



General Assembly

Substitute Bill No. 1023

January Session, 2021



**AN ACT CONCERNING THE DUTIES AND RESPONSIBILITIES OF
THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subparagraph (A) of subdivision (4) of subsection (b) of
2 section 46a-68 of the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2021*):

4 (4) (A) Each person designated by a state agency, department, board
5 or commission as an equal employment opportunity officer shall (i) be
6 responsible for mitigating any discriminatory conduct within the
7 agency, department, board or commission, (ii) investigate all complaints
8 of discrimination made against the state agency, department, board or
9 commission, [except if any such complaint has been filed with the
10 Commission on Human Rights and Opportunities or the Equal
11 Employment Opportunity Commission, the state agency, department,
12 board or commission may rely upon the process of the applicable
13 commission, as applicable, in lieu of such investigation,] and (iii) report
14 all findings and recommendations upon the conclusion of an
15 investigation to the commissioner or director of the state agency,
16 department, board or commission for proper action. An equal
17 employment opportunity officer shall not disclose witness statements or
18 documents received or compiled in conjunction with the investigation

19 of a complaint of discriminatory conduct within the agency,
20 department, board or commission until the conclusion of such
21 investigation, except that witness statements or documents may be
22 disclosed to personnel charged with investigating or adjudicating such
23 complaint, or to the Commission on Human Rights and Opportunities.

24 Sec. 2. Subsection (b) of section 46a-84 of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective October*
26 *1, 2021*):

27 (b) Upon (1) certification of a complaint filed pursuant to subsection
28 (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to
29 subsection (c) of said section, or (3) a decision to hear a complaint, which
30 is made pursuant to subsection (e) of section 46a-83, the Chief Human
31 Rights Referee shall appoint a human rights referee to act as a presiding
32 officer to hear the complaint. The chief referee shall also appoint an
33 individual authorized by subsection (e) of this section or a referee, other
34 than the referee appointed to hear the complaint, to conduct settlement
35 negotiations. The chief referee shall serve in the name of the
36 commission, and in accordance with section 46a-86a, a copy of the
37 complaint, as the same may have been amended, requiring the
38 respondent to answer the charges of the complaint, together with a
39 written notice requiring the respondent to appear at a hearing or
40 settlement conference at a date and time specified in the notice. A
41 hearing on a complaint filed pursuant to subsection (a) or (b) of section
42 46a-82 shall be commenced by convening a hearing conference not later
43 than forty-five days after the certification of the complaint. Such hearing
44 shall be a de novo hearing on the merits of the complaint and not an
45 appeal of the commission's processing of the complaint prior to its
46 certification. A hearing on a complaint filed pursuant to subsection (c)
47 of section 46a-82 shall be commenced by convening a hearing
48 conference not later than twenty days after the date of notice of such
49 complaint. Hearings shall proceed with reasonable dispatch and be
50 concluded in accordance with the provisions of section 4-180.

51 Sec. 3. Section 46a-68c of the general statutes is repealed and the

52 following is substituted in lieu thereof (*Effective October 1, 2021*):

53 In addition to the provisions of section 4a-60, each contractor with
54 fifty or more employees awarded a public works contract, municipal
55 public works contract or contract for a quasi-public agency project in
56 excess of fifty thousand dollars in any fiscal year, but not subject to the
57 provisions of section 46a-68d, shall develop and file with the
58 Commission on Human Rights and Opportunities an affirmative action
59 plan which shall comply with regulations adopted by the commission.
60 The executive director or the executive director's designee shall review
61 and formally approve, conditionally approve or disapprove the content
62 of the affirmative action plan not later than one hundred twenty days
63 following the date of the submission of the plan to the commission. If
64 the executive director or the executive director's designee fails to
65 approve, conditionally approve or disapprove a plan within such one-
66 hundred-twenty-day period, the plan shall be deemed to be either
67 approved or deficient without consequence. The executive director or
68 the executive director's designee shall, not later than fifteen days after
69 the date of deeming an affirmative action plan approved or deficient
70 without consequence, provide the contractor with written notification
71 of the action taken with respect to such plan. Failure to develop an
72 [approved] affirmative action plan [pursuant to this section] that is
73 either approved or deficient without consequence shall act as a bar to
74 bidding on or the award of future contracts until such requirement has
75 been met. When the executive director or the executive director's
76 designee approves an affirmative action plan pursuant to this section,
77 the executive director or the executive director's designee shall issue a
78 certificate of compliance to the contractor. Such certificate shall be prima
79 facie proof of the contractor's eligibility to bid or be awarded contracts
80 for a period of two years from the date of the certificate. Such certificate
81 shall not excuse the contractor from monitoring by the commission or
82 from the reporting and record-keeping requirements of sections 46a-68e
83 and 46a-68f. The executive director or the executive director's designee
84 may revoke the certificate of a contractor if the contractor does not
85 implement its affirmative action plan in compliance with this section

86 and sections 4a-60, 4a-60g, 4a-62, 46a-56, 46a-68b, 46a-68d, and 46a-68e
87 to 46a-68k, inclusive.

88 Sec. 4. Subdivision (15) of section 46a-54 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective October*
90 *1, 2021*):

91 (15) To require an employer having three or more employees to (A)
92 post in a prominent and accessible location information concerning the
93 illegality of sexual harassment and remedies available to victims of
94 sexual harassment, (B) provide, not later than three months after the
95 employee's start date with the employer, a copy of the information
96 concerning the illegality of sexual harassment and remedies available to
97 victims of sexual harassment to each employee by electronic mail with
98 a subject line that includes the words "Sexual Harassment Policy" or
99 words of similar import, if (i) the employer has provided an electronic
100 mail account to the employee, or (ii) the employee has provided the
101 employer with an electronic mail address, provided if an employer has
102 not provided an electronic mail account to the employee, the employer
103 shall post the information concerning the illegality of sexual harassment
104 and remedies available to victims of sexual harassment on the
105 employer's Internet web site, if the employer maintains such an Internet
106 web site. An employer may comply with the requirements of this
107 subparagraph, by providing an employee with the link to the
108 commission's Internet web site concerning the illegality of sexual
109 harassment and the remedies available to victims of sexual harassment
110 by electronic mail, text message or in writing; and (C) provide two hours
111 of training and education to employees within one year of October 1,
112 2019, provided any employer who has provided such training and
113 education to any such employees after October 1, 2018, shall not be
114 required to provide such training and education a second time. An
115 employer having (i) three or more employees, shall provide such
116 training and education to an employee hired on or after October 1, 2019,
117 not later than six months after the date of his or her hire, provided the
118 commission has developed and made available such training and

119 education materials in accordance with the provisions of subdivision (8)
120 of subsection (a) of section 46a-56; or (ii) less than three employees shall
121 provide such training and education to all supervisory employees
122 within one year of October 1, 2019, and to all new supervisory
123 employees within six months of their assumption of a supervisory
124 position, provided any employer who has provided such training and
125 education to any such supervisory employees after October 1, 2018, shall
126 not be required to provide such training and education a second time.
127 Any supervisory employee hired on or after October 1, 2019, by an
128 employer having less than three employees, shall receive such training
129 and education not later than six months after the date of his or her hire,
130 provided the commission has developed and made available such
131 training and education materials in accordance with the provisions of
132 subdivision (8) of subsection (a) of section 46a-56. Such training and
133 education shall include information concerning the federal and state
134 statutory provisions concerning sexual harassment and remedies
135 available to victims of sexual harassment. If an employee has received
136 in-person training provided by the commission or has taken the no cost
137 online training provided by the commission on its Internet web site in
138 accordance with the provisions of subdivision (8) of subsection (a) of
139 section 46a-56, while employed by a different employer within the two
140 years preceding the date of hire, an employer may consider such prior
141 training to satisfy the training requirements of this section. An employer
142 who is required to provide training under this subdivision shall provide
143 periodic supplemental training that updates all supervisory and
144 nonsupervisory employees on the content of such training and
145 education not less than every ten years. As used in this subdivision,
146 "sexual harassment" has the same meaning as provided in subdivision
147 (8) of subsection (b) of section 46a-60 and "employer" includes the
148 General Assembly and "employee" means any individual employed by
149 an employer, including an individual employed by such individual's
150 parent, spouse or child;

151 Sec. 5. Subsection (f) of section 46a-82 of the general statutes is
152 repealed and the following is substituted in lieu thereof (*Effective October*

153 1, 2021):

154 (f) (1) Any complaint filed pursuant to this section for an alleged act
155 of discrimination that occurred prior to October 1, 2021, shall be filed
156 within one hundred and eighty days after the date of the alleged act of
157 discrimination, except that any complaint by a person [(1)] (A) claiming
158 to be aggrieved by a violation of subsection (a) of section 46a-80 that
159 occurred on or before October 1, 2019, shall be filed within thirty days
160 of the date of the alleged act of discrimination, and [(2)] (B) claiming to
161 be aggrieved by a violation of section 46a-60, sections 46a-70 to 46a-78,
162 inclusive, or section 46a-80 or 46a-81c, that occurred on or after October
163 1, 2019, and prior to October 1, 2021, shall be filed not later than three
164 hundred days after the date of the alleged act of discrimination.

165 (2) Any complaint filed pursuant to this section for an alleged act of
166 discrimination that occurred on or after October 1, 2021, shall be filed
167 within three hundred days after the date of the alleged act of
168 discrimination.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	46a-68(b)(4)(A)
Sec. 2	October 1, 2021	46a-84(b)
Sec. 3	October 1, 2021	46a-68c
Sec. 4	October 1, 2021	46a-54(15)
Sec. 5	October 1, 2021	46a-82(f)

Statement of Legislative Commissioners:

In Section 5(f)(2), "provided such alleged act of discrimination occurred on or after October 1, 2021" was deleted from the end of the sentence to avoid repetition.

JUD Joint Favorable Subst.