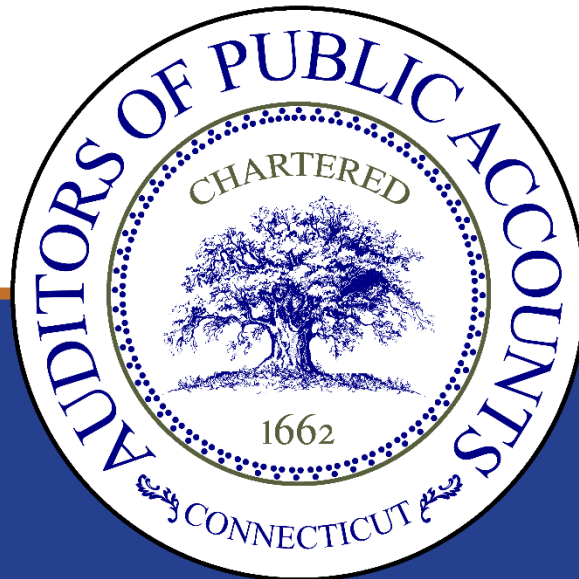


AUDITORS' REPORT

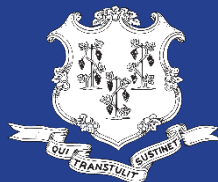
Commission on Human Rights and Opportunities

FISCAL YEARS ENDED JUNE 30, 2021 AND 2022



STATE OF CONNECTICUT
Auditors of Public Accounts

JOHN C. GERAGOSIAN
State Auditor



CLARK J. CHAPIN
State Auditor

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STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

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December 20, 2023

INTRODUCTION

We are pleased to submit this audit of the Commission on Human Rights and Opportunities (CHRO) for the fiscal years ended June 30, 2021 and 2022 in accordance with the provisions of Section 2-90 of the Connecticut General Statutes. Our audit identified internal control deficiencies; instances of noncompliance with laws, regulations, or policies; and a need for improvement in practices and procedures that warrant management's attention.

The Auditors of Public Accounts 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 our examination.

The Auditors of Public Accounts also would like to acknowledge the auditors who contributed to this report:

Dennis Collins
Lisa Drzewiecki
Sidney Gale
Austin Holden

A handwritten signature in black ink, appearing to read "L Drzewiecki".

Lisa Drzewiecki
Associate Auditor

Approved:

A handwritten signature in black ink, appearing to read "John C. Geragosian".

John C. Geragosian
State Auditor

A handwritten signature in black ink, appearing to read "Clark J. Chapin".

Clark J. Chapin
State Auditor

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our examination of the records of the Commission on Human Rights and Opportunities disclosed the following eight recommendations, of which four were repeated from the previous audit.

Finding 1

Martin Luther King, Jr. Holiday Commission – Noncompliance with Governing Statutes

Background

Section 10-29b of the General Statutes established a Martin Luther King, Jr. Holiday Commission, consisting of 19 members appointed by the Governor and leaders of the General Assembly. Commission vacancies are filled by their appointing authority. The commission meets as often as deemed necessary by the chairperson or a majority of the commission. The Commission on Human Rights and Opportunities serves as secretariat and consultant to the commission.

Criteria

Section 1-225 of the General Statutes requires each public agency to make its meeting minutes available for public inspection within seven days after the meeting, and post them on its website, if available. Agencies must make meeting notices and regular meeting agendas available to the public and file them with the office of the Secretary of the State at least 24 hours before the meeting. Agencies must post meeting agendas on their and the Secretary of the State's websites.

Section 10-29b of the General Statutes requires the Martin Luther King, Jr. Holiday Commission to submit, by each September 1st, a report to the Governor on its findings, conclusions, proposals, and recommendations for the observance of such birthday in the following January.

Condition

Our review of the Martin Luther King, Jr. Holiday Commission disclosed the following exceptions:

- The commission could not provide meeting minutes for four of the 22 meetings that occurred during the audited period.

- The commission did not post its meeting minutes and agendas on the CHRO website.
- The commission did not post its meeting notices and agendas on the Secretary of the State’s public meeting calendar.
- The commission did not submit its 2021 annual report to the Governor.

Context

We reviewed all 22 meetings held by the Martin Luther King, Jr. Holiday Commission during the audited period and selected the 2021 and 2022 annual reports for review.

Effect

The absence of posted meeting notices, minutes, agendas, and annual reports could leave interested parties uninformed about the commission’s activities.

Cause

The commission informed us that the four missing meeting minutes were recorded on a personal computer that is no longer available.

The commission does not have its own website and does not use the CHRO website to post its minutes and agendas.

The commission was not aware that it needed to post its meeting notices and agendas on the Secretary of the State’s public meeting calendar.

The commission did not submit its 2021 annual report due to an oversight.

Prior Audit Finding

This finding has been previously reported in part in the last two audit reports covering the fiscal years ended 2017 through 2020.

Recommendation

The Martin Luther King, Jr. Holiday Commission should ensure compliance with Sections 1-225 and 10-29b of the General Statutes with applicable guidance from the Commission on Human Rights and Opportunities.

Agency Response

“The CHRO has designated its IT chairperson and team to assist the MLK Holiday Commission with posting its minutes, agendas and other activity on the CHRO website with its own designated section. We will endeavor to direct them to the appropriate persons for posting on the SOTS website so that a representative from the MLK Holiday Commission can regularly post the information in accordance with the SOTS protocols.

The CHRO has reached out to officials each year with the deadline and criteria for providing the annual report. We are also willing to include information on their behalf in the CHRO annual report when provided.

The CHRO purchased a laptop and printer on behalf of the MLK Commission (using funds from the Administrative Services Division) that have been assigned to the Chair of the MLK Commission."

Finding 2

Statutory Reporting Deficiencies

Criteria

The Commission on Human Rights and Opportunities (CHRO) must comply with several statutory reporting requirements, including:

Section 4-36 of the General Statutes requires CHRO to transmit a detailed inventory of its real and personal property to the State Comptroller. The commission must transmit a completed Asset Management/Inventory Report (CO-59 form) to the Comptroller on or before October first for the preceding fiscal year.

Section 4d-7 of the General Statutes requires each agency to submit annually on or before August 1st, all plans, documents, and other information requested by the Commissioner of the Department of Administrative Services for the development of the Information and Telecommunication Systems Strategic Plan.

Section 4a-60g(m) of the General Statutes requires CHRO to monitor the achievement of the annual set-aside goals established by each awarding agency and to prepare and submit a quarterly report on whether or how agencies achieved these goals to each awarding agency, the Department of Economic and Community Development, the Department of Administrative Services, and the General Assembly.

Condition

CHRO did not comply with the following statutory reporting requirements during the audited period:

- CHRO submitted the CO-59 asset management reports five and 52 days late for the fiscal years 2021 and 2022, respectively.
- CHRO could not provide evidence that it submitted two required reports to intended recipients:

- o The annual information and telecommunication systems strategic plan for fiscal years 2021 and 2022
- o The quarterly reports on the goal achievement of the set-aside program for the entire audited period

Context	We reviewed all 14 CHRO annual and biennial statutory reporting requirements for compliance. We reported on one of the requirements in the first finding.
Effect	The intended recipients of the reports are not cognizant of its respective data to make timely and informed decisions.
Cause	The commission previously acknowledged its reporting deficiencies, and is trying to meet these requirements.
Prior Audit Finding	This finding has been previously reported in the last four audit reports covering the fiscal years 2013 through 2020.
Recommendation	The Commission on Human Rights and Opportunities should comply with its statutory reporting requirements.
Agency Response	"In September 2022, we became aware of the requirements of Section 4d-7 regarding the Information and Telecommunication Systems Strategic Plan and submitted the plan for FY 2023. This will not be a problem going forward."

Finding 3

Asset Management Issues

Background	A memorandum of understanding between CHRO and the Department of Labor (DOL), makes DOL responsible for entering CHRO's assets into the Core-CT accounting system; coordinating items for surplus; and preparing its Asset Management Report (CO-59). CHRO is responsible for approving its CO-59; managing its physical inventory; reconciling inventory records; identifying and recording missing items; completing and submitting signed CO-853 loss reports; and maintaining its software inventory.
Criteria	Section 4-36 of the General Statutes requires state agencies to establish and maintain inventory records as prescribed by the Office of the State Comptroller. The agency must transmit a CO-59 to the

State Comptroller and maintain its inventory in Core-CT. Only capitalized equipment should be reported on the CO-59, which should reconcile to the Core-CT inventory listing.

The State Property Control Manual requires each agency to maintain complete and accurate property records and establish specific standards, including conducting a complete physical inventory of all property by the end of each fiscal year and properly maintaining a software inventory record.

Condition

Our review of CHRO's asset management reports (CO-59) for the fiscal years ended, June 30, 2021, and 2022 determined the reports were unreliable due to the following issues:

- The CHRO asset management system did not indicate whether CHRO has conducted a physical inventory since July 14, 2009. Sixty-five percent of assets listed did not indicate a date of physical inventory verification.
- CHRO did not change the value of its assets reported on its CO-59 for the fiscal years 2017 through 2021, and the CO-59 report for fiscal year 2022 did not reconcile to the Core-CT assets management records. There was a \$188,004 unresolved discrepancy between the CO-59 report and the Core-CT listing.
- DOL did not appear to enter \$256,435 in CHRO purchased assets into the asset management system in fiscal years 2017 through 2022.
- The CHRO software inventory listing did not contain the required fields as identified in the State Property Control Manual.

Context

CHRO reported ending balances of \$331,913 and \$380,102 on the CO-59 for the fiscal years ended June 30, 2021 and 2022, respectively.

Effect

When agencies do not record equipment purchases, conduct complete physical inventories, and maintain comprehensive inventory records, they are more likely to inaccurately report assets, resulting in an increased risk of loss of state property.

Cause

A former CHRO employee assigned to oversee the annual physical inventory did not follow through with their responsibility.

CHRO and DOL did not have a clear understanding of their assigned asset management roles within the memorandum of understanding.

Prior Audit Finding

This finding has been previously reported in the last two audit reports covering the fiscal years 2017 through 2020.

Recommendation

The Commission on Human Rights and Opportunities should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual.

Agency Response

"The CHRO does work closely with the Department of Labor to ensure compliance with asset management requirements. It is our understanding that the report detailing inventory of real and personal inventory required under Section 4-36 is created and submitted by the Department of Labor on the CHRO's behalf. Nonetheless, CHRO has endeavored to develop an agency refresh policy and has developed a sophisticated excel report to track and maintain the inventory by unit/division/employee, type of device/equipment, funds used to purchase and dates of assignment/purchase/ receipt. All equipment is purchased and processed through strict state protocols and must be subjected to a series of different levels of approvals. These protocols are coordinated through the Department of Labor via Memorandum of Understanding."

Finding 4**Information Technology Resources****Background**

The Commission on Human Rights and Opportunities has 81 employees who are responsible for reliably and promptly processing information to meet statutory requirements and fulfilling the commission's responsibilities to the public.

Criteria

Operational and management information systems should be designed to ensure the creation, compilation, maintenance, retention, and distribution of information in support of an organization's mission.

Section 46a-68(c) of the General Statutes states that all affirmative action plans shall be filed electronically, if practicable.

Condition

CHRO's information technology infrastructure lacks the capacity to provide information efficiently and reliably for case management and process monitoring by senior management across its three activities.

- Our prior audit reported that CHRO's case tracking system (CTS) does not effectively, efficiently, and reliably support management in its mission due to design limitations, inadequate maintenance, and unreliable information. CHRO has not added significant functionality to its case tracking system since the last audit.
- Only three of 56 state agencies currently file their affirmative action reports electronically. CHRO has not encouraged other state agencies to transition to electronic filing.
- None of the contractors' 1,066 affirmative action plans were filed electronically during the audited period.

Context

CHRO's services fall into three categories:

- Processing an average of over 2,000 new cases a year, which may range from less than 60 days to 12 years
- Monitoring vendor compliance for approximately 2,200 small business and minority set-aside programs that extend over as much as five years for a major contract
- Monitoring affirmative action plan development and compliance of 56 state agencies and commissions

This finding addresses systemic issues pertaining to all three categories of CHRO activity and constitutes a general assessment of the information technology environment.

Effect

Not having sufficient information technology resources may cause:

- Redundant effort by management and support staff to produce information that they can obtain more efficiently
- Extra effort and expense on external parties and other state agencies subject to paper-based reporting requirements
- Diminished capacity to identify trends in current discrimination case processing, comply with various statutory requirements, and monitor caseloads

Cause

The agency operates in a paper-oriented environment with a focus on individual case management rather than process management and lacks staff with information technology expertise.

Prior Audit Finding

This finding has been previously reported in the last two audit reports covering the fiscal years 2017 through 2020.

Recommendation

The Commission on Human Rights and Opportunities should continue to pursue funding and obtain appropriate staffing resources to improve its information management capacity and agency efficiency. The commission should develop a strategy to upgrade its current information technology systems, provide training, and implement electronic processing of state agency and contractor affirmative action plans.

Agency Response

"The Commission on Human Rights and Opportunities will continue to pursue funding and obtain appropriate staffing resources to improve its information management capacity and agency efficiency. The commission will work with the state officials and legislature to develop a strategy to upgrade its current information technology systems and training and implement electronic processing of state agency and contractor affirmative action plans. Also previously reported, we did not and do not have the budget allotment for independent upgrades and must work collaboratively with governmental agencies and the Governor."

Finding 5

Office of Public Hearings - Untimely Hearings on Discrimination Complaints

Background

Discrimination complaints filed with the Commission on Human Rights and Opportunities are assigned an investigator to conduct a case assessment review and determine if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. When an investigator finds reasonable cause and is unable to eliminate the unfair practice by conference or conciliation, the investigator certifies the complaint to the Office of Public Hearings (OPH).

OPH is responsible for scheduling and conducting all phases of the public hearing process in contested discrimination cases under the commission's jurisdiction.

Criteria

Section 46a-84 of the General Statutes indicates that upon certification of a complaint to OPH, the Chief Human Rights Referee shall appoint a human rights referee to act as a presiding officer to hear the complaint. The chief referee also appoints another person to conduct settlement negotiations. The assigned human rights referee must convene a hearing conference within 45 days after the certification of the complaint.

Condition	Our review of 110 discrimination cases certified to the Office of Public Hearings during the audited period disclosed that 58 hearing conferences (53%) were not convened within the statutorily required 45 days.
Context	We reviewed all 110 discrimination cases certified to the Office of Public Hearing during the audited period.
Effect	The failure to promptly convene a hearing conference delays the investigation and prolongs the subsequent resolution of the contested discrimination case.
Cause	For the first nine months of the audited period, OPH operated with only two of the three statutorily required human rights referees, followed by six months with only one referee. It takes three human rights referees (one of whom serves as the chief referee) to operate the office. In November 2022, the Governor appointed two human rights referees to fill the OPH vacancies. Since then, OPH significantly reduced its case backlog .
Prior Audit Finding	This finding has not been previously reported.
Recommendation	The Commission on Human Rights and Opportunities should continue to ensure that Office of Public Hearings human rights referee vacancies are promptly filled to reduce the risk of case backlogs and comply with Section 46a-84 of the General Statutes.
Agency Response	"The audit period covered FY 2021-2022, therefore, it is prudent and necessary that an explanation be included in the audit report indicating that during this time period, OPH was in the midst of the pandemic, and the chief referee retired."

Finding 6

Noncompliance with Statutory Case Deadlines

Background	The Commission on Human Rights and Opportunities is responsible for monitoring 28 statutory deadlines when processing discrimination cases. These deadlines include time requirements for filing and responding to complaints, case assessment reviews, mandatory mediation conferences, investigations, early legal
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intervention, reconsideration requests, appeals to court, reopening of complaints, and release of jurisdiction.

Criteria

Section 46a-83(a) of the General Statutes requires the commission to serve the respondent with the complaint and a notice of the procedural rights and obligations not later than 15 days after the date of filing of the discriminatory practice complaint.

Section 46a-83(c) of the General Statutes requires the commission to conduct a case assessment review to determine whether the complaint should be retained for further processing or dismissed. The commission has 60 days from the filing of the respondent's answer to the complaint to conduct the case assessment review and inform the complainant of any notice of action taken pursuant to the case assessment review.

Section 46a-83(f) of the General Statutes requires the commission to assign an investigator to process the complaint no later than 15 days after a mandatory mediation conference failed to resolve the complaint or an early legal intervention decision was made to investigate the case. The investigator may process the complaint by any lawful means of finding facts in order to determine whether there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged by the complainant.

Section 46a-83(g)(1) of the General Statutes requires the case investigator to make a finding of reasonable cause or not reasonable cause not later than 190 days from the date of the case assessment review. For good cause, the executive director or the executive director's designee may grant up to two extensions of the investigation of three months each.

Section 46a-83(h) of the General Statutes requires that a commission legal counsel shall grant or reject a request for reconsideration not later than 90 days after the date of the sending of such finding or dismissal.

Condition

Our review of 21 discrimination complaint cases filed during the audited period identified exceptions in all 21 cases:

- CHRO served 17 complaints to the respondent more than 15 days after the filing date. CHRO served these complaints between three and 27 days late.
- CHRO conducted 12 case assessment reviews more than 60 days from the filing of the respondent's answer to the complaint. CHRO served the complaints to the respondent between two and 46 days late.
- CHRO assigned seven discrimination cases to an investigator more than 15 days from the mediation fail or

early legal intervention decision. CHRO assigned the investigators between eight and 91 days late.

- For 18 discrimination cases, the case investigator did not make a final determination of reasonable cause within the statutory deadline. The case investigators made the final determinations between 31 and 389 days late.
- The commission's denial of a request for reconsideration was 22 days after the 90 days allowed per statute.

Context

The Commission on Human Rights and Opportunities received 4,176 discrimination cases during the audited period. We judgmentally selected 21 cases in which the investigator made a final determination of reasonable or no reasonable cause.

Effect

The failure to promptly process complaints delays the investigation and the potential issuance of a finding of reasonable cause. This places a burden on all parties, particularly the complainant who alleged discrimination.

Cause

This appears to be due to changes in working conditions caused by the pandemic and vacancies that CHRO experienced in fiscal years 2021 and 2022.

Prior Audit Finding

This finding has not been previously reported.

Recommendation

The Commission on Human Rights and Opportunities should process discrimination complaints and determine reasonable cause within the statutory deadlines.

Agency Response

"It is worth mentioning that these cases were all handled in the early days of the pandemic (all but two of the affidavits were dated between July 2020 and December 2020) when we were grappling with new technology, a new Microsoft TEAMS platform, how to use technology remotely, and an international pandemic of unknown proportions. It is hard to determine if any of those factors had a bearing, but it is safe to say that they may have."

Finding 7

Contractor Affirmative Action Plans

Criteria

Section 46a-68c of the General Statutes requires the executive director or their designee to review and formally approve,

conditionally approve, or disapprove the contents of affirmative action plans submitted by contractors for municipal or state projects within 120 days of submission. Within 15 days after deeming the plan approved or deficient without consequence, CHRO is required to provide the contractor with written notification of the action taken with respect to the plan.

Condition

CHRO did not track the date it approved or disapproved contractor affirmative action plans. As a result, CHRO could not document that it met statutorily required deadlines.

Context

The commission reviewed 1,066 contractor affirmative action plans during the audited period.

Effect

CHRO may not promptly review contractor affirmative action plans. This may delay the issuance of certificates of compliance to contractors and impede their eligibility to bid on or be awarded contracts.

Cause

The condition appears due to a lack of management oversight in the monitoring of contractor affirmative action plans.

Prior Audit Finding

This finding has not been previously reported.

Recommendation

The Commission on Human Rights and Opportunities should improve monitoring over the review of contractor affirmative action plans to ensure that it meets statutory deadlines.

Agency Response

"The CHRO will begin to track the date that affirmative action plans submitted by contractors are approved or disapproved, in accordance with statutorily required timelines."

Finding 8

Outdated State Regulations

Criteria

Section 46a-54(5) of the General Statutes requires the Commission of Human Rights and Opportunities to adopt, publish, amend, and rescind regulations to carry out the commission's statutory functions.

The Regulations of State Agencies help to clarify the General Statutes and should reflect current legislation.

Condition	The commission's state regulations have not been updated since 2015 and do not consistently align with state statutes. Our cursory review noted five state regulations that appeared to conflict with respective state statutes.
Context	There are 275 state regulations related to CHRO.
Effect	Inconsistencies between state regulations and state statutes may lead to misinterpretation, inefficiencies, and errors.
Cause	CHRO did not appear to prioritize updating its state regulations.
Prior Audit Finding	This finding has not been previously reported.
Recommendation	The Commission on Human Rights and Opportunities should review and update its regulations to reflect current statutory language and internal procedures.
Agency Response	"The proposed changes to the Affirmative Action regulation will shortly be published publicly as part of the regulations update process."

STATUS OF PRIOR AUDIT RECOMMENDATIONS

Our [prior audit report](#) on the Commission on Human Rights and Opportunities contained six recommendations. Four recommendations have been repeated or restated with modifications.

Prior Recommendation	Current Status
The Martin Luther King, Jr. Holiday Commission, with guidance from the Commission on Human Rights and Opportunities, should ensure compliance with Section 10-29b of the General Statutes.	REPEATED Modified Form Recommendation 1
The Commission on Human Rights and Opportunities should comply with its statutory reporting requirements.	REPEATED Recommendation 2
The Commission on Human Rights and Opportunities should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual.	REPEATED Recommendation 3
The Commission on Human Rights and Opportunities should continue to pursue funding and obtain appropriate staffing resources to improve its information management capacity and agency efficiency. The commission should develop a strategy to upgrade its current information technology systems and training and implement electronic processing of state agency and contractor affirmative action plans.	REPEATED Recommendation 4
The Commission on Human Rights and Opportunities should discontinue its practice of accepting donations or contributions through the case settlement process under Section 46a-89 of the General Statutes and modify its internal policies to reflect the same.	RESOLVED
The Department of Labor and the Commission on Human Rights and Opportunities should improve procedures for receipts processing and accounting.	RESOLVED

OBJECTIVES, SCOPE, AND METHODOLOGY

We have audited certain operations of the Commission on Human Rights and Opportunities 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, 2021 and 2022. The objectives of our audit were to evaluate the:

1. Commission's internal controls over significant management and financial functions;
2. Commission's compliance with policies and procedures internal to the department or promulgated by other state agencies, as well as certain legal provisions; and
3. Effectiveness, 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 department, as well as certain external parties; and testing selected transactions. Our testing was not designed to project to a population unless specifically stated. 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 this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the 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 a reasonable basis for our findings and conclusions based on our audit objectives.

The accompanying Financial Information is presented for informational purposes. This information was obtained from various available sources including, but not limited to, the department's management and the state's information systems, and was not subjected to the procedures applied in our audit of the department. For the areas audited, we identified:

1. Deficiencies in internal controls;
2. Apparent non-compliance with laws, regulations, contracts and grant agreements, policies, and procedures; and
3. A need for improvement in management practices and procedures that we deemed to be reportable.

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

ABOUT THE AGENCY

Overview

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. CHRO processes discrimination complaints through case assessment review, mediation, investigation, conciliation, prosecution, and adjudication. As part of its mission, CHRO acts as an advocate and provides education and outreach. It also enforces affirmative action laws and state agency contract compliance. CHRO functions through a central office in Hartford and four regional offices in Hartford, Norwich, Bridgeport, and Waterbury. Under Section 46a-52(e) of the General Statutes, the commission is within the Labor Department for administrative purposes only.

In a typical fiscal year, the commission receives over 2,000 complaints. About 80% of complaints relate to employment, 10% housing, and the remainder involve service, credit, or public accommodation.

CHRO also reviews state agency affirmative action plans, in accordance with Section 46a-68 of the General Statutes. During the audited period, the commission approved 80 of the 87 plans reviewed. The commission conditionally approved two plans and disapproved five. In accordance with Section 46a-68a of the General Statutes, if the commission disapproves an affirmative action plan, it may issue a certificate of noncompliance. 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 is compliant. If the agency achieves compliance, the commission withdraws the certificate of noncompliance.

CHRO annually monitors state and municipal contracts for statutory compliance reviewing affirmative action and set-aside plans of contractors doing business with state agencies. CHRO is responsible for ensuring equity and opportunity for Connecticut small and minority business enterprises owned by women, ethnic minorities, and people with disabilities.

Organizational Structure

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. The Governor appoints five members to five-year terms and one of the commissioners as chairperson. The president pro tempore of the Senate, minority leader of the Senate, speaker of the House of Representatives, and minority leader of the House of Representatives each appoint one member to a three-year term. The commissioners serve without pay but receive compensation for reasonable expenses in the course of serving on the commission. As of June 30, 2022, the following members served on the commission:

Lisa B. Giliberto
Nicholas Kapoor
Edward Mambruno
Andrew M. Norton
Edith M. Pestana
Joseph M. Suggs Jr.
Three vacancies

Neeta Vatti served on the commission from September 23, 2019 through May 1, 2022. This position is currently vacant. Dr. Cherron Payne served as chairperson from January 22, 2016 through October 1, 2021. The chairperson position is currently vacant.

Tanya A. Hughes, Esq. was reappointed executive director to a four-year term on July 14, 2021. 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) 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. Holiday Commission consists of 19 members, 11 appointed by the Governor and eight by the leaders of the General Assembly. CHRO serves as the secretariat and consultant for the MLK Jr. Commission. As of June 30, 2022, the MLK Jr. Commission had 16 members and three vacancies. Donna Campbell served as chairperson of the commission throughout the audited period.

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 authorize hearings. Human rights referees serve three-year terms. The executive director designates one human rights referee to serve as the chief human rights referee for a one-year term. As of June 30, 2022, the following persons served as human rights referees within the CHRO Office of Public Hearings:

Dr. Cherron Payne, Chief Human Rights Referee
Elissa Wright (retired effective 7/1/2022)
Jon P. FitzGerald

In fiscal year 2021, extended referee vacancies caused a continued increase in the average number of cases pending litigation that halted case hearings. The vacancies were filled in November 2021 by Dr. Cherron Payne and Jon FitzGerald. Since then, approximately 61 cases have been closed. CHRO reported that the referees currently have an active caseload of 142 cases.

Significant Legislation

- **Public Act 21-2** from the June 2021 Special Session, effective June 23, 2021, required CHRO to oversee a study of equity in state government programs and actions. CHRO, in consultation with the Department of Administrative Services and the Office of Policy and Management, is required to work with a national consultant to conduct a statewide study into programs and policies to determine whether inequities exist in state programs and policies and submit recommendations to improve any inequities.
- **Special Act 21-8**, effective June 14, 2021, required CHRO, in consultation with the Department of Administrative Services, to conduct a disparity study that examines the state's set-aside program and analyzes whether small and minority-owned businesses can fully participate in state contracting without encountering unfair or discriminatory barriers. Overall, the study is required to review state contracting practices and conduct a quantitative analysis to determine whether women and minority-owned businesses are underutilized in state contracting compared to the actual impact and role of small and minority businesses in Connecticut's economy.

During the 2021 legislative session, the Connecticut General Assembly provided CHRO with \$4 million to conduct the disparity and equity studies.

Financial Information

General Fund

General Fund and Other Restricted Accounts Fund receipts totaled \$1,808,011 and \$1,639,709 for the fiscal years ended June 30, 2021 and 2022, respectively, as compared to \$1,735,167 for the fiscal year ended June 30, 2020. 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 receives a fixed fee for each HUD and EEOC case. These receipts go into the state's General Fund. Receipts decreased in the fiscal years 2021 and 2022 due to CHRO processing fewer cases.

CHRO also received federal EEOC and HUD funds for travel, training, administrative costs, special enforcement efforts, and other purposes. These grant receipts totaled \$226,815 and \$133,056, for the fiscal years ended June 30, 2021 and 2022, respectively.

The Office of Public Hearings closed 60 and 51 discrimination cases during the fiscal years ended June 30, 2021 and 2022, respectively. OPH also conducts hearings related to whistleblower retaliation cases filed pursuant to Section 4-61dd of the General Statutes. The office closed ten whistleblower cases during each fiscal year.

A summary of General Fund expenditures during the audited period as compared to the preceding fiscal year follows:

	Fiscal Year Ended June 30,		
	2020	2021	2022
Personal Services	\$ 6,010,380	\$ 6,199,366	\$ 6,782,447
Other Expenses	274,618	254,143	241,283
MLK Jr. Commission	4,533	4,092	4,315
Total General Fund	\$ 6,289,531	\$ 6,457,601	\$ 7,028,045

Total expenditures increased primarily due to additional employees during the audited period. The commission filled approximately 72 paid positions as of June 30, 2020, increasing to approximately 77 positions as of June 30, 2021 and 81 as of June 30, 2022.

Other Funds

Capital Equipment Purchase Fund expenditures totaled \$0, \$11,904, and \$51,970 for the fiscal years ended June 30, 2020, 2021, and 2022, respectively. The increase in fiscal year 2022 was due to an upgrade of the agency's information technology equipment.

Federal and Other Restricted Accounts Fund expenditures totaled \$129,295, \$134,054, and \$291,245 for the fiscal years ended June 30, 2020, 2021, and 2022, respectively. The increase was substantially due to additional personal services costs.