



Substitute Senate Bill No. 1023

Public Act No. 21-109

**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:

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 Subparagraph (A) of subdivision (4) of subsection (b) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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of a complaint of discriminatory conduct within the agency, department, board or commission until the conclusion of such investigation, except that witness statements or documents may be disclosed to personnel charged with investigating or adjudicating such complaint, or to the Commission on Human Rights and Opportunities. If a state agency, department, board or commission relies upon the process of an applicable commission investigation pursuant to clause (ii) of this subparagraph, such agency, department, board or commission shall not be relieved of its duty to mitigate discriminatory conduct under clause (i) of this subparagraph or of its responsibility to take immediate corrective action to prevent a like occurrence.

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 Subsection (b) of section 46a-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Upon (1) certification of a complaint filed pursuant to subsection (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to subsection (c) of said section, or (3) a decision to hear a complaint, which is made pursuant to subsection (e) of section 46a-83, the Chief Human Rights Referee shall appoint a human rights referee to act as a presiding officer to hear the complaint. The chief referee shall also appoint an individual authorized by subsection (e) of this section or a referee, other than the referee appointed to hear the complaint, to conduct settlement negotiations. The chief referee shall serve in the name of the commission, and in accordance with section 46a-86a, a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint, together with a written notice requiring the respondent to appear at a hearing or settlement conference at a date and time specified in the notice. A hearing on a complaint filed pursuant to subsection (a) or (b) of section 46a-82 shall be commenced by convening a hearing conference not later than forty-five days after the certification of the complaint. Such hearing

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shall be a de novo hearing on the merits of the complaint and not an appeal of the commission's processing of the complaint prior to its certification. A hearing on a complaint filed pursuant to subsection (c) of section 46a-82 shall be commenced by convening a hearing conference not later than twenty days after the date of notice of such complaint. Hearings shall proceed with reasonable dispatch and be concluded in accordance with the provisions of section 4-180.

Sec. 3. Section 46a-68c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

In addition to the provisions of section 4a-60, each contractor with fifty or more employees awarded a public works contract, municipal public works contract or contract for a quasi-public agency project in excess of fifty thousand dollars in any fiscal year, but not subject to the provisions of section 46a-68d, shall develop and file with the Commission on Human Rights and Opportunities an affirmative action plan which shall comply with regulations adopted by the commission. The executive director or the executive director's designee shall review and formally approve, conditionally approve or disapprove the content of the affirmative action plan not later than one hundred twenty days following the date of the submission of the plan to the commission. If the executive director or the executive director's designee fails to approve, conditionally approve or disapprove a plan within such one-hundred-twenty-day period, the plan shall be deemed to be either approved or deficient without consequence. The executive director or the executive director's designee shall, not later than fifteen days after the date of deeming an affirmative action plan approved or deficient without consequence, provide the contractor with written notification of the action taken with respect to such plan. Failure to develop an [approved] affirmative action plan [pursuant to this section] that is either approved or deficient without consequence shall act as a bar to bidding on or the award of future contracts until such requirement has

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been met. When the executive director or the executive director's designee approves an affirmative action plan pursuant to this section, the executive director or the executive director's designee shall issue a certificate of compliance to the contractor. Such certificate shall be prima facie proof of the contractor's eligibility to bid or be awarded contracts for a period of two years from the date of the certificate. Such certificate shall not excuse the contractor from monitoring by the commission or from the reporting and record-keeping requirements of sections 46a-68e and 46a-68f. The executive director or the executive director's designee may revoke the certificate of a contractor if the contractor does not implement its affirmative action plan in compliance with this section and sections 4a-60, 4a-60g, 4a-62, 46a-56, 46a-68b, 46a-68d, and 46a-68e to 46a-68k, inclusive.

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

(15) To require an employer having three or more employees to (A) post in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment, (B) provide, not later than three months after the employee's start date with the employer, a copy of the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment to each employee by electronic mail with a subject line that includes the words "Sexual Harassment Policy" or words of similar import, if (i) the employer has provided an electronic mail account to the employee, or (ii) the employee has provided the employer with an electronic mail address, provided if an employer has not provided an electronic mail account to the employee, the employer shall post the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment on the employer's Internet web site, if the employer maintains such an Internet

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web site. An employer may comply with the requirements of this subparagraph, by providing an employee with the link to the commission's Internet web site concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment by electronic mail, text message or in writing; and (C) provide two hours of training and education to employees within one year of October 1, 2019, provided any employer who has provided such training and education to any such employees after October 1, 2018, shall not be required to provide such training and education a second time. An employer having (i) three or more employees, shall provide such training and education to an employee hired on or after October 1, 2019, not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56; or (ii) less than three employees shall provide such training and education to all supervisory employees within one year of October 1, 2019, and to all new supervisory employees within six months of their assumption of a supervisory position, provided any employer who has provided such training and education to any such supervisory employees after October 1, 2018, shall not be required to provide such training and education a second time. Any supervisory employee hired on or after October 1, 2019, by an employer having less than three employees, shall receive such training and education not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56. Such training and education shall include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment. If an employee has received in-person training provided by the commission or has taken the no cost online training provided by the commission on its Internet web site in accordance with the provisions of subdivision (8) of subsection (a) of

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section 46a-56, while employed by a different employer within the two years preceding the date of hire, an employer may consider such prior training to satisfy the training requirements of this section. An employer who is required to provide training under this subdivision shall provide periodic supplemental training that updates all supervisory and nonsupervisory employees on the content of such training and education not less than every ten years. As used in this subdivision, "sexual harassment" has the same meaning as provided in subdivision (8) of subsection (b) of section 46a-60 and "employer" includes the General Assembly and "employee" means any individual employed by an employer, including an individual employed by such individual's parent, spouse or child;

Sec. 5. Subsection (f) of section 46a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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