriculum manager (training officer) to begin implementing the LPRIC's recommendation. The curriculum manager resigned from the Commission in August 2006. The vacancy was posted and several applications were received but the Commission subsequently decided not to refill the position.

4. **The Commission on Human Rights and Opportunities should improve controls over the payroll and personnel function to prevent unauthorized personnel actions from being processed.**

Comment:

A Human Rights referee (the "predecessor") in the Office of Public Hearings was kept on the Commission's payroll for approximately two and one-half months on medical sick leave after his successor had been appointed on March 29, 2007. The predecessor was informed of this by letter from the Governor's Office that stated: "As you know, Human Rights Referees are appointed by the Governor. Your successor has been appointed by Governor Rell. Your term as Human Rights Referee, therefore, will end effective 5:00 p.m on Thursday March 29, 2007". The predecessor was apparently given permission to remain on the payroll for the period March 30, 2007 to April 12, 2007, while his successor was being qualified, based on an e-mail from the Executive Director to the Governor's office which stated, in part: "Since (the successor) will not be starting until April 13, you agreed that we could extend (the predecessor's) last day of employment from March 29, to April 12, 2007." We also found that a medical certificate was never obtained for the period in question, and timesheets for the period in question contained neither the employee's or supervisor's signature.

- 5. The Commission on Human Rights and Opportunities should comply with all applicable requirements of the Telecommuting Program guidelines when approving and administering telecommuting agreements.**

Comment:

We found the following conditions pertaining to telecommuting agreements: Employees continued to work at home well after the telecommuting agreement had expired. Timesheets did not agree with the telecommuting agreement, and were not coded to properly reflect the actual telecommuting hours worked. Required insurance policies had not been obtained and inspections of the home worksite were not performed prior to the start of the agreement. A telecommuting agreement allowed an employee to work several hours a week at a location which does not qualify as an “alternate site” under the program guidelines. We learned that on two occasions, an employee who had a telecommuting agreement claimed to be working at home on a particular project, but the supervisor discovered the project sitting on the employee’s desk.

- 6. The Commission on Human Rights and Opportunities should appoint an Assistant Director, or permit the Executive Director to appoint one or two Deputy Directors in accordance with Section 46a-52, subsection (d), of the Connecticut General Statutes.**

Comment:

The Assistant Director’s position has been vacant since December 1, 2006.

- 7. The Commission on Human Rights and Opportunities should investigate all complaints of alleged violence in the workplace in a timely manner and comply with all provisions of the Violence in the Workplace Policy and Procedures Manual.**

Comment:

During most of the audited period, the CHRO did not have a Threat Assessment Team to investigate violence in the workplace complaints. Several Violence in the Workplace complaints were filed during this period and some remain open. One such complaint was filed with the CHRO in May 2006, but as of the last day of our fieldwork, this matter has not been resolved.

- 8. The Commission on Human Rights and Opportunities should comply with all**
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**provisions of the Performance Assessment and Recognition System Handbook when awarding managerial merit increases and bonuses.**

Comment:

The required PARS forms were not prepared for the fiscal years ended June 30, 2006, and 2007.

- 9. The Martin Luther King Jr. Holiday Commission should submit an annual report to the Governor, in accordance with Section 10-29b, subsection (b) (5), of the Connecticut General Statutes.**

Comment:

The MLK Commission did not submit a report to the Governor during the fiscal years ended June 30, 2005, June 30, 2006, and June 30, 2007, as required by the General Statute. The MLK Commission apparently has never submitted a report to the Governor.

- 10. The Commission on Human Rights and Opportunities should provide for managerial supervision of the Affirmative Action/Contract Compliance Unit, provide additional training to personnel in order to prevent instances of noncompliance with State personnel policies and regulations, and address all instances of noncompliance quickly and decisively.**

Comment:

The Affirmative Action and Contract Compliance Unit supervisor currently reports to the Executive Director, and not to the Human Rights and Opportunities Manager, Affirmative Action and Contract Compliance and Training, (a position that has been replaced by an equivalent position). As a result, this lack of managerial oversight has contributed, in part, to numerous issues of employees' noncompliance with established State personnel policies and regulations in this unit, some of which have not been adequately addressed.

- 11. The Commission on Human Rights and Opportunities should update its Investigator's Forms and Procedures Manual.**

Comment:

The Commission on Human Rights and Opportunities' Investigator's Forms and Procedures Manual has not been updated for several years.

- 12. The Commission on Human Rights and Opportunities should require the submission and approval of the State Comptroller's travel authorization request**

**form CO-112 for any travel requiring prior approval.**

Comment:

Travel authorization request forms were not on file for an employee who attended four “board meetings” of a national affirmative action organization, for a total of eight days, during calendar year 2007.

- 13. The Commission on Human Rights and Opportunities should annually prepare an evaluation of the Executive Director, as required by Section 46a-52, subsection (c), of the General Statutes.**

Comment:

At the time of our review, the CHRO has not prepared the annual evaluation of the Executive Director, who completed his first year in February 2008.

- 14. The Commission on Human Rights and Opportunities should conduct a comprehensive review of its procedures for reviewing affirmative action plans to ensure that all plans are received, submitted in a timely manner, and are reviewed within ninety days of receipt. The CHRO also should amend its regulations to address the issue of late submission, and the requirements for granting conditional approval of affirmative action plans.**

Comment:

During the fiscal years audited, we noted several conditions pertaining to affirmative action plans: three affirmative action plans were approved by default because the plans had not been reviewed by the CHRO within 90 days of submission, as required; affirmative action plans for five long-established State agencies were filed only for the first time with the CHRO; the CHRO’s own affirmative action plan had not been submitted as of the last day of our fieldwork; regulations do not provide for any penalty for late submission or failure to file affirmative action plans; and several affirmative action plans, which were recommended for disapproval, were conditionally approved at the Commission’s monthly meetings, based on evidence presented by the agencies at these meetings. The Commission’s regulations do not address the circumstances when a “conditional approval” of an affirmative action plan should be granted.

- 15. The Commission on Human Rights and Opportunities should comply with Section 4-36 of the Connecticut General Statutes, the State of Connecticut’s Property Control Manual and the Core-CT “Asset Management Guide for**

**Managers”, and improve internal control over equipment inventory and reporting.**

Comment:

CHRO is not maintaining their capitalized or controllable assets in the Core-CT Asset Management module. The Agency has failed to correct assets that were originally considered capitalized assets, but during the conversion to Core-CT are now listed as controllable in Core-CT, and have failed to tag and record new purchases upon receipt as required, and enter other assets, deletions and transfers in Core-CT as required. The CHRO continues to maintain a list of assets in an Excel spreadsheet, but the Agency has also failed to keep the information up to

date. The CHRO does not use form CO-1079 “Record of Equipment on Loan” or equivalent as required by the Property Control Manual for State property removed from the premises.

## INDEPENDENT AUDITORS' CERTIFICATION

As required by Section 2-90 of the General Statutes, we have audited the books and accounts of the Commission on Human Rights and Opportunities for the fiscal years ended June 30, 2005, 2006, and 2007. This audit was primarily limited to performing tests of the Agency's compliance with certain provisions of laws, regulations, contracts and grant agreements and to understanding and evaluating the effectiveness of the Agency's internal control policies and procedures for ensuring that (1) the provisions of certain laws, regulations, contracts and grant agreements applicable to the Agency are complied with, (2) the financial transactions of the Agency are properly initiated, authorized, recorded, processed, and reported on consistent with management's direction, and (3) the assets of the Agency are safeguarded against loss or unauthorized use. The financial statement audits of the Commission on Human Rights and Opportunities for the fiscal years ended June 30, 2005, 2006, and 2007, are included as a part of our Statewide Single Audits of the State of Connecticut for those fiscal years.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Commission on Human Rights and Opportunities complied in all material or significant respects with the provisions of certain laws, regulations, contracts and grant agreements and to obtain a sufficient understanding of the internal controls to plan the audit and determine the nature, timing and extent of tests to be performed during the conduct of the audit.

### **Internal Control over Financial Operations, Safeguarding of Assets and Compliance:**

In planning and performing our audit, we considered the Commission on Human Rights and Opportunities' internal control over its financial operations, safeguarding of assets, and compliance with requirements as a basis for designing our auditing procedures for the purpose of evaluating the Agency's financial operations, safeguarding of assets, and compliance with certain provisions of laws, regulations, contracts and grant agreements, but not for the purpose of providing assurance on the effectiveness of the Agency's internal control over those control objectives.

Our consideration of internal control over financial operations, safeguarding of assets, and compliance requirements was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial operations, safeguarding of assets and compliance with requirements that might be significant deficiencies or material weaknesses. However as discussed below, we identified certain deficiencies in internal control over financial operations, safeguarding of assets, and compliance with requirements that we consider to be significant deficiencies.

A *control deficiency* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect on a timely basis unauthorized, illegal, or irregular transactions or the breakdown in the safekeeping of any asset or resource. A *significant deficiency* is a control deficiency, or combination of control

deficiencies, that adversely affects the Agency's ability to properly initiate, authorize, record,

process, or report financial data reliably, consistent with management's direction, safeguard assets, and/or comply with certain provisions of laws, regulations, contracts, and grant agreements such that there is more than a remote likelihood that a financial misstatement, unsafe treatment of assets, or noncompliance with laws, regulations, contracts and grant agreements that is more than inconsequential will not be prevented or detected by the Agency's internal control. We consider the following deficiencies described in the accompanying "Condition of Records" and "Recommendations" sections of this report to be significant deficiencies in internal control over financial operations, safeguarding of assets and compliance with requirements: Recommendation 4 - the Agency should improve controls over the payroll and personnel function to prevent unauthorized personnel actions from being processed and Recommendation 10 - the Agency should provide for managerial supervision of the Affirmative Action/Contract Compliance unit and provide additional training to personnel in order to prevent noncompliance with State personnel policies and regulations.

*A material weakness* is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that noncompliance with certain provisions of laws, regulations, contracts, and grant agreements or the requirements to safeguard assets that would be material in relation to the Agency's financial operations, noncompliance which could result in significant unauthorized, illegal, irregular or unsafe transactions, and/or material financial misstatements by the Agency being audited will not be prevented or detected by the Agency's internal control.

Our consideration of the internal control over the Agency's financial operations, safeguarding of assets, and compliance with requirements, was for the limited purpose described in the first paragraph of this section and would not necessarily disclose all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, of the significant deficiencies described above, we consider the following item to be a material weakness: Recommendation 4 - the Agency should improve controls over the payroll and personnel function to prevent unauthorized personnel actions from being processed.

### **Compliance and Other Matters:**

As part of obtaining reasonable assurance about whether the Commission on Human Rights and Opportunities complied with laws, regulations, contracts and grant agreements, noncompliance with which could result in significant unauthorized, illegal, irregular or unsafe transactions or could have a direct and material effect on the results of the Agency's financial operations, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we also noted certain matters which we reported to Agency management in the accompanying "Condition of Records" and "Recommendations" sections of this report.

The Commission on Human Rights and Opportunities' responses to the findings identified in our

audit are described in the accompanying “Condition of Records” sections of this report. We did not audit the Commission on Human Rights and Opportunities’ responses and, accordingly, we express no opinion on them.

This report is intended for the information and use of Agency management, the Governor, the State Comptroller, the Appropriations Committee of the General Assembly and the Legislative Committee on Program Review and Investigations. However, this report is a matter of public record and its distribution is not limited.

**CONCLUSION**

In conclusion, we wish to express our appreciation for the courtesies and cooperation shown to our representatives by the Commission on Human Rights and Opportunities personnel during the course of our examination.

Gary P. Kriscenski  
Principal Auditor

Approved:

Kevin P. Johnston  
Auditor of Public Accounts

Robert G. Jaekle  
Auditor of Public Accounts