



# State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

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*Promoting Equality and Justice for all People*

## COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES AGENCY BUDGET PRESENTATION – APPROPRIATIONS COMMITTEE FEBRUARY 18, 2021

The Commission on Human Rights and Opportunities appreciates the chance to submit this written testimony and the attached PowerPoint presentation regarding the CHRO's budget. Our testimony today will focus on two primary areas of need: funding for a disparity study and staffing.

### **Disparity study:**

The CHRO, through its Contract Compliance Unit, enforces the state's antidiscrimination contract compliance laws which include set-aside plan compliance under Conn. Gen. Statute §§4a-60 and 4a-60g. The set-aside program guarantees that competitive bidding and other contracting processes will give qualified but underutilized small businesses within the state the opportunity to get state contracts. These set-asides (currently 25% for small businesses and 6.25% for businesses owned by women, ethnic minorities, and individuals with disabilities) are designed to create greater inclusion of historically disadvantaged persons in state funded public works contracts. The program, in turn, contributes to the state's economic development by allowing dollars to be turned over within the state and keeping state dollars in local small businesses.

The laudable goals behind the state set-aside program must stand on solid legal ground, however. Set-asides must be grounded in specific strong evidence that shows past or present discrimination against each of the protected classes in the set-aside program. The state last conducted a disparity study in 1992. Certainly, the diversity and economy of Connecticut has changed substantially in almost 30 years. A disparity study would provide an accurate picture of the availability pool of small contractors owned by women, ethnic minorities and individuals with disabilities and ensure equity and equality in state contracting by affirmatively addressing underutilization.

The CHRO is currently working with the Labor Committee, the Government Administration and Elections Committee, and the Department of Administrative Services on a bill regarding a disparity study. The language would require the CHRO and DAS to issue a request for proposals for the conducting of a disparity study. The bill requires the study to examine:

1. Whether there is significant statistical evidence of past or continuing discrimination in the awarding of state contracts
2. The number of state contractors or minority business enterprises that are qualified for eligibility for state contracts and a determination of whether such businesses are operating as "small contractors" or "minority business enterprises" as defined by statute; and
3. The state's contracting processes, to determine whether there are any unintentional but existing barriers in the processes that prevent small contractors or minority business enterprises from fully participating in the contracting process.

*Anticipated cost of the disparity study: \$1.5 – 3 million.*

**Staffing levels:**

Under the Governor's proposed budget, the CHRO's appropriated number of positions is held steady at 84. The CHRO currently has 68 positions filled, as well as two temporary worker retirees (TWRs). 9 additional positions were recently approved and are in the process of being filled. Not counting the TWRs, once the approved positions are filled the agency will have 77 positions filled out of the 84 appropriated under the budget. The CHRO remains in critical need of an IT staffer and an additional investigator in each of the agency's four regional offices.

**IT staffer**

Like other state agencies, the CHRO is now working largely remotely due to the pandemic. It seems likely that this will continue for a while longer and that it is unlikely that state employees will be returning to a full-time office environment in the near future. However, the CHRO does not have any dedicated IT staff. In addition to the challenges presented by staff needing to connect to one another while working remotely, the lack of IT personnel has become a serious issue as the Commission's work largely involves dealing directly with the public. For example, staff needs to be able to conduct fact-findings, mediations, and other proceedings primarily through video conferencing technology while maintaining a confidential database of related case materials. Without a dedicated IT staffer to handle larger-scale projects or short-term technology issues that are not handled by BEST, complainants and respondents before the CHRO risk delays in proceedings as well as eventual case processing delays.

**Regional staff**

One additional investigator is critically needed in each of the CHRO's four regional offices to allow the regions to continue to complete its work by the statutorily required deadlines. Currently, staff in those offices are working overtime hours currently projected to reach \$150,000 in the current fiscal year in order to meet those deadlines. Processing cases and avoiding a backlog are an important part of making sure that people who file discrimination complaints at the Commission are heard in a fair and timely manner.