

Testimony prepared for Black and Puerto Rican Caucus

Good afternoon, to the Chair, Vice Chair and members of the Black and Puerto Rican Caucus, my name is Cheryl Sharp and I am an Attorney with the CHRO and a union steward with AFSCME, local 2663 authorized to speak on behalf of the members at the CHRO's Central Office. I am here at your request. In your letter you requested that I provide you with union members' perspectives pertaining to the CHRO and its operations and goals. I plan to address these issues and hope that the outcome will be that the concerns of the dedicated front line staff at the CHRO will be addressed and that better quality and more enhanced services will be provided to the general public.

As you may be aware, the CHRO is a regulatory enforcement agency, which was established in 1943, and is the oldest governmental civil rights agency of its kind in the nation. As a watchdog agency for discrimination in Connecticut, the mission of the Commission is to eliminate discrimination through enforcement, education, outreach and advocacy.

The most urgent crisis that the agency is currently facing is a lack of staff. CHRO has not had staffing levels this low since 1975. Since 1975, the Agency's statutory responsibilities have been significantly expanded to include contract compliance and affirmative action enforcement, litigation and adjudication of all complaints at public hearing and in court, the prosecution of whistle blower complaints, monitoring and intervention in private civil actions related to discrimination and seven new protected classes.

Although the legislature has authorized 82 positions for the current fiscal year, there are only **64** employees currently working for the CHRO. Union leadership and members have repeatedly inquired as to why vacant positions have not been filled, yet to date we have not received a consistent or satisfactory explanation. We haven't filled an investigator position since 2008. From a historical perspective, in fiscal year **2007-2008**, the CHRO had **103** authorized positions; in FY **'08-'09**, the CHRO had **103** authorized positions and **95** employees; in FY **'09-'10**, the CHRO had **80** authorized positions and **74** employees; in FY **'10-'11** the CHRO had **82** authorized positions and **69** employees. Today, in FY **'11-12**, the CHRO has **82** authorized positions and **64** employees. I have attached a chart that provides a history of staffing levels at the CHRO over 30 years and it is glaringly obvious that CHRO has a critical shortage of employees.

Why is staffing an issue? The work of the CHRO is vital to the public, to the people that we serve. The public depends on the CHRO to investigate and prosecute their complaints of illegal discrimination in a timely manner, and to do so competently. Further, the public depends on the CHRO to monitor the awarding of state contracts to certified small, minority, woman and disabled owned business in its efforts to foster the growth of these businesses, and to ensure Affirmative Action and diversity in state employment. Also, the CHRO has two federal, performance based contracts with the EEOC and HUD, and each year that vacant positions go unfilled, the state is losing

federal dollars. In the attachments, I have provided to you, it is clear that there is a direct correlation between the number of filled positions at the CHRO and its ability to fully process discrimination cases and monitor state contracting and affirmative action. In FY '08-'09 when CHRO had 103 authorized positions and 95 filled positions, the ratio of cases closed to cases filed was 109%, as staffed decreased in FY '09-'10 to 80 authorized positions and 74 filled positions, the ratio of cases closed to cases filed decreased to 89% and in FY '10-'11 there was a further decrease in the ratio of cases closed to cases filed to 84%. In that same fiscal year **1,949** new complaints were filed and only **1,389** complaints were closed. The CHRO took in 560 more complaints than it closed. If you consider that after Merit assessment Review has been completed, the average investigator closes **40-45** cases a year, we are 14 investigators short to break even for the year and that does not address our previous backlog. There is a direct correlation between the decrease in the ratio of cases closed to cases filed and the creation of a backlog of complaints.

Any assistance this caucus can provide in helping the CHRO fill positions that have been authorized by the legislature would be greatly appreciated. Moreover, any additional authorized positions granted by the legislature could result in additional federal dollars coming into the state of CT. In our neighboring state of Mass., more than half **50%** of the Mass. Commission's operating budget comes from their partnership with the US Department of Housing and the Equal Employment Opportunity Commission. In Connecticut, EEOC and HUD funds account for less than **20%** of CHRO's FY '11-'12 budget. Why? because the contracts are performance based and the CHRO does not have adequate staff to process cases and meet the performance standards of HUD and EEOC in a way that would generate more funding. Just a few years ago the CHRO received around \$1,500,000.00 in combined federal money from two federal agencies--about \$800,000 of it from the U.S. Equal Employment Opportunity Commission. Federal dollars paid for close 25% of the agency budget. Just last year, due to a reduction in staff and the lack of authorization to refill positions, the agency had to reduce its contract with the EEOC from 1,607 to 1,307 case closures, causing the CHRO to lose almost 20% of the value of the EEOC contract. As Governor Malloy cautioned we should not be leaving these federal dollars on the table and I agree with that sentiment, especially when those federal dollars help to offset the cost of running this state agency.

The lack of resources also affects our working conditions. To illustrate how we have been denied resources, the central office which once utilized 17,000 square feet of office space with seven conference or hearing rooms is now crammed into approximately 5,500 square feet with only one hearing room and two very small conference rooms. The space we are currently using was formerly used by DSS as a call center. Public service has been compromised as a result of the lack of resources. Often our stakeholders have to wait for mediations and a public hearing until the limited conference rooms become available—delaying justice. When parties appear at a conference or hearing at times they have to be seated in employee work areas. The legislature appropriated approximately **\$535,000** for the move of our Central Office, but we were not allowed to utilize most of the funds to reconfigure the space and make it

conducive to the CHRO providing quality service to the public. As a union local, we have repeatedly attempted to address working conditions in the central office but we have not received consistent or adequate responses.

The CHRO was designed to be an independent, monitoring and enforcement agency. CHRO is adversely affected by its lack of independence from other state agencies. Other agencies, not involved in the day to day operations of the CHRO, appear to have substantial control over vital decision making. For example, the Central Office has an inadequate amount of space, approximately 10,000 square feet less than was originally submitted in an invitation to submit lease proposal prepared by DPW for Central Office. Other agencies control position refills, yet the CHRO suffers from inadequate staffing. We currently have no IT person on staff, and our case processing data base has been largely inoperable for over a year. Without a fully operable case tracking system we cannot ensure that we have accurate data to report to federal funding sources, jeopardizing our federal funding, and the services we provide to the public and the viability of our members.

In preparation for this testimony, I reviewed the agendas from labor management meetings over the past year, and the reoccurring complaint I have received from members is that members feel uninformed about the status of critical issues affecting the services we provide to the public, the working conditions of the Agency and our ability to meet our charge with insufficient resources and staffing that remains at an all time low.

Thank you for the invitation to provide you with the perspective of our members in Central Office and I can answer any questions that you may have. Thank you.

