

New Legislation Grants Additional Powers to the Commission on Human Rights and Opportunities

Working Together

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Until about 25 years ago, the Connecticut Commission on Human Rights and Opportunities claimed the power to award both general damages for emotional distress and reasonable attorneys' fees to complainants who prevailed in a CHRO public hearing. Then in a landmark decision in 1995, the Connecticut Supreme Court ruled that the CHRO had misapplied the applicable statutes and did not have the authority to award general damages or fees. Bridgeport Hospital v. Commission on Human Rights and Opportunities, 232 Conn. 91. [disclosure: the case was argued by this author]

Since then, the CHRO has lobbied the General Assembly to re-acquire this authority, and this year has succeeded. Public Act 19-16* authorizes a hearing officer to determine damages suffered by a complainant (not limited to back pay), and allows reasonable attorneys' fees and costs. This section of the public act takes effect on October 1, 2019, presumably meaning that the expanded authority may be exercised in any public hearing conducted after that date.

Wage and workplace standards investigators from the Connecticut Department of Labor have long had the power to enter a place of business without prior notice to inspect time cards and payroll records for the purpose of enforcing wage payment laws. See Conn. Gen. Stat. 31-59 and 31-76a. Public Act 19-16 grants a similar power to the CHRO to enter a place of business during normal business hours to inspect for compliance with requirements for posting notices and conducting training on sexual harassment.

The new law adds that CHRO inspectors shall ensure that their activities do not unduly disrupt an employer's business operations. The CHRO can come knocking as of the law's effective date of October 1, 2019.

Other new powers granted to the CHRO by Public Act 19-16 include an extension of the time period for filing complaints for employment discrimination (and various types of discrimination by state agencies) to 300 days after the date of alleged discrimination (the former time period was 180 days); expanded enforcement authority for non-compliance with posting and training requirements; and authorization for the CHRO's legal counsel, with the agreement of the parties, to bring a civil action in superior court on a complaint of discrimination instead of a CHRO administrative hearing conducted by a hearing officer. These new provisions also take effect on October 1, 2019.

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*Although not yet signed by the governor as of today, no veto is expected.

Tags: CT Commission on Human Rights and Opportunities (CHRO)