

STATE OF CONNECTICUT



*AUDITORS' REPORT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
FOR THE FISCAL YEARS ENDED
JUNE 30, 2010, 2011, AND 2012*

AUDITORS OF PUBLIC ACCOUNTS
JOHN C. GERAGOSIAN ❖ ROBERT M. WARD

Table Of Contents

INTRODUCTION	1
COMMENTS	2
FOREWORD	2
Members and Officials of the Commission on Human Rights and Opportunities.....	3
Martin Luther King Jr. Holiday Commission.....	4
Human Rights Referees	4
Recent State Legislation	5
RÉSUMÉ OF OPERATIONS.....	6
General and Federal Fund Receipts and Expenditures.....	6
OTHER MATTERS	7
STATE AUDITORS' FINDINGS AND RECOMMENDATIONS.....	9
Required Statutory Reporting.....	9
Compliance with the Statutory Time frames for Processing Complaints	10
Lack of Submission of Annual Affirmative Action and Contract Compliance Reports .	12
Performance Assessment and Recognition Forms were not Prepared	14
The Commission's Investigator's Forms and Procedures Manual Needs to be Updated	15
RECOMMENDATIONS	16
CONCLUSION.....	19

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AUDITORS OF PUBLIC ACCOUNTS

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April 6, 2016

AUDITORS' REPORT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES FOR THE FISCAL YEARS ENDED JUNE 30, 2010, 2011, AND 2012

We have audited certain operations of the Commission on Human Rights and Opportunities (CHRO) in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the fiscal years ended June 30, 2010, 2011, and 2012. The objectives of our audit were to:

1. Evaluate the commission's internal controls over significant management and financial functions;
2. Evaluate the commission's compliance with policies and procedures internal to the commission or promulgated by other state agencies, as well as certain legal provisions; and
3. Evaluate the economy and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, minutes of meetings, and other pertinent documents; interviewing various personnel of the commission, and testing selected transactions. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient,

appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

The accompanying Résumé of Operations is presented for informational purposes. This information was obtained from the commission's management and was not subjected to the procedures applied in our audit of the commission. For the areas audited, we identified:

1. Apparent noncompliance with legal provisions; and
2. Need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations in the accompanying report presents any findings arising from our audit of the Commission on Human Rights and Opportunities.

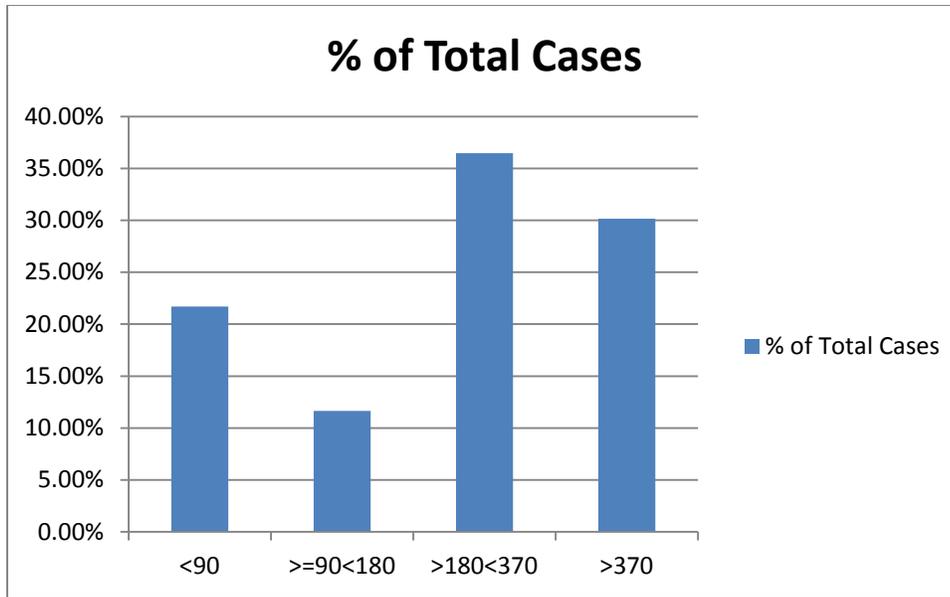
COMMENTS

FOREWORD

The Commission on Human Rights and Opportunities 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. 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. CHRO functions through a central office in Hartford and four regional offices located in Hartford, Norwich, Bridgeport, and Waterbury.

In a typical fiscal year, about 2,200 complaints are filed with the commission. Eighty-five to ninety percent are employment complaints, about ten percent are housing complaints, and the remainder of the cases involve service, credit, and public accommodation complaints. As of May 5, 2015, there were 2,478 cases open, with the oldest cases going back to March 7, 1995. The number of open cases is shown in the following table and graph:

Days	Aged Cases	Percent of Total Cases
Less than 90	538	21.71
Over 90 and less than 180	289	11.66
Over 180 and less than 370	904	36.48
Over 370	747	30.15
Total	2,478	100.00



CHRO also reviews affirmative action plans submitted by state agencies, in accordance with Section 46a-68 of the General Statutes. In fiscal year 2012, the commission reviewed 59 plans, approving or conditionally approving 56 plans. Three plans were disapproved. In accordance with Section 46a-68a, the commission may issue a certificate of noncompliance if the affirmative action plan is disapproved. The issuance of a certificate of noncompliance bars the agency from filling a position or position classification by hire or promotion until the commission deems the agency to be in compliance and withdraws the certificate of non-compliance.

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 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 appoint 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, 2012, the following members served on the commission:

- | | |
|-------------------------------|-------------------|
| Andrew M. Norton, Chairperson | Suzanne Tirado |
| Edward Mambruno, Secretary | Dawn Niles |
| Cheryl Lynn Clarke | Tracey Gove |
| Edith M. Pestana | Patricia J. Wrice |
| Lyn May | |

Gary H. Collins was appointed chairperson of the commission on July 15, 2013, and served in that capacity as of June 30, 2015. Andrew M. Norton served as chairperson during the audited period.

The commission appoints the executive director for a four-year term. Robert Brothers Jr. Esq., was appointed executive director on January 13, 2010, and retired on July 1, 2013. Tanya A. Hughes, Esq. was appointed acting executive director on July 1, 2013 and permanent executive director on November 13, 2013. Cheryl Sharp, Esq. was appointed deputy director, effective July 4, 2014.

Martin Luther King Jr. Holiday Commission

Section 10-29b of the General Statutes established the Martin Luther King Jr. Holiday Commission (MLK Jr. Commission). The MLK Jr. Commission is obligated, among other mandates, to ensure that the commemoration of Martin Luther King Jr.'s birthday is meaningful and reflective of the spirit of his life and death. The MLK Jr. Commission consists of 19 members, 11 members appointed by the Governor and eight members by the General Assembly leadership. CHRO serves as the secretariat for the MLK Jr. Commission. As of June 30, 2012, the following members served on the MLK Jr. Commission:

Mark S. Robinson, Acting Chairman	Rodney E. Matthews
Carol Anderson	Benjamin F. Rhodes, Jr.
Diane P. Blondet	Joseph J. Teal
Sarah Diaz	Hilda Santiago
Bradford Howard Jr,	James Williams

There were nine vacancies on the MLK Jr. Commission as of June 30, 2013.

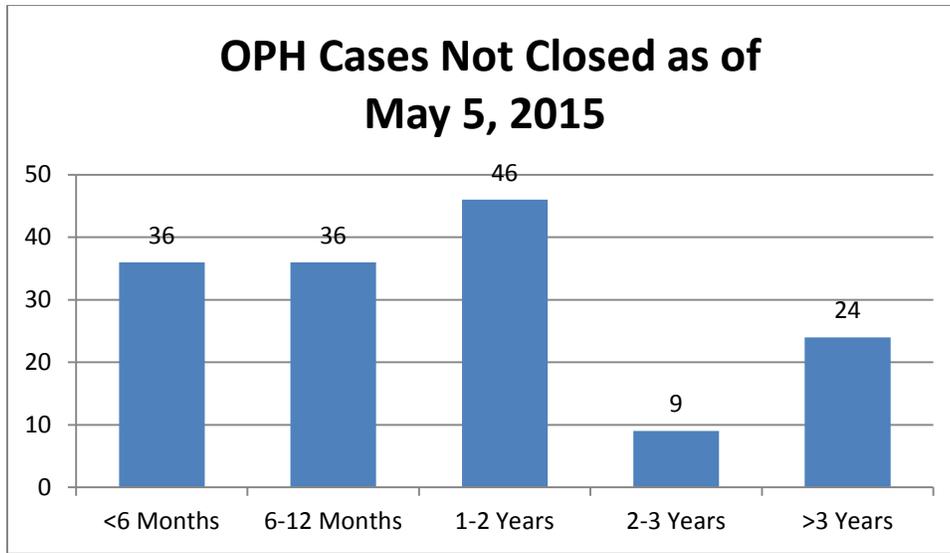
Human Rights Referees

Section 46a-57 of the General Statutes allows the Governor to appoint three 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, 2012, the following persons served as human rights referees within CHRO's Office of Public Hearings (OPH):

Alvin R. Wilson, Chief Human Rights Referee
Ellen E. Bromley
Michele C. Mount

Ellen E. Bromley resigned effective May 23, 2014. Elissa Wright was appointed effective July 20, 2015.

The Office of Public Hearings provided us with a spreadsheet it uses to track its cases. As of May 5, 2015, there were 151 cases for which no closed date was entered. The following graph shows the age of those cases:



According to the Office of Public Hearings calendar on the agency’s website, as of July 2015, cases slated for public hearing/trials, pre-hearing conferences, or other type of OPH hearings, are being scheduled into March 2017.

Recent State Legislation

Public Act 11-237 changed how CHRO handles discrimination complaints. It provides an automatic legal review of complaints dismissed during the merit assessment review process, except when the complainant has requested a release from jurisdiction. If a complaint is not dismissed after the merit review process, or dismissed but then reinstated after the legal review, the act requires a mandatory mediation conference within 60 days. If the complaint is not resolved through mandatory mediation, the act allows for a request of early legal intervention; allows CHRO’s executive director to recommend that an investigator find there is no reasonable cause to believe that discrimination has occurred, and specifies when the investigator must follow that recommendation; and specifies that a reasonable cause investigation may include any lawful method of fact-finding. The act also requires that a reconsideration request must state specifically why it should be granted and narrows the reasons for allowing someone to make such a request, adds to the reasons that CHRO can dismiss a complaint or enter a default order against a respondent, and decreases the time period that a discrimination complainant must wait to request a release of jurisdiction from CHRO from 210 to 180 days, allowing complainants who wish to proceed in court to begin the process sooner. It makes other changes regarding when CHRO must or may grant a release from jurisdiction. The act makes changes regarding the required recipients, form, and timing of various CHRO notices, including (1) requiring CHRO to notify respondents (the people accused of discrimination) of any determination or proceeding relating to the complaint and (2) eliminating certain certified mail requirements. The act makes various changes regarding petitions brought to court to enforce CHRO orders. Among other changes, it (1) allows all such petitions to be brought in the Hartford judicial district, (2) eliminates the requirement that CHRO file a complete transcript of the administrative proceedings, (3) eliminates the court’s discretion to modify the administrative award, and (4)

repeals provisions allowing the court to order additional evidence to be presented to the presiding officer in certain circumstances. The act allows CHRO attorneys to be involved in proceedings alleging retaliation for making a whistleblower complaint. The act prohibits, in specified situations, attorney's fees from being contingent on the amount of damages requested by or awarded to the complainant. The act makes additional changes regarding housing discrimination. For example, it (1) eliminates the requirement that a CHRO commissioner concur with the attorney general or CHRO legal counsel before seeking specified remedies in a housing discrimination case brought after a reasonable cause finding and (2) allows the complainant to intervene as a matter of right in such cases. The act also makes various minor, technical, and conforming changes.

RÉSUMÉ OF OPERATIONS

General and Federal Fund Receipts and Expenditures

General Fund receipts totaled \$567,550, \$928,953, and \$1,293,115 for the fiscal years ended June 30, 2010, 2011, and 2012, respectively, as compared to \$1,394,308 for the fiscal year ended June 30, 2009. Receipts consisted primarily of federal aid received under cooperative agreements with the Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). Under these agreements, CHRO is paid a fixed fee for each HUD and EEOC case, up to a maximum number of cases each fiscal year. These receipts are deposited to the state's General Fund.

During the fiscal years audited, CHRO also received federal funds from EEOC and HUD for travel, training, administrative costs, special enforcement efforts and other purposes. Such federal grant receipts totaled \$22,800, \$39,725, and \$50,319, for fiscal years ended June 30, 2010, 2011, and 2012, respectively.

The commission reported a total of \$4,352,107 in known settlements during the fiscal year ended June 30, 2010. The commission was unable to report known settlement amounts for the fiscal years ended June 30, 2011, and 2012. 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, 49 cases, 53 cases and 16 cases, during fiscal years ended June 30, 2010, 2011, and 2012, respectively. The values of these settlements awarded to complainants were reported as \$584,830, \$194,758, and \$298,189, respectively, 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, 2010, 2011 and 2012, is presented below:

	Fiscal Years Ended June 30,		
	2010	2011	2012
Budgeted Accounts:			
Personal Services	\$5,668,967	\$5,269,753	\$4,984,901
Contractual Services	303,025	309,356	277,198
Equipment	0	0	0
Other Expenses	<u>23,587</u>	<u>32,225</u>	<u>37,763</u>
Total General Fund	<u>\$5,995,579</u>	<u>\$5,611,334</u>	<u>\$5,299,862</u>

Total expenditures declined during the audited period, mostly due to decreases in personal services appropriation. As of June 30, 2012, the commission had 75 full-time positions, a decrease of 18 full-time positions, or 26 percent, over June 30, 2009 levels.

Federal funds expenditures totaled \$46,648, \$25,174, and \$80,115, for fiscal years ended June 30, 2010, 2011, and 2012, respectively.

OTHER MATTERS

In our prior report, covering the fiscal years ended June 30, 2008, and 2009, we reported that vacancies in several key positions were having a negative impact on the ability of the agency to meet its goals and mandates. Specifically, we noted that as of March 31, 2011, eight appropriated positions were vacant, including two managerial positions, one of those managerial positions being the Assistant Director’s position, and the other being the Chief of Field Operations. The other vacant positions, as of March 31, 2011 were two Human Rights Representative positions, and the position of IT Analyst, Executive Secretary, Administrative Assistant, and Office Assistant.

Since the issuance of our last audit report, several important changes have occurred in the composition of the commission’s workforce. In June 2014, the long-vacant deputy director position was filled with the promotion of an internal candidate. However, this action resulted in a vacancy in a Human Rights Attorney 2 position, which as of July 2015, remains unfilled. We also note that the position of Managing Director and Commission Attorney, which became vacant in July 2013, remains unfilled, also as of July 2015. In addition, one of the three Human Rights Referee positions in the Office of Public Hearings had been vacant since May 2014, and was only re-filled in July 2015. Lastly, five Human Rights and Opportunities (HRO) Representative positions are unfilled as of July 2015.

The overall commission’s workforce filled paid positions reached a high of 107 as of June 30, 2007, and a low of 70 as of June 30, 2011. As of June 30 2015, the commission had 70 filled paid positions. In any given fiscal year, the number of HRO Representatives, most of whom directly investigate allegations of discrimination, comprise approximately half of the commission’s total workforce. As of July 2015, 36 HRO Representative positions were filled. The following chart shows the number of filled-paid, filled non-paid, and vacant positions from fiscal years 2007 to 2015:

FY	07	08	09	10	11	12	13	14	15
Filled-paid	107	97	93	73	70	75	74	79	71
Filled-Non-Paid	0	2	3	4	3	1	1	2	2
Vacant	8	15	4	7	2	3	5	12	13

As noted earlier, the number of complaints filed per fiscal year averages about 2,200. The lower overall number of commission positions, and in particular the lower number of field investigators, has a negative effect on the ability of the commission to process complaints in a timely fashion.

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our review of the Commission on Human Rights and Opportunities for the fiscal years ended June 30, 2010, 2011, and 2012 noted the following conditions:

Required Statutory Reporting

- Criteria:* Section 46a-82e subsection (b) of the General Statutes requires CHRO to report annually to the Judiciary Committee of the General Assembly and the Governor: (1) the number of cases in the previous fiscal year that exceeded the time frame, including authorized extensions, set forth in subsection (e) of section 46a-83; (2) the reasons for the failure to comply with the time frame; (3) the number of actions brought pursuant to subsection (d) of Section 46a-82e and the results thereof; and (4) the commission's recommendation for legislative action, if any, necessary for the commission to meet the statutory time frame.
- Section 46a-83 subsection (e) (1) of the General Statutes requires the investigator to make a finding of reasonable cause or no reasonable cause within "one hundred ninety days from the date of the merit assessment review, except that for good cause shown, the executive director or executive director's designee may grant no more than two extensions of the investigation of three months each." Accordingly, the investigator has a maximum of 370 days (the "time frame") to make this determination.
- Condition:* The commission did not submit the required reports for the fiscal years audited. Prior annual reports also show that the agency incorrectly reported only closed cases and not all cases that exceeded the statutory time frame in the previous fiscal year. The last fiscal year filed was 2008-2009.
- Effect:* The Judiciary Committee and the Governor are hindered from monitoring the agency's compliance with processing complaints in accordance with time limits delineated in the General Statutes. This could also cause delays in actions taken by the General Assembly and Governor.
- Cause:* Despite the fact that our review shows that the agency continues to track all cases, it is unclear to us why the agency is not producing the required report.
- Recommendation:* The Commission on Human Rights and Opportunities should prepare and submit all reports not previously submitted to the

Judiciary Committee and the Governor in accordance with Section 46a-82 subsection (b) of the Connecticut General Statutes. The commission should also submit all future reports in a timely fashion.(See Recommendation 1.)

Agency Response:

“The Commission on Human Rights and Opportunities agrees with this finding. In consultation with BEST [Bureau of Enterprise Systems and Technology], we implemented a new complaint tracking system which went into effect on May 1, 2015 and was fully functional as of May 12, 2015. The agency had been without a reliable reporting or tracking system since the retirement of its systems analyst in 2009. From 2009-2015 we were maintaining a very simplistic system that only allowed us to log in cases with very few reporting options. We had initiated several systems through other units as well as explored external resources but to no avail. External options were far too costly and there were very little internal (state) personnel who were skilled enough to assist. We no longer have staff/personnel with significant IT capabilities. Finally, under the current administration, a committee was established solely for this purpose and a new system was established through Biznet.com. We are in the process of producing the required reports.”

Compliance with the Statutory Time frames for Processing Complaints

Criteria:

Section 46a-83 subsection (b) of the General Statutes requires a merit assessment review (MAR) “within ninety days of the filing of the respondent’s answer to the complaint”.

Section 46a-83 subsection (e) (1) of the General Statutes requires the investigator to make a finding of reasonable cause or no reasonable cause within “one hundred ninety days from the date of the merit assessment review, except that for good cause shown, the executive director or the executive director’s designee may grant no more than two extensions of the investigation of three months each.” As a result, the investigator has a maximum of 370 days from the date of the MAR, to make this determination.

Condition:

We reviewed 22 complaints filed during the audited period in which the investigator made a finding of reasonable cause or no reasonable cause.

Of the 22 complaints reviewed, we found that the MAR was not completed within 90 days for 10 of the complaints, or 45 percent.

The number of days for completion of the MAR ranged from 75 to 131 and averaged 93.

We also found that the investigator failed to make a finding relative to reasonable cause within the maximum period allowed by statute (370 days) for 17 complaints, or 77 percent. The number of days that elapsed ranged from 158 to 1,227 and averaged 615.

Effect:

Failure to perform the merit assessment review in a timely manner delays the investigation, and, therefore, the subsequent issuance of a finding of reasonable cause or no reasonable cause.

Excessive delays in performing the investigation and issuance of a finding relative to reasonable cause creates a burden for all parties to the complaint. This is particularly burdensome to a complainant who was in fact discriminated against.

Section 46a-83 subsection (g) of the General Statutes states, "After finding that there is reasonable cause to believe that a discriminatory practice has been or is being committed as alleged in the complaint, an investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion within fifty days of the finding."

Cause:

The cause was not determined.

Recommendation:

The Commission on Human Rights and Opportunities should complete the merit assessment reviews and make findings of reasonable cause or no reasonable cause within the required statutory time frames. (See Recommendation 2.)

Agency Response:

"The Commission on Human Rights and Opportunities agrees with this finding. Unfortunately, the percentages above do not adequately reflect variances from region to region, month to month and therefore that cannot be relied upon as a picture of how things existed at every level throughout the agency. This random sampling, if used to apply to the entire inventory can give a skewed view of actual circumstances. Other samples conceivably could produce dramatically different results and would have varied results in any region on any month depending on a number of factors. Most regions do complete the merit assessments within the required statutory time frame. While this sampling was taken from a period when the Commission was under a different administration, we believe this sampling is an anomaly and not a usual occurrence. We believe the findings can largely be attributed to inadequate staffing which doesn't afford allowances for

unanticipated absences, many of which were for extended periods of time. Additionally, we lost positions due to attrition that were not refilled due to statewide budgetary restraints. The Commission has implemented new procedures under the current administration (effective November 2013) which resulted in the establishment of a Uniformity Committee specifically tasked to review, revise and produce a newly, updated Investigators Manual for a consistent resource guide and tool. The manual has been completed but is in final editing stages and is being disseminated to staff during regular training intervals as each section is completed.”

Lack of Submission of Annual Affirmative Action and Contract Compliance Reports

Criteria: Section 46a-56 subsection (a) (6) of the 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, known as the Contract Compliance report.

Section 46a-68 subsection (f) of the General Statutes requires 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, known as the Affirmative Action report.

Condition: CHRO did not submit the Contract Compliance report for the fiscal year ended June 30, 2009, 2010, 2011, and 2012. The last fiscal year the agency produced this report was 2007-2008.

CHRO has not submitted the Affirmative Action report for calendar years 2009, 2010, 2011 and 2012. The last year the commission produced this report was the 2008 calendar year.

Effect: CHRO has not met the reporting requirements of Sections 46a-56 subsection (a) (6) and 46a-68 subsection (f) of the Connecticut General Statutes.

The General Assembly’s efforts in monitoring nondiscrimination and affirmative action provisions of the General Statutes are hindered.

CHRO did not apprise the Governor and the General Assembly of the collective efforts of state agencies to achieve a workforce fully representative of the population of Connecticut and did not indicate the status of individual agency affirmative action plan reviews by CHRO.

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 3.)

Agency Response: “The Commission agrees with this finding. It appears that over the course of the past 8 years, the Affirmative Action (AA)/ Contract Compliance (CC) unit was significantly reduced in staffing levels. There is only one remaining staff person who is familiar with the reporting requirements; trying to manage the resulting backlog, etc. has significantly impacted the ability to complete the contract compliance reporting.

It appears that a period of time elapsed wherein no one in Affirmative Action/ Contract Compliance unit had time to do the Annual Report. It was previously the responsibility of an HRO Representative who retired in 2009 and her position was never refilled. There were 2 full time, (and one part time) employees who were required to assume her workload in addition to their own assignments. An IT Analyst 3 left in early 2011 (before the data was collected for the 2010 AA Annual Report). He developed the program for the AA Survey and no one knew how to use it after he left. When he retired there was no advanced notice. CHRO requested assistance from BEST to get the AA Survey online but they were unable to assist us at that time.

Additional losses to the unit during the period in question included an HRO Representative who left in Dec 2011; his position was never refilled. Another HRO Representative from this unit left in Nov 2012 and her position was also not refilled so there was virtually no staff to cover the assignment of annual reporting.

In May 2014 another HRO Rep. prepared the last CC Annual Report which she initially submitted in Feb 2009. Due to problems with that report, she was asked to redo it and it was not completed for about another year. At this point there were 1 and one-half staff members reviewing Contract Compliance Plans so there was no one available to prepare CC Annual Reports. Since that time, this investigator has left the agency.

We are now completely focused and committed to maintaining the reporting requirements for every aspect of our mission as mandated by statute and will have the aged and current reports completed and posted by year end 2015.”

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. The PARS handbook, published by the Department of Administrative Services, details the processes and forms required to be filed at the beginning of the fiscal year for each managerial employee. The forms are the planning and appraisal record and the annual review form. The purpose of the Performance Assessment and Recognition System 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 those 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 an agency elects to not participate, it cannot award lump-sum payments to managers who have reached the maximum of their pay plan.

Condition:

The required PARS forms were not prepared for the fiscal years ended June 30, 2010, 2011, 2012, 2013 and 2014.

<i>Effect:</i>	The objectives of the Performance Assessment and Recognition System are not being achieved. PARS increases are being awarded without the required review and documentation being completed.
<i>Cause:</i>	The cause was not determined.
<i>Recommendation:</i>	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. (See Recommendation 4.)
<i>Agency Response:</i>	“Agreed. Under the previous administrations, PARS were not administered for several years. This has since been rectified by implementing the Performance Appraisal Review System with all managers beginning with the current fiscal year (September 1, 2014 – August 31, 2015.”

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

<i>Criteria:</i>	Good business practices suggest that an employee policy and procedures manual be kept current.
<i>Condition:</i>	The Commission on Human Rights and Opportunities’ investigator forms and procedures manual has not been updated for several years.
<i>Effect:</i>	A manual that is not kept up-to-date reduces the likelihood that all employees are current on changes in agency policies and procedures.
<i>Cause:</i>	The cause was not determined.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should update its investigator forms and procedures manual. (See Recommendation 5.)
<i>Agency Response:</i>	“The Commission agrees with this finding and has implemented new procedures under the current administration (effective November 2013) which resulted in the establishment of a Uniformity Committee specifically tasked to review, revise and produce a newly, updated Investigators Manual for a consistent resource guide and tool. This manual has been completed but is in its final editing stage. Portions have been completed and are being disseminated to staff contemporaneously with accompanying training on the new updates.”

RECOMMENDATIONS

Our prior report on the Commission on Human Rights and Opportunities contained seven recommendations, four of which are repeated.

Status of Prior Audit Recommendations:

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 time frame. This recommendation is being repeated. (See Recommendation 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.** This recommendation is being repeated. (See Recommendation 3.)
- **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.** This recommendation is being repeated. (See Recommendation 4.)
- **The Commission on Human Rights and Opportunities should update its investigator forms and procedures manual.** This recommendation is being repeated. (See Recommendation 5.)
- **The Commission on Human Rights and Opportunities, in conjunction with the Department of Administrative Services, should maintain accurate equipment inventory records and accurately report capital assets to the State Comptroller.** This recommendation is not being repeated.
- **The Commission on Human Rights and Opportunities should improve records retention over fiscal records to ensure they are properly maintained in accordance with state procedures.** This recommendation is not being repeated.
- **The Commission on Human Rights and Opportunities should post all receipts to a cash receipts journal and should maintain a cash receipts journal in conformity with State Accounting Manual requirements.** This recommendation is not being repeated.

Current Audit Recommendations:

- 1. The Commission on Human Rights and Opportunities should prepare and submit all reports not previously submitted to the Judiciary Committee and the Governor in accordance with Section 46a-82 subsection (b) of the Connecticut General Statutes. The commission should also submit all future reports in a timely fashion.**

Comment:

The commission did not submit required reports during the fiscal years audited.

- 2. The Commission on Human Rights and Opportunities should complete the merit assessment reviews and make findings of reasonable cause or no reasonable cause within the required statutory time frames.**

Comment:

Of the 21 cases tested in which a determination of reasonable cause or no reasonable cause was made, we found 81 percent exceeded the statutory 370-day time frame and the MAR was not completed within 90 days in 48 percent of these cases. Of the 124 cases tested that were closed with a determination other than that of reasonable cause/no reasonable cause, disposition of these cases was made in excess of 370 days in 25 percent of the cases, and 33 percent of the MARs were completed in excess of 90 days.

- 3. 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:

CHRO has not submitted the Contract Compliance or the Affirmative Action reports for the fiscal years ended June 30, 2010, 2011, and 2012.

- 4. 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.**

Comment:

The required PARS forms were not prepared for the fiscal years ended June 30, 2010, 2011 and 2012.

- 5. The Commission on Human Rights and Opportunities should update its investigator forms and procedures manual.**

Comment:

The Commission on Human Rights and Opportunities' investigator forms and procedures manual has not been updated for several years.

CONCLUSION

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



Gary Kriscenski
Principal Auditor

Approved:



John C. Geragosian
Auditor of Public Accounts



Robert M. Ward
Auditor of Public Accounts