

# Legislative Program Review and Investigations Committee

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## STUDY SCOPE

### Commission on Human Rights and Opportunities: Discrimination Complaint Processing

#### Focus

This study will examine the Commission on Human Rights and Opportunities' (CHRO) discriminatory practice complaint process as it relates to employment, housing, credit, and public accommodations, with an emphasis on changes made to the process by Public Act 11-237.<sup>1</sup>

#### Background

Connecticut's Commission on Human Rights and Opportunities was one of the first "human rights agencies" in the United States. In addition to enforcing various anti-discrimination laws, CHRO is required to provide education and outreach to "establish equal opportunity and justice," support and oversee the development and implementation of state agency affirmative action plans, and monitor state contracting for compliance with small contractor set-aside provisions.

Discriminatory practice complaint processing is the commission's most visible function and the one commanding the majority of its resources. CHRO receives and investigates complaints involving discrimination in employment, housing, credit practices, and public accommodations. The commission reported 2,486 complaints were filed in FY 15, of which over 80 percent pertained to employment discrimination. The total number of complaints filed that year reflected a 25 percent increase over the 1,971 complaints filed in FY 10. The number of cases closed by CHRO in FY 15 was 2,334, which was over 30 percent more than the 1,761 cases closed in FY 10.

Current state law establishes timeframes for CHRO discrimination complaint processing. With the exception of housing complaints, which are processed on an expedited schedule, requirements include that a case assessment review be completed within 60 days<sup>2</sup> of receipt of an employer's or other respondent's answer to a complaint, and that a finding of reasonable cause or

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<sup>1</sup> Public Act 11-237 was legislation intended to decrease a growing backlog of complaints within CHRO and reduce the commission's complaint processing timeframes, while continuing to ensure the fairness and impartiality of the complaint process for both complainants and respondents.

<sup>2</sup> A case assessment review is the process whereby CHRO examines information pertaining to a complaint to determine whether a complaint should be retained for a full investigation or dismissed. Prior to the passage of Public Act 15-249, this was called a merit assessment review and was required to be completed in 90 days of receipt of a respondent's answer to a discriminatory practice complaint.

no reasonable cause be issued within 190 days of case assessment completion.<sup>3</sup> The commission is also required by law to report annually to the legislature and the governor on how quickly it has been processing discrimination complaints.

In FY 15, CHRO had 79 authorized positions and budget expenditures of \$6.1 million. The commission generates General Fund revenues through payments for cases processed on behalf of the federal Equal Employment Opportunity Commission (EEOC) and Department of Housing and Urban Development (HUD). In FY 15, these payments totaled \$1.27 million from EEOC and \$316,000 from HUD.

## Areas of Analysis

1. Describe how CHRO's discriminatory practice complaint function is organized and how the commission processes discrimination complaints pertaining to employment, housing, credit, and public accommodations.
2. Determine the commission's discrimination complaint workload and highlight any recent trends in the number and types of complaints received and resolved.
3. Identify any barriers, constraints, or challenges to the performance of CHRO's discrimination complaint process.
4. Analyze the impact of P.A. 11-237 on CHRO's discrimination complaint function, focusing on the commission's overall timeliness in processing complaints.
5. Assess the commission's efforts in identifying, recommending, and implementing opportunities for improvement.

## Areas Not Under Review

This study will not examine CHRO's responsibilities and processes relating to outreach and advocacy, state agency affirmative action plans, or contract compliance. Neither will it evaluate or review the merits of any discrimination complaint before the commission or previously decided by the commission.

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<sup>3</sup> The law also provides for up to two 90-day extensions of time for the commission to make its findings of reasonable cause or no reasonable cause. Overall, the statutory scheme contemplates that discriminatory practice complaints should be resolved or referred for public hearing within 370 days of the conclusion of the case assessment.