

Legislative History for Connecticut Act

Public Act: 01-95
Bill Number: 6583
Senate Pages: 2524, 2652-2653 3
House Pages: 1953-1965 13
Committee: Judiciary: 932, 935-936, 937, 1036-1038 7

Page Total: 23

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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S-459

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2001

VOL. 44

PART 9

2487-2836

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159

Senate

Thursday, May 24, 2001

and the individual bills rather than run through the whole Calendar once again.

From Page 6, Calendar 393, H.B. 6583, I move this item to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 7, Calendar 452 is to be marked Go.

Page 12, Calendar 180 is to be passed temporarily.

Page 14, Calendar 280 is to be marked Go.

Page 15, Calendar 283, S.B. 284 I move to the Committee on Insurance.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 16, Calendar 350 is Go.

Page 17, Calendar 356 is to be passed temporarily.

Page 18, Calendar 388 is to be marked Go.

Page 19, Calendar 439 is to be marked Go.

Also from Page 5, Calendar 333 is Go.

I marked from Page 12, Calendar 180, I had marked that PT. I would like to ask that this be marked Go/

THE CHAIR:

Thank you, Senator. Before we begin with the Calendar, I will ask once again if there are any points

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287

002652

Senate

Thursday, May 24, 2001

THE CHAIR:

Mr. Clerk, would you first announce a roll call vote on the Consent Calendar and then call it.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the Third Consent Calendar begins on Calendar Page 5, Calendar 333, Substitute for S.B. 1433.

Calendar Page 6, Calendar 393, Substitute for H.B. 6583.

Calendar Page 7, Calendar 452, H.B. 6255.

And Calendar Page 12, Calendar 180, Substitute for S.B. 1379.

Madam President, that completes the Third Consent Calendar.

THE CHAIR:

Thank you, Sir. Would you once again announce a roll call vote. The machine will be opened.

THE CLERK:

The Senate is now voting by roll call on the

pat

288

Senate

Thursday, May 24, 2001

Consent Calendar. Will all Senators please return to the Chamber.

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 3.

Total number voting 35; necessary for passage, 18.

Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted.

Senator Jepsen.

SEN. JEPSEN:

Madam President, that concludes our business for today. It is our intention to be in session in all likelihood next Wednesday, Thursday and probably Friday.

Not Tuesday.

THE CHAIR:

You're so good to us.

SEN. JEPSEN:

H-844

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2001

VOL. 44
PART 6
1726-2025

S.B. 192, as amended by Senate Amendment Schedule
"A", in concurrence with the Senate

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	10

DEPUTY SPEAKER CURREY:

The bill passes, in concurrence with the Senate.

Will the Clerk please now call Calendar 65.

CLERK:

On page 1, Calendar 65, Substitute for H.B. 6583,

AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE
 REOPENING OF MATTERS BY THE COMMISSION ON HUMAN RIGHTS
 AND OPPORTUNITIES. Favorable Report of the Committee on
 Judiciary.

DEPUTY SPEAKER CURREY:

Representative Lawlor of the 99th.

REP. LAWLOR: (99TH)

Good afternoon, Madam Speaker. Madam Speaker, I
 move acceptance of the committee's joint favorable
 report and passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and
 passage. Please proceed, sir.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This bill, in essence, gives the Executive Director of the Commission on Human Rights and Opportunities the unilateral authority to permit people whose discrimination complaints have been dismissed without a full investigation, to go directly to court. Under the current procedures, the only option for persons whose cases have been dismissed, has been to go through the entire formal review process at CHRO.

However, this bill also provides specific standards which must be met in order for the Executive Director to do so and those standards are the discovery of a material mistake of fact or of law, the finding or the finding is arbitrary or capricious, or that the finding is clearly erroneous in view of reliable probative and substantial evidence on the whole record or for the discovery of new evidence which materially affects the merits of the case.

Madam Speaker, these are circumstances that do, from time to time, arise and under the current procedures, it's simply a very time consuming process to go through the entire formal process instead of allowing the Executive Director to grant the special relief, that is outlined here in the bill. In other words, not that they would win their case, but simply that they be

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215

House of Representatives

Wednesday, May 2, 2001

permitted to go to court immediately rather than wait.

Madam Speaker, there are two relatively minor amendments. Madam Speaker, the Clerk has LCO Number 5321. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 5321, designated House "A"?

CLERK:

LCO Number 5321, House "A" offered by
Representatives Godfrey, Prelli, et al.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This is, obviously, I think, a screening amendment. It clarifies that rather than refer to a complaint, it's referring to a matter in general and it changes the effective date to July 1, 2001. I urge adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Would you care to remark further on the amendment? Would you care to remark further on the amendment?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

House of Representatives

Wednesday, May 2, 2001

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay.

The amendment is adopted.

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. The Clerk has LCO Number 5803. I would ask the Clerk to call and I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 5803, designated House "B"?

CLERK:

LCO Number 5803, House "B" offered by Representative Lawlor and Senator Coleman.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This simply adds some clarifying language outlining some time deadlines for this procedure. The amendment would require that a request for a release from the Commission shall be made within 15 days of the receipt of the notice denying the reconsideration request.

House of Representatives

Wednesday, May 2, 2001

And then it says that the complaint may, within 90 days of the receipt of the release of the Commission, bring an action in court in accordance with the existing statutes.

I urge adoption of this one, as well, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you. The question before us is on adoption. Would you care to remark further on the amendment before us?

Representative - would you care to remark further?

If not, I'll try your minds.

Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, through you, a question to Representative Lawlor and I hope it's fairly simply.

DEPUTY SPEAKER CURREY:

Please proceed, sir.

REP. PRELLI: (63RD)

Representative Lawlor, how do we know when the receipt of the release is? What's the date that's used for that? And what starts that 90-day clock?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

House of Representatives

Wednesday, May 2, 2001

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I believe that these decisions are sent certified mail return receipt requested and that would be indicated on the United States Postal Service document.

DEPUTY SPEAKER CURREY:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. I just wanted to make sure that we had a definite date there.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you. Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

Representative Cafero of the 142nd.

REP. CAFERO: (142ND)

Thank you, Madam Speaker. Some questions, through you, to the proponent of the bill.

DEPUTY SPEAKER CURREY:

Please proceed, sir.

REP. CAFERO: (142ND)

Thank you, Madam Speaker. To Chairman Lawlor. Chairman Lawlor, how does this bill change our current

House of Representatives

Wednesday, May 2, 2001

law and forgive me if you're already explained that, but I didn't quite get it.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. As I understand it, there are matters where after a preliminary decision is made by the CHRO, information becomes available to indicate that the original decision was erroneous.

I think under the existing procedure, there's a formal process which one would have to go through in order to get permission to sue.

When those facts emerge, this would give the Executive Director the unilateral authority to sort of cut through that process and instead, grant that relief directly. In other words, give someone the right to sue directly.

DEPUTY SPEAKER CURREY:

Representative Cafero.

REP. CAFERO: (142ND)

Thank you, Madam Speaker. Again, through you to Representative Lawlor. Representative Lawlor, are you aware of any other commission or organization that gives its executive director this kind of power, if you will?

House of Representatives

Wednesday, May 2, 2001

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Off the top of my head, the first thing that comes to my mind, I think the Executive Director of the Elections Enforcement Commission has the authority to step in under certain circumstances and order to certain things to happen and avoid a full hearing.

For example, enter into an agreement with a respondent. I think the Commission is really the formal process before the Commission is really a last resort. So I think in this respect it's -- and I guess a prosecutor would have a similar authority to enter into specific agreements, bypassing the requirement of a trial and just sort of cutting through the process. And I think a prosecutor, at any point in a prosecution, can step in and dismiss charges or that type of thing.

So, I'm not sure it's unprecedented, although what CHRO does is slightly different that what other agencies do.

DEPUTY SPEAKER CURREY:

Representative Cafero.

REP. CAFERO: (142ND)

House of Representatives

Wednesday, May 2, 2001

Thank you, Madam Speaker. Through you, again, to Representative Lawlor. Representative Lawlor, hypothetically, if there was a CHRO complaint made to the Commission and let's say an individual versus an employer, the employer appears after the initial -- in response to the complaint. After the initial complaint, the complainant is nowhere to be found, if you will, and after a series of -- a period of time goes, the case or the matter is dismissed, if the complainant were to re-surface within two years under this bill, and make a request to the Executive Director claiming, say a hardship, or didn't get their mail that day or wasn't in a position to go through the complaint, is it within the power, under this bill, for the Executive Director to overturn the dismissal?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think the answer would be no, based on the circumstances you've outlined. The bill, although we're just on the amendment now, the bill itself requires -- establishes standards and there's only four specific basis for the Executive Director taking such an action.

The first would be the discovery of an actual material mistake of fact or law.

Second, that the original finding was arbitrary or capricious.

Third, the finding is clearly erroneous in view of reliable probative and substantive evidence on the whole record.

And four, the discovery of new evidence which material effects the merits of the case.

So, I suppose the only one which could theoretically come into play in your situation would be that when the person reappeared, they actually had produced some new evidence which would materially effect the merits of the case.

But I think simply I forgot about it or I didn't think it was important and now I would like to argue it, would not be enough for this type of relief.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Cafero.

REP. CAFERO: (142ND)

Through you, Madam Speaker to Representative Lawlor. Is there a rationale of why we are empowering the Executive Director in this matter versus the Commission itself?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. I believe the rationale is to simply expedite these proceedings. I think there is information that from time-to-time apparently comes to the attention of the Executive Director which is, in effect, obvious on its face that it's dramatically new and this avoids the necessity of having a full hearing and a brief in the case, I assume, before the Commission.

So, I think it's simply to save time and I think the standards are pretty tightly written.

REP. CAFERO: (142ND)

Alright. Thank you, Madam Speaker. Thank you, Representative Lawlor.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

House of Representatives

Wednesday, May 2, 2001

DEPUTY SPEAKER CURREY:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark further on the bill before us, as amended? Would you care to remark further on the bill before us, as amended?

If not, staff and guests to the Well of the House.
The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted? If all members have voted, please check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked. The Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

H.B. 6583, as amended by House Amendment Schedules "A" and "B"

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142

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225

House of Representatives

Wednesday, May 2, 2001

Those voting Nay 0

Those absent and not Voting 8

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Will the Clerk please call Calendar 191.

CLERK:

On page 20, Calendar 191, H.B. 6980, AN ACT ADDING REAL ESTATE BROKERS TO THE LIST OF PROFESSIONAL SERVICE CORPORATIONS AND PROFESSIONAL SERVICE LIMITED LIABILITY COMPANIES. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER CURREY:

Representative Jarjura of the 74th.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker. I move acceptance of the joint committee's joint favorable report and passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and passage. Please proceed, sir.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker, legislation had previously been passed allowing a range of professional service occupations to become limited liability corporations or PC's, professional

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
749-1070

2001

SEN. COLEMAN: Thank you. Questions or comments? Seeing none, thank you, Representative Merrill.

REP. DENISE MERRILL: Thank you.

SEN. COLEMAN: Cynthia Watts-Elder.

CYNTHIA WATTS-ELDER: Good afternoon, Senator Coleman, Representative Lawlor and members of the Judiciary Committee. I apologize for my tardiness, I was stuck in the snow.

I am Cynthia Watts-Elder, the Executive Director of the Commission on Human Rights and Opportunities and I appear before you this afternoon to testify in support of five raised bills - S.B. 1049, S.B. 1053, S.B. 1054, S.B. 1056, and H.B. 6583.

CHRO supports raised bill S.B. 1049, AN ACT CONCERNING STATE AGENCY AFFIRMATIVE ACTION PLANS. The purpose of this bill is to eliminate the need for agencies with 20 or fewer employees to file affirmative action plans with the CHRO.

While the Commission believes that each state agency, department, board, and commission should be an affirmative action equal employment opportunity employer, an agency with 20 or fewer employees should not be required to file an affirmative action plan.

There are a number of reasons why the smaller agencies should be exempt from the affirmative action plan filing requirements. These agencies experience extremely low turnover. Often there's not a hire or resignation during the annual reporting period. The mathematical analysis or the adverse impact test are many times statistically insignificant due to the small numbers.

Many of the occupational categories that are comprised of only one, two, or three people, often require that no hiring goals be established or hiring goals statistically required the achievement of the school will often throw the remaining race/sex groups into statistical under-utilization.

attend or default a respondent for failure to attend.

Mediation sessions have a high level of attendance because they are mandatory. There is a greater need to compel attendance at the fact finding conference. The CHRO's inability to compel attendance at a fact finding, has an adverse impact on the agency's obligation to conduct a timely and thorough investigation.

Thirdly, raised bill H.B. 6583, AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE REOPENING OF MATTERS BY THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES would allow myself to issue a release of jurisdiction at the request of the complainant if a request for reconsideration is pending.

The bill would also extend to the Executive Director, permissive authority to reopen a previously closed complaint upon receipt of a written request for reopening and provide the standards for reopening a previously closed matter.

CHRO has a significant number of pending requests for reconsideration of complaints dismissed at the merit assessment review level. By statute, the executive director must act upon these reconsideration requests within 90 days of the dismissal of the complaint.

Complainants often ask for a release of jurisdiction after they have filed a request for reconsideration. However, once a reconsideration request is pending, I do not have the clear authority to issue a release. I only have the authority to issue a release of jurisdiction if the complainant does not file a request for reconsideration.

Last year the General Assembly passed P.A. 00-199 which allows the Commission to reopen previously closed complaints in the interest of justice. This bill proposes to remove the six year window to request that a complaint be reopened which is no longer applicable and extends the discretion to reopen a complaint to myself.

Additionally, the bill would provide the standards to be used to determine whether a (inaudible) complaint should be reopened. The Commission typically only meets monthly with the exception of few months, August and December, when the Commission does not schedule regular meetings. Allowing myself to reopen a complaint upon a written request would expedite the process of granting or denying a reopening request.

The Commission has discussed limiting my role to granting a request and that a recommendation to deny a request should still come before the Commission. I concur with this suggestion and will propose draft substitute language for your consideration.

I would also note that there is, what appears to be a drafting error on line 14 of the bill, and the word "or" should read "and".

Last, but not least is raised bill, S.B. 1054, AN ACT CONCERNING CONTRACT COMPLIANCE PROCEDURES. The State contract compliance laws require, that as a matter of public policy, any contractor to the State, as a condition of the contract, must extend equal employment opportunity to all persons through its employment policies, procedures, and practices.

Additionally, state contractors must make a good faith effort to include bona fide minority and women-owned businesses on the work of the contract.

Connecticut General Statutes 46a-56 now requires a cumbersome and duplicative review process in order for the CHRO to make determination as to a contractor's compliance with these laws and to seek enforcement, if necessary.

Section 1 and 2 of raised bill S.B. 1054 would establish a new contract compliance procedure and provide myself with the authority to make determinations as to whether a contractor to the State is complying with his equal employment opportunity responsibilities and/or whether a minority business enterprise fraudulently qualified

itself, as such, to participate on a state contract.

The bill further provides that any contractor who disagrees with the determination of non-compliance by myself, would have the right to request a hearing prior to any enforcement action being taken by the CHRO.

Section 3 of raised bill S.B. 1054 relates to the current requirement for affirmative action plans on State public works contracts for construction.

Connecticut General Statutes 46a-68d now requires contractors who are to be awarded certain public works contracts, valued in excess of \$500,000 to submit to CHRO a written affirmative action plan. CHRO must approve or conditionally approve the affirmative action plan prior to the contract being awarded.

Section 3 of the bill would extend that same requirement to any contractor who is to be awarded a state funded public works contract, as that term is defined by Connecticut General Statutes 46a-68b.

While the Department of Public Works has required, as a matter of policy, that work being done on such projects as the Connecticut Juvenile Training Center in Middletown, the Capitol Region Community College in Hartford have affirmative action plans in place. They are not now required, as a matter of law.

I would note that there appears to be a drafting error on line 57. The statutory citation for A-60g should read, "32e" --- I'm sorry, "32-9e".

I urge the committee's joint favorable report on raised bills S.B. 1049, S.B. 1053, S.B. 1054, S.B. 1056, AND H.B. 6583.

Thank you for the opportunity to present CHRO's views on these bills. I'd be happy to respond to any questions you may have.

I also have with me this afternoon, Ron Fletcher, SB1054



State of Connecticut
 COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

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Cynthia Watts Elder, Executive Director
 Commission on Human Rights and Opportunities

Testimony on Raised Bill No. 6583

AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE REOPENING OF MATTERS
 BY THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

February 5, 2001

The Commission on Human Rights and Opportunities supports Raised Bill No. 6583, "An Act Concerning Reconsideration Requests and the Reopening of Matters by the Commission on Human Rights and Opportunities."

Raised Bill No. 6583 would allow the CHRO executive director to issue a release of jurisdiction, at the request of the complainant, if a request for reconsideration is pending. The bill would also extend to the executive director permissive authority to reopen a previously closed complaint upon receipt of a written request for reopening and provide the standards for reopening a previously closed matter.

CHRO has a significant number of pending requests for reconsideration of complaints dismissed at the Merit Assessment Review level. By statute, the executive director must act upon reconsideration requests within 90 days of the dismissal of the complaint. Complainants often ask for a release of jurisdiction after they have asked for reconsideration. Once a reconsideration request is pending, the executive director does not have clear authority to issue a release. The executive director only has the authority to issue a release of jurisdiction if the complainant does not file a request for reconsideration.

Last year, the General Assembly passed Public Act 00-199, which allows the Commission to reopen previously closed complaints in the interest of justice. This bill proposes to remove the six-year window to request that a complaint be reopened, which is no longer applicable, and extends the discretion to reopen a complaint to the executive director. Additionally, the bill would provide the standards to be used to determine whether a closed complaint should be reopened. The Commission typically only meets monthly, with the exception of August and December, when the Commission does not schedule regular meetings. Allowing the executive director to reopen a complaint upon a written request would expedite the process of granting or denying a reopening request. The Commission has discussed limiting the executive director's discretion to granting a request and that a recommendation to deny a request should come before the Commission for action. I concur with this suggestion and will submit proposed substitute language for your consideration.

I urge the Committee to report favorably on Raised Bill No. 6583. I would like to note that there is a drafting error on line 14 of the bill. The word "or" should read "and." Thank you for the opportunity to present the Commission's views on this bill.



**TESTIMONY
ELIZABETH E. GARA
ASSOCIATE COUNSEL
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION (CBIA)
BEFORE THE
JUDICIARY COMMITTEE
FEBRUARY 5, 2001**

Good afternoon. My name is Elizabeth (Betsy) Gara, Associate Counsel, for CBIA. CBIA represents over 10,000 companies across Connecticut. Our membership includes firms of all sizes and types, the vast majority of which are small businesses with fewer than 100 employees.

I am submitting comments on behalf of CBIA regarding the following bills:

- HB-6583 - An Act Concerning Reconsideration Requests and the Reopening of Matters by the Commission on Human Rights and Opportunities;**
- SB-1056 - An Act Concerning Mandatory Fact-finding Conferences;**
- HB-6538 - An Act Concerning the Admissibility of Records and Reports of Certain Expert Witnesses as Business Entries.**

HB-6583, An Act Concerning Reconsideration Requests and the Reopening of Matters by the Commission on Human Rights and Opportunities, provides standards for reopening a previously closed matter. CBIA is concerned that the standards are much broader than the current criteria for reopening cases and would place employers in the position of defending against the same discrimination complaints time and time again. Current law allows cases to be reopened for good cause shown in the "interest of justice". Historically, this language has served as a safety valve to allow CHRO to reopen cases in extraordinary instances.

The new standards, however, appear to give CHRO broad latitude to reopen cases for a variety of reasons that fall far short of the requirement that reopening be permitted in

the "interest of justice". It is unfair to allow cases that have been filed, investigated, mediated, heard before hearing officers and subsequently dismissed by CHRO to be reopened for anything less than extraordinary circumstances. To do otherwise, unfairly subjects employers to an endless and expensive round of administrative maneuvers.

It is well-settled that justice requires that there be some finality for parties involved in disputes. It is incumbent on both complainants and respondents to carefully present their arguments and prepare their case. This bill appears to eliminate any finality for employers faced with employment discrimination complaints by allowing complainants to reopen cases to provide new evidence that they failed to present the first time around. It almost suggests that complainants will be able to keep trying until they get it right, which creates obvious problems for respondents.

Under current law, complainants retain the right to appeal the dismissal of a case by CHRO to the superior court. This better balances the need to give complainants the opportunity to have issues reviewed and addressed without subjecting employers to a never-ending round of administrative processes.

With respect to SB-1056, An Act Concerning Mandatory Fact-finding Conferences, the only issue that we would like clarified is that a respondent's attendance at a fact-finding conference is satisfied by the attendance of the respondent's legal counsel or company representative. We are concerned that respondents may be unfairly defaulted for the failure of certain witnesses or parties to attend a fact-finding conference. Respondents are generally corporate entities and the complaint may fail to accurately reflect the individuals that the corporation selects as its spokesperson.