

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-1442

AN ACT CONCERNING LEGAL PROCEEDINGS CONDUCTED BY THE

**Title:** COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

**Vote Date:** 4/7/2025

**Vote Action:** Joint Favorable

**PH Date:** 3/10/2025

**File No.:** 760

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

### SPONSORS OF BILL:

Judiciary Committee

### REASONS FOR BILL:

This is the annual Commission on Human Rights and Opportunities (CHRO) bill regarding various revisions to state statutes concerning discrimination and equal opportunity for all persons in Connecticut. First, in *O'Reggio vs. Commission on Human Rights and Opportunities* (2024), the Connecticut Supreme Court adopted the federal definition of "supervisor" for purposes of state employment statutes; therefore, this bill defines "employer's agent" for purposes of state anti-discrimination law. Second, the bill makes a technical change by adding "status as a victim of domestic violence" to *all* the subsections in 46a-64c. Third, the bill specifies that a request for "early legal intervention" (ELI) must be made prior to a draft investigative report due to concerns that the request for ELI may be too late in the process and that it wouldn't operate as intended. Fourth, this bill clarifies that after a final decision of the presiding referee, parties cannot request that the matter be reopened and can only appeal the decision to Superior Court, which would make it clear that CHRO does not have the ability to overturn the final decision of the presiding referee by reopening a case at that stage. Finally, in an effort to make Connecticut statutes consistent with federal process in which a party can file in court within 90 days of receipt of a "Right to Sue" letter (which does not need to be issued within two years of the filing of the complaint), this bill would permit a complainant to pursue their matter in court within 90 days of the receipt of a release of jurisdiction from CHRO while removing the current requirement that this be done within two years of filing the complaint.

## RESPONSE FROM ADMINISTRATION/AGENCY:

**Tanya Hughes, Executive Director, Commission on Human Rights and Opportunities (CHRO):** They testified in support of this bill. CHRO thanks the Committee for raising this bill per their request. Adding "employer's agent" results from the change from the 2024 Connecticut Supreme Court decision to adopt the federal definition of "supervisor" for purposes of state employment status; this federal definition is too narrow to properly be applied to Connecticut's existing anti-discrimination scheme. The narrow definition of "supervisor" allows employers to escape liability even in situations where the harasser stands in a position of authority. This bill also makes corrections to Sec. 64A-64C, correcting the omission of "status as a victim of domestic violence, Section 4 deals with an issue regarding timing of early legal intervention requests, Section 5 will clarify appeals and reopening of final decisions at the Office of Public Hearing, and the time deadline for filing in court following release of jurisdiction in Section 6-9.

## NATURE AND SOURCES OF SUPPORT:

**Liza Andrews, Connecticut Coalition Against Domestic Violence (CCADV):** They testified in support of this bill. CCADV supports inclusion of domestic violence survivors throughout the state's protections from discriminatory housing practices and they believe it was an oversight in Public Act 22-82 that resulted in survivors only being included in subdivision (1) of subsection (a). The leading cause among homeless women and children remains domestic violence. Due to their unique circumstances surrounding locations and types of housing, they are often limited. Approximately 99% of victims are subject to financial abuse and do not have access to family money or assets.

**Marlene Chickerella, Chair, Home Care Association of America Connecticut (HCAOA):** They testified in support of this bill with an amendment. SB1442 adds a new definition of "employers' agent" to Connecticut's anti-discrimination laws. This change, though innocuous, could have significant adverse and unintended consequences for employers, small businesses, and their entire workforce. Their concerns are significant regarding this inclusion in Section 1.

## NATURE AND SOURCES OF OPPOSITION:

**Peter Myers, Senior Public Policy Associate, Connecticut Business & Industry Association (CBIA):** They testified in opposition to this bill. They support the goal of ensuring fair and equitable treatment in the workplace, however they are very concerned over the inclusion of "employer's agent" in Section 1 of the definition of "employer" under this legislation. CBIA believes this bill is unnecessary as there are already existing protections, there is an unintended impact on supervisors, this will increase cost of litigation and legal costs, have an impact on workplace relationships, and it would deter leadership development. They support the intent of the bill, but the inclusion of "employer's agents" in the definition of employer would have unintended negative consequences for businesses, supervisors, and employees alike. They request "employer's agent" be removed from the bill.

**Jessica Olander, President, Connecticut River Valley Chamber of Commerce (CRVCC)**

**Francis Palasieski, Chair, Lumber Dealers Association of Connecticut:** They testified in opposition to this bill. They do support the anti-discrimination laws and policy ensuring fair and equitable treatment of employees in the workplace, but they have significant concerns regarding the inclusion of "employer's agent". The bill would, according to Shipman & Goodwins' Connecticut Employment Blog (dated March 8, 2025), impose individual liability on a "whole range of people", including human resource representatives, attorneys, and others involved in termination or payroll decisions. This would be a "massive expansion of the state's anti-discrimination laws and would have a massive implication for employers and their employees – whether they are supervisors or not."

**Stephen R. Polauf, Esq:** He testified in opposition to this bill. As an employment attorney, he has had experience with CHRO. He has seen firsthand the deficiencies of our current system, and this proposal does not address them. The amendments in this bill aim to clarify administrative procedures, particularly regarding early legal intervention, timing, and alignment with federal law. He stated that the Connecticut Supreme Court has aligned the state and federal discrimination standards at common law, making this legislation redundant. There is potential for confusion regarding the specific definition of "alignment" in the administrative context. He believes this bill misses an opportunity to address the deficiencies in the current system and urges the legislature to do meaningful reform that recognizes the realities of employment discrimination proceedings and creates a more direct pathway for Connecticut citizens to receive justice.

**Reported by:** Bonnie Gray

**Date:** April 15, 2025