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**State Human Rights Agencies:  
A Statistical Overview of Their Performance, 1991-2000**

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**Compiled by**

**The Eastern Regional Office  
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**A STATISTICAL OVERVIEW OF THE ACTIVITIES AND PERFORMANCE  
OF STATE HUMAN RIGHTS AGENCIES, 1991-2000:  
THE EASTERN REGION OF THE U.S. COMMISSION ON CIVIL RIGHTS**

- Chapter 1 INTRODUCTION
- Chapter 2 STATE HUMAN RIGHTS AGENCY COMPARISON
- Chapter 3 CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
- Chapter 4 DELAWARE HUMAN RELATIONS COMMISSION
- Chapter 5 DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS
- Chapter 6 MAINE HUMAN RIGHTS COMMISSION
- Chapter 7 MARYLAND COMMISSION ON HUMAN RELATIONS
- Chapter 8 MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION
- Chapter 9 NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS
- Chapter 10 NEW JERSEY DIVISION ON CIVIL RIGHTS
- Chapter 11 NEW YORK STATE DIVISION OF HUMAN RIGHTS
- Chapter 12 PENNSYLVANIA HUMAN RELATIONS COMMISSION
- Chapter 13 RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
- Chapter 14 VERMONT HUMAN RIGHTS COMMISSION
- Chapter 15 VIRGINIA COUNCIL ON HUMAN RIGHTS
- Chapter 16 WEST VIRGINIA HUMAN RIGHTS COMMISSION

## Chapter 1

### INTRODUCTION

#### Background and Purpose

The Eastern Regional Office of the United States Commission on Civil Rights has the following states within its jurisdiction in addition to the District of Columbia<sup>1</sup>: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Each of these states maintains an agency designed to enforce anti-discrimination laws.

If residents of these states believe they have experienced illegal discrimination, they may file complaints with their state's human rights agency. The state-level human rights agencies<sup>2</sup> have the intake, processing, and resolution of complaints of discrimination as their primary responsibility. The agencies also have the responsibility of conducting programs of public outreach and education.

States within the Eastern Region vary in their support of civil rights enforcement, as measured by budget and staff levels at state human rights agencies. Facing budgetary constraints and limited staff resources, the state agencies mandated to enforce civil rights legislation may resort to time- and resource-efficient means of bringing complaints of discrimination to a close. As a result, complaints of discrimination may not receive adequate investigatory attention. In addition, complainants with legitimate claims of wrongful discrimination may not receive just recompense because resource-related pressures limit the range of actions agency staff can execute.

In addition to enforcing state anti-discrimination laws, the state human rights agencies typically enforce federal anti-discrimination laws. Many state human rights agencies have entered worksharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). Through these agreements, the state agencies receive federal funds for processing cases under joint state and federal jurisdiction.

The state human rights agencies are accountable to the residents of their respective states. In many cases, these agencies are also accountable to the federal government through worksharing agreements with EEOC and/or HUD. This report provides a statistical description of state agency budgets, staffing levels, and caseloads, including the methods through which agencies bring cases to a close. Disclosure of this information in report form is an important step in making the state human rights agencies more accountable to their respective publics and to their federal partners. It also serves to allow human rights professionals to gain valuable insight into the enforcement of civil rights law by

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<sup>1</sup> For economy of language, the District of Columbia is included under the rubric of 'state' when collective generalizations or references are made.

<sup>2</sup> Most of the state agencies in the Eastern Region include 'human rights' in their formal name, rather than 'civil rights'. Therefore, collectively these agencies are referred to as human rights agencies in this report.

comparing budget, staff, and caseload statistics and the different case management strategies developed and implemented across the states.

### **Scope and Methodology**

To the extent of their availability, budget, staff-level and case-related data were collected for the years 1991 through 2000. For the most part, these data were gleaned from annual reports issued by the various state human rights agencies. When the required data were not available via existing and obtainable reports, staff at the Eastern Regional Office contacted by telephone and in writing representatives of the human rights agencies for which data were missing. Data collection occurred from May 2001 through October 2002.<sup>3</sup>

In contacts with the 14 state human rights agencies, case-processing data were requested. These data included for each of the ten years under review new cases filed, backlog cases, cases closed, total staff, investigative staff, budget, basis of complaints (race, gender, disability status, age, national origin, and religion), and type of complaint (employment, public accommodations, and housing). The requested data also consists of the various means through which agencies resolve cases (findings of no probable cause, administrative closure, settlement, mediation, hearing or trial, among others) and compensation awarded to complainants from resolved cases. In the report these data are presented in tabular and graphic format.

In addition to presenting the raw data, the report also includes several ratio statistics. To facilitate comparative analysis, a statistic measuring new cases per capita was created for each state. Per capita budget is another ratio statistic created to aid in making comparisons across state agencies. The ratio, budget over the number of cases closed, provides a means of comparing agency efficiency. Likewise, workload indices—comprised of number of cases closed over total staff size and over total number of investigative staff members—measure agency efficiency.

The simple and ratio statistics are interwoven with narrative on each agency's mission, history, jurisdiction, caseload management, organizational structure, budgetary and staff constraints, and case processing to inform an assessment by the public, federal partners, and human rights professionals of each agency's enforcement performance.

### **Agency Compliance with Mandated Reporting Requirements**

Each of the 14 state human rights agencies under review is required by state law to issue on a regular basis reports on agency operations.<sup>4</sup> However, compliance with these requirements varies widely from state agency to state agency, as does the level of statistical detail in available reports. Because the availability of data informing each state agency chapter varies considerably, the depth and breadth of each state agency chapter in this report is not uniform. Despite repeated follow-up phone and written requests for complete data when missing in state agency report form, such data were simply not available at the time of report writing for some chapters.

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<sup>3</sup> Summer interns in 2001 and 2002 provided invaluable support in the data collection efforts.

<sup>4</sup> For the specific reporting requirements, see individual state agency chapters.

Many state agencies, however, have dutifully followed reporting requirements and have made reports available to the public. Reports for the year 1991 through 2000 were obtainable from the Connecticut Commission on Human Rights and Opportunities, the Maine Human Rights Commission, the Maryland Commission on Human Relations, the Massachusetts Commission on Discrimination, the New Hampshire Commission for Human Rights, the New Jersey Division on Civil Rights, the Pennsylvania Human Relations Commission, and the Vermont Human Rights Commission.

The New York State Division of Human Rights provided no annual reports for 1994 and 2000. The West Virginia Human Rights Commission did not send requested annual reports for the years 1991 through 1994. They had no reports for those years. The District of Columbia Office of Human Rights provided annual reports for 1994 through 1997 only. Despite repeated requests, no other reports were sent. The Rhode Island Commission for Human Rights is required to produce annual reports but was only able to furnish such reports for the years 1992, 1994, and 1997. The Delaware Office of Human Relations was only able to send an annual report for 1997. However, staff at that office provided most of the data needed for the Delaware chapter of this report in other formats. Finally, the Virginia Council on Human Rights had no annual reports from 1991 to 2000 to provide staff at the Eastern Regional Office despite requests and an annual reporting requirement.<sup>5</sup>

### **Report Layout**

The report contains one chapter for each of the 14 state human rights agencies in the Eastern Regional Office's jurisdiction. These chapters include sections (1) presenting the mission, history, and jurisdiction of each agency to give the reader necessary background information, (2) outlining each agency's agreements with federal partners, (3) describing the agency's mandated reporting requirement, (4) detailing the organizational structure of each agency, (5) providing statistical information on caseload management, including new cases, backlog cases, and average number of days to close a case, (6) describing the bases and types of cases the agency files, (7) relating how the agency processes its caseload, (8) presenting budget and staff information, and (9) detailing the ways through which the agency resolves cases and the amount of compensation awarded to complainants.

Preceding the chapters on individual state human rights agencies is a chapter comparing caseload management, bases and types of cases, budget and staffing, and case resolution and compensation across the 14 agencies. This chapter allows for the identification of trends, high performance, and possible room for improvement by agency.

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<sup>5</sup> Staff at the Virginia Council on Human Rights indicated that due to budget and resource limitations, the Council was unable to produce annual reports from 1991 to 2000.

## Chapter 2

### STATE HUMAN RIGHTS AGENCY COMPARISONS

The state human rights agencies within the Eastern Regional Office's jurisdiction vary in their enforcement jurisdiction and responsibilities. The Delaware Human Relations Commission and the Vermont Human Rights Commission, for example, do not have jurisdiction over complaints of discrimination in employment outside of state government. State agencies also operate in different political climates, which may affect the aggressiveness with which agency officials address alleged infractions of anti-discrimination laws. These and other realities temper any conclusions that could be drawn from a comparison among these agencies.

Nevertheless, comparing caseload and case processing statistics does have its merits. It allows the observer to identify regional trends. It also allows for the identification of high performing approaches that could lead to sharable best practices. In addition, cross-agency comparisons can point to areas for agency improvement in caseload management or elsewhere.

This chapter compares caseload management, bases and types of cases, budget and staffing, and case resolution and compensation across the 14 state human rights agencies in the Eastern Region to the extent that existing and obtainable data allow. More in-depth, individualized treatment of the topics in this chapter is included in the subsequent chapters on each state agency.

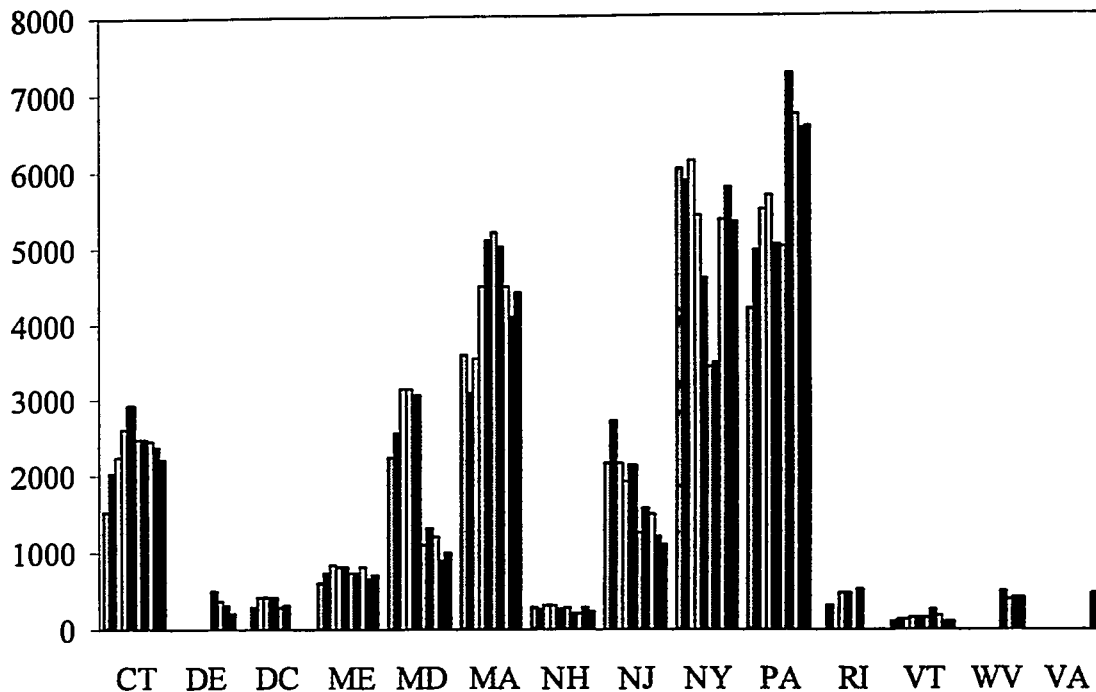
#### Caseload Management

The number of new cases the state human rights agency files annually is an indicator of agency activity levels. The number of annually filed cases varied from year to year, leaving no clearly discernible trends (see Figure 2.1 – each bar column represents one year).<sup>1</sup> However, some observations can be made. The years 1994 through 1996 were peak years in the number of new cases in Connecticut, the District of Columbia, Maryland, Massachusetts, and New Hampshire. Prior to these years, the number of new cases was on the rise. After these years, newly filed cases began to fall. The trend shared by these states indicates a waning of state agency activity after 1996. Nevertheless, this is not a region-wide trend. In New Jersey, for example, the peak year was 1992. After 1992, the number of newly filed cases fell. New York also shows divergent trends. New York registered its low mark in number of new cases in 1996, and Pennsylvania saw a rise in the number of new cases from 1991 to 1994 and a drop off in these cases in 1995.

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<sup>1</sup> Data were unavailable from the Virginia Council on Human Rights (VCHR) for any of the years under review. Therefore, VCHR is excluded from this and other analyses within this chapter.

*Figure 2.1*  
*New Cases, 1991-2000*



For the ten years under review, the number of new cases filed annually varied considerably across the 14 state agencies (see Figure 2.1). Pennsylvania and New York led the states in the Eastern Region in the number of annually filed cases. This is not surprising given the population sizes of these states. However, Virginia, which is another large state, had relatively few filed cases in 2000. Similarly, New Jersey had few filed cases across the ten years under review relative to other large states in the region. Massachusetts, on the other hand, which has a population smaller than New Jersey, had the third largest new caseload of the 14 states.

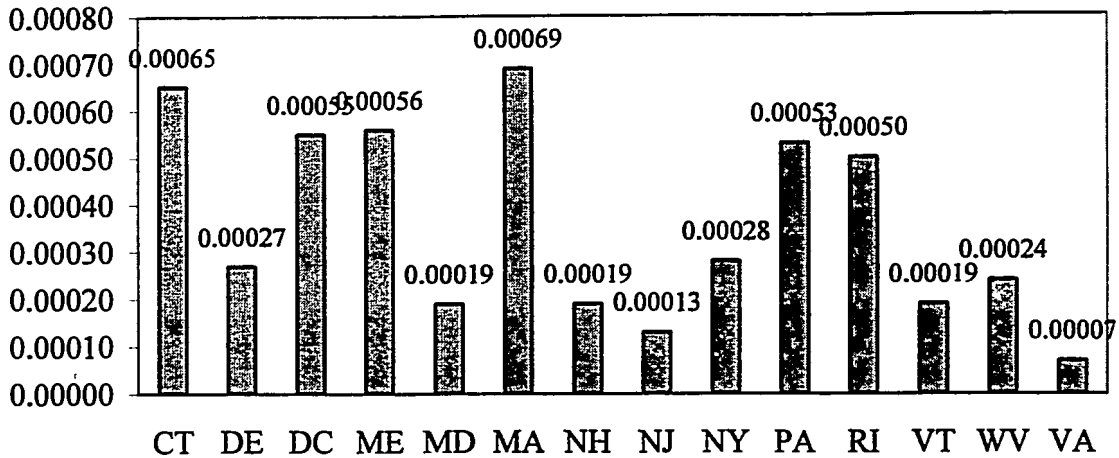
Consistent with their small sizes, Delaware, the District of Columbia, Maine, New Hampshire, Rhode Island, Vermont, and West Virginia had lower numbers of annually filed cases. However, among these states, there is unexpected variation. For example, Maine, with the most racially homogeneous population of the nation, had consistently the largest number of newly filed cases for each year of the ten-year period under review.

The ratio statistic, new cases over total state population, allows the observer to better examine relative activity levels across the 14 states included in this review (see Figure 2.2).<sup>2</sup> The new-cases-per-capita ratio is highest for Massachusetts (6.9 cases for every 10,000 state residents) and lowest for Virginia (0.7 cases for every 10,000 state

<sup>2</sup> For the 1991-2000 period, the most recent new case data for the District of Columbia and Rhode Island were from the year 1997, which serve as substitutes for 2000 data.

residents). Clearly, there are dynamics at play that affect the number of people who bother to file complaints of discrimination with their state human rights agency. If one believes filing a complaint of discrimination is a futile exercise, that person will likely not file. If, on the other hand, their state human rights agency has a strong record in satisfactorily resolving cases, state residents experiencing discrimination will likely file complaints.

*Figure 2.2  
New Cases Per Capita, 2000*



Like Massachusetts, Connecticut (6.5 cases per 10,000 state residents), Maine (5.6 cases), the District of Columbia (5.5 cases), Pennsylvania (5.2 cases), and Rhode Island (5.0 cases) have elevated numbers of new cases per capita, reflecting high levels of activity by their human rights agencies. On the other hand, New Jersey (1.3 cases per 10,000 state residents), Vermont (1.9 cases), New Hampshire (1.9 cases), Maryland (1.9 cases), West Virginia (2.4 cases), Delaware (2.7 cases), and New York (2.8 cases) have state human rights agencies with low levels of new caseload activity.

The bifurcation between high performers and low performers is marked. The divergence in activity levels is likely due to the reputation of the agencies by members of the public and caseload management efficiency and effectiveness, among other factors. Maine’s human rights agency, for example, has relatively high activity levels. One reason for this is its expanded enforcement jurisdiction, which includes protected-class categories absent at the national level and broad-sweeping violations such as name-calling.

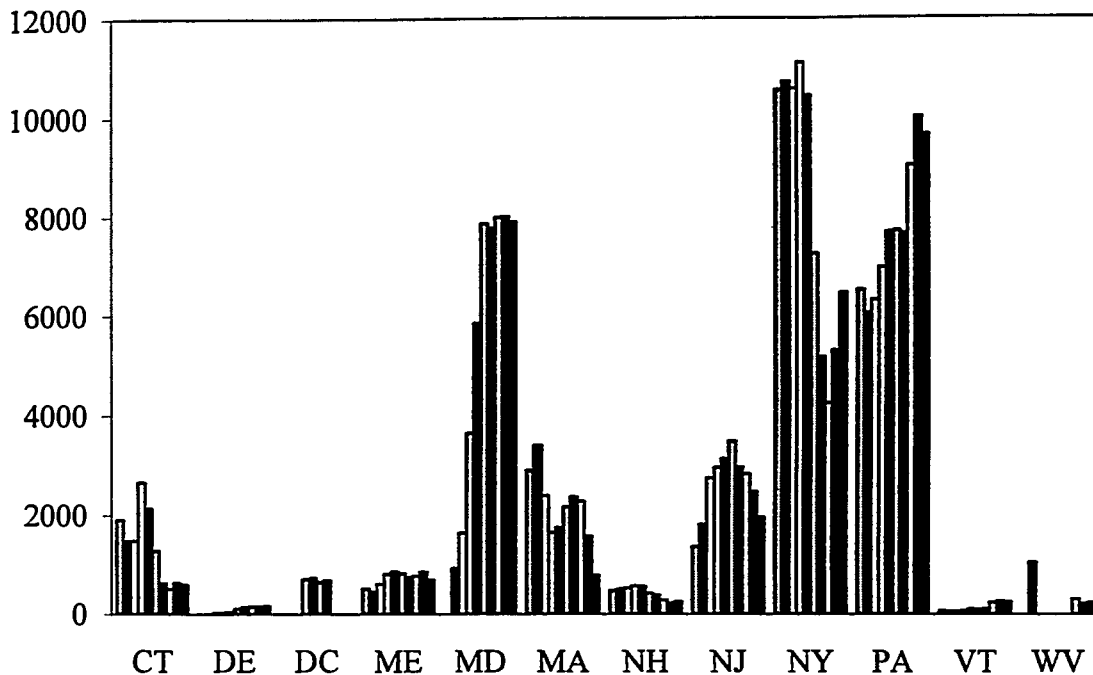
Backlog cases are another indication of agency activity levels and, particularly, the efficiency of agencies’ caseload management. Figure 2.3 reveals trends in backlog cases by state human rights agency.<sup>3</sup> State human rights agencies in Connecticut,

<sup>3</sup> There were no backlog case data for Rhode Island and Virginia at the time of report writing. In addition, such data were only available for several of the ten years under review for the District of Columbia and West Virginia.



Massachusetts, New Hampshire, and West Virginia successfully reduced the size of the case backlog across the decade, revealing possible efficient case management practices. In the District of Columbia and Maine, the number of backlog cases remained relatively constant.

*Figure 2.3*  
*Backlog Cases, 1991-2000*



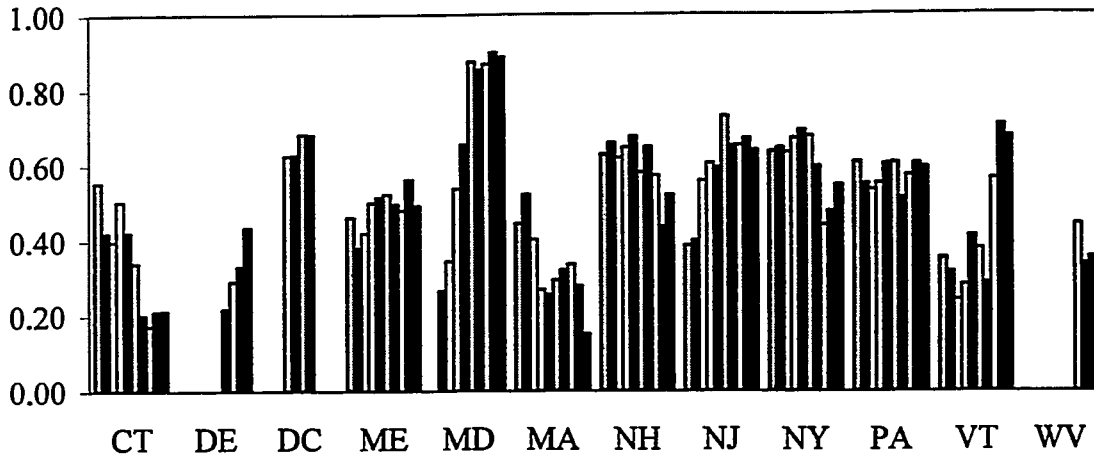
In Maryland, the case backlog grew dramatically through 1995 and then tapered off, as the number of new cases decreased. In New Jersey, the case backlog grew through 1996 and then declined with decreased new case activity levels. In New York, after 1995, the state human rights agency aggressively decreased the number of backlog cases, only to see these cases grow after 1998. The state human rights agency in Pennsylvania saw its case backlog grow for nearly every year of the decade, reflecting in part continued increases in the number of cases filed annually. In Vermont, the case backlog also grew across the decade.

To identify trends or for comparative purposes, absolute figures for backlog cases are of limited usage. The ratio, backlog cases over total cases,<sup>4</sup> facilitates trend identification and cross-agency comparisons (see Figure 2.4). Of the 14 state human rights agencies, Maryland's had the highest number of backlog cases to total cases after 1995, revealing serious difficulties in the case management process. Massachusetts' human rights agency, in contrast, had the lowest number and this number was on the decrease from 1992 to 1995 and again from 1998 to 2000. In Connecticut and to a lesser extent, New York and

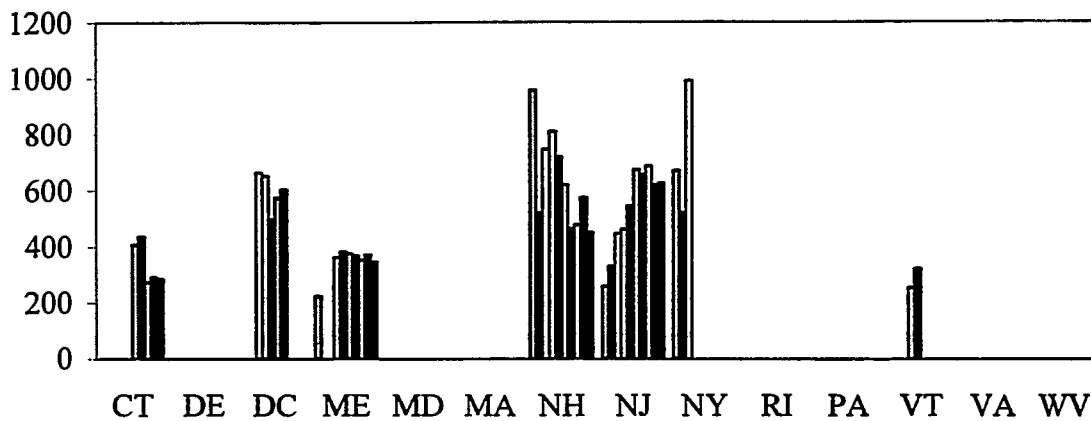
<sup>4</sup> Total cases includes new cases and backlog cases.

New Hampshire, the number of backlog cases over total cases was also on the decrease, reflecting possible improvements in the case management process. In other states, however, like Maryland the size of the case backlog to total cases grew over time or remained constant.

*Figure 2.4  
Backlog Cases Over Total Cases, 1991-2000*



*Figure 2.5  
Case Processing Time, 1991-2000  
(average number of days to close a case)*



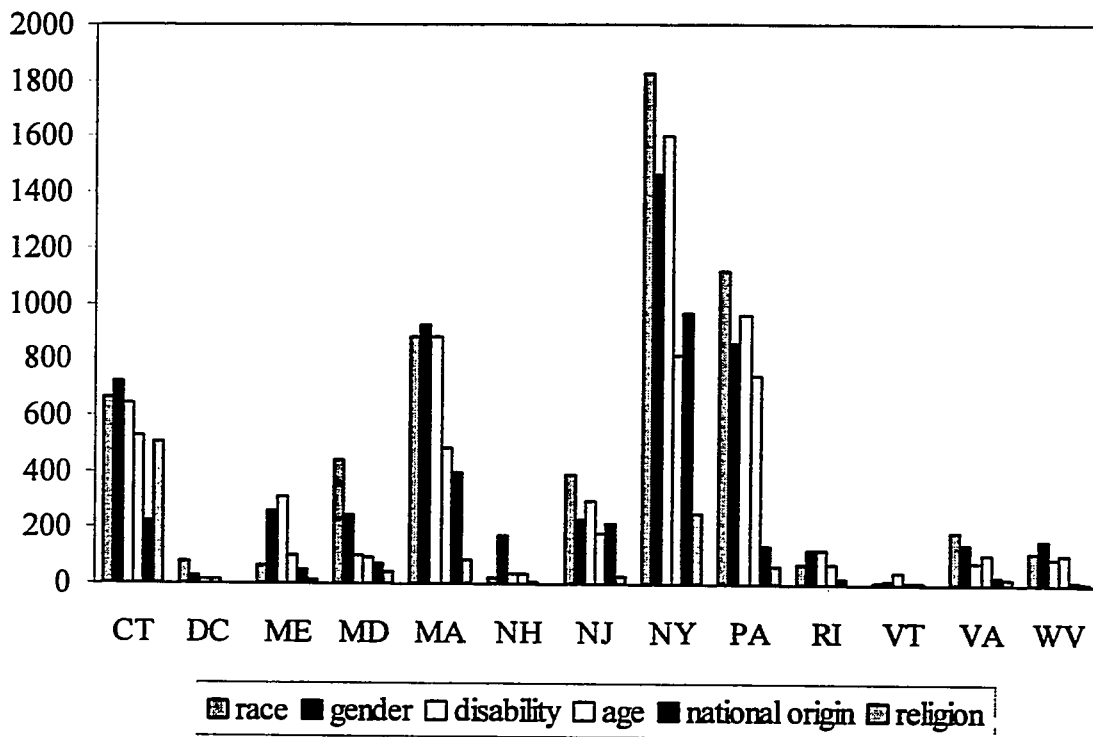
Processing time, or the average number of days it an agency to close a case from the day the case was filed, is another indicator of efficiency in an agency’s caseload management process. Unfortunately, state human rights agencies in Delaware, Maryland, Massachusetts, Rhode Island, Pennsylvania, Virginia, and West Virginia furnished no data on average case processing times despite requests for such information. State agencies in New York and Vermont provided only two or three years of information on

case processing times, hindering the identification of trends. Nevertheless, these data were made available by agencies in Connecticut, the District of Columbia, Maine, New Hampshire, and New Jersey for some or all of the years under review.

In Connecticut, where the average time to bring a case to a close was already low relative to others, case processing time was reduced over the five years for which data were provided (see Figure 2.5). In New Hampshire, the state human rights agency also reduced this time for most years for which data were available, although the agency began the period with very long case processing times relative to other agencies under review. The reduction in New Hampshire's case is quite dramatic, pointing to possible improvements in the case management process. In the District of Columbia and Maine, the average number of days to close a case remained relatively constant. In New Jersey, however, case processing time rose for most years of the decade, signaling difficulty in the management of that state agency's caseloads.

**Bases and Types of Cases**

*Figure 2.6  
Bases of Cases, 2000*

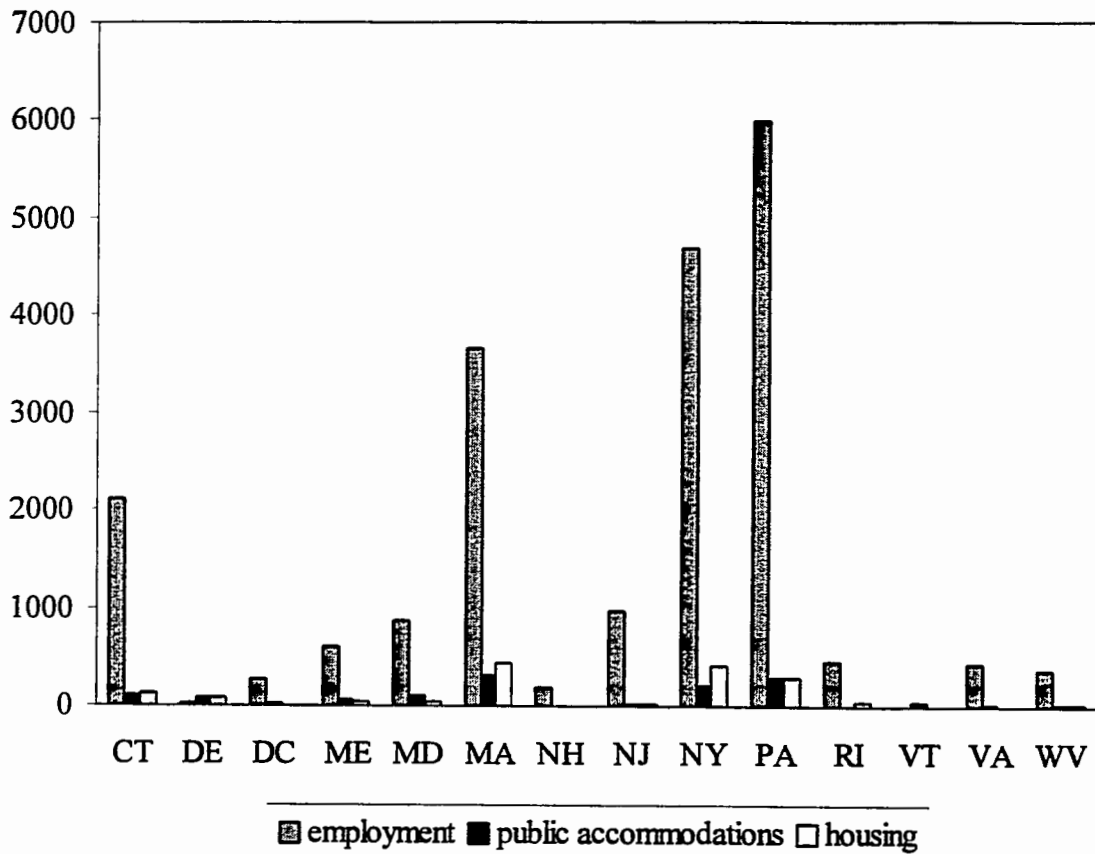


Each of the 14 state human rights agencies within the Eastern Regional Office's jurisdiction files cases by bases of discrimination: race, gender, disability status, age,

national origin, and religion.<sup>5,6</sup> Knowledge of the prevalence of the different bases of discrimination enables human rights professionals to focus their enforcement, public outreach, and education activities. Of the six bases of discrimination among cases filed in 2000, race, gender, and disability status are the three most common.

In New York, Pennsylvania, New Jersey, Maryland, Virginia, and the District of Columbia, race was the most common filed basis for complaints of discrimination in 2000. In Massachusetts, Connecticut, West Virginia, and New Hampshire, gender was the most frequent basis of discrimination cases. Disability status was the most common basis of cases in Maine, Rhode Island (1997) and Vermont that year. Age-based complaints of discrimination were frequently the fourth most common within new caseloads across the state human rights agencies, followed by national origin- and religion-based complaints, respectively.

*Figure 2.7  
Types of Cases, 2000*



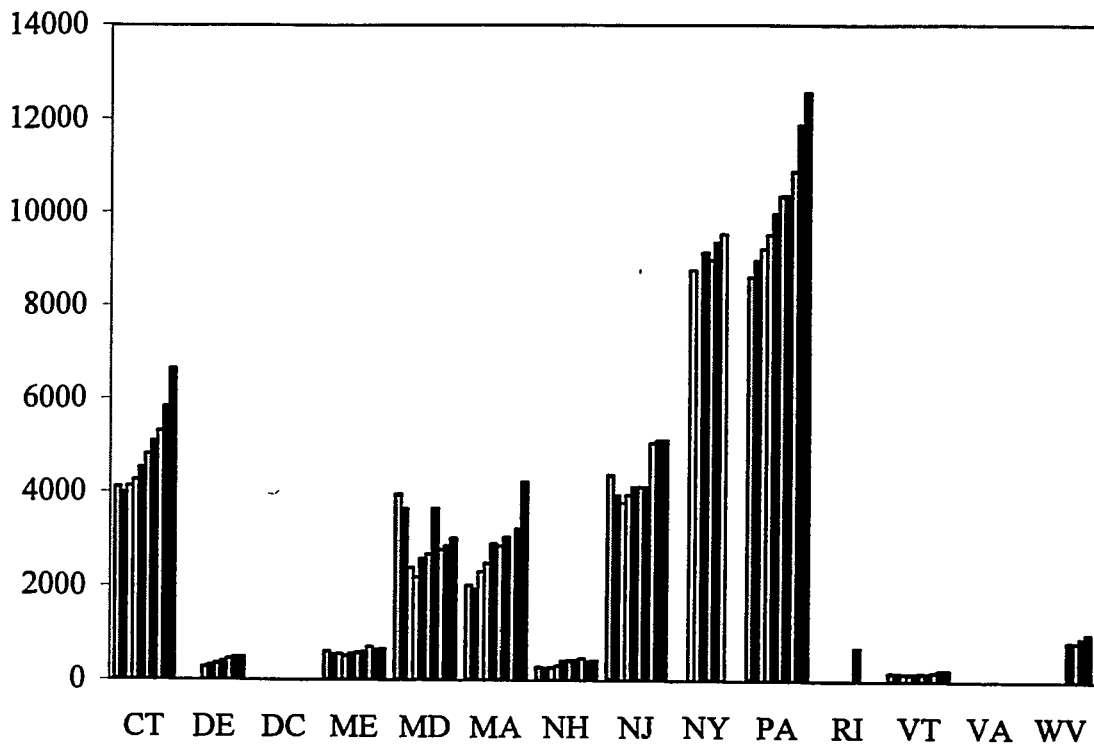
<sup>5</sup> Many state agencies also record other protected-class categories, such as pregnancy status or sexual orientation.

<sup>6</sup> Data for Delaware are only for the limited number of formally filed cases as opposed to total intake cases and are therefore not included in this analysis. Please refer to the Delaware chapter for greater detail. For the District of Columbia and Rhode Island, the most recent data are for 1997.

Each of the state human rights agencies under review receives complaints of discrimination in employment, public accommodations, and housing. Like knowledge of bases for complaints of discrimination, knowledge of areas of discrimination can equip human rights advocates and professionals to better enforce state and federal anti-discrimination laws and conduct public outreach activities. For all state agencies except those in Delaware and Vermont, employment-related discrimination was by far the most common type of case in 2000 (see Figure 2.7). State human rights agencies in Delaware and Vermont have jurisdiction over complaints of employment discrimination only in state government, thereby bringing down the caseload in this area. Complaints of discrimination in public accommodations and housing—although numerically present—are relatively insignificant when state agencies have full jurisdiction over cases of employment discrimination. This is true across all state agencies in the Eastern Region.

**Budget and Staffing**

*Figure 2.8  
Budget, 1991-2000*

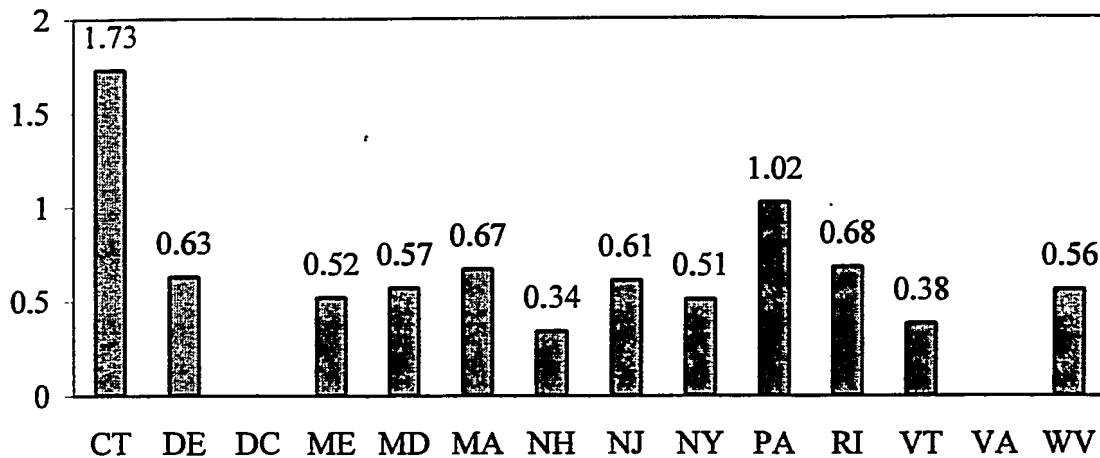


Most human rights agencies saw their budgets increase over the ten-year period under review (see Figure 2.8 – each bar represents one year).<sup>7</sup> However, only in Pennsylvania

<sup>7</sup> Budget data for the District of Columbia and Virginia were unobtainable and were only available for 1997 for Rhode Island.

did the human rights agency see an increase in its budget for every year of the decade.<sup>8</sup> Other state agencies either had budgetary decreases for some years or witnessed a stagnated budget for several consecutive years. In some states, budget cuts were quite large. In Maryland, for example, between 1991 and 1994 that state's human rights agency endured a budget cut of nearly 50 percent. Even in the year 2000 the budget for Maryland's human rights agency was only three quarters of what it had been in 1991.

*Figure 2.9*  
*Budget Per Capita, 2000*



The amount states allocate to their human rights agencies per capita is a comparative indicator of the relative support each agency enjoys. As Figure 2.9 reveals, in the year 2000 per capita budget figures vary widely from agency to agency.<sup>9</sup> Connecticut allocates by far the highest budget per capita to its human rights agency, followed by Pennsylvania. Not surprisingly, agencies in both these states have among the highest number of new cases per capita. Releasing sufficient funds allows agencies to better carry out the mandate. In contrast, New Hampshire and Vermont allocate the lowest budgets per capita to their human rights agencies. Agencies in these two states also have among the lowest number of new cases filed per capita. It appears that the size of an agency's budget, relative to state population, influences the intake of complaints. It is probable that state agencies with more abundant resources are better able to process cases and get satisfactory results. This, in turn, encourages greater numbers of people with complaints of discrimination, expecting that they will be heard, to file cases with their state agency.

<sup>8</sup> In the District of Columbia, the budget also increased each year. However, data were unobtainable for the years 1991 through 1993.

<sup>9</sup> Budget data were unavailable to calculate per capita budget figures for the District of Columbia and Virginia. The New York per capita budget figure is based on the year 1998. The figure for Rhode Island is from 1997.

*Figure 2.10*  
*Budget/Cases Closed, 1991-2000*

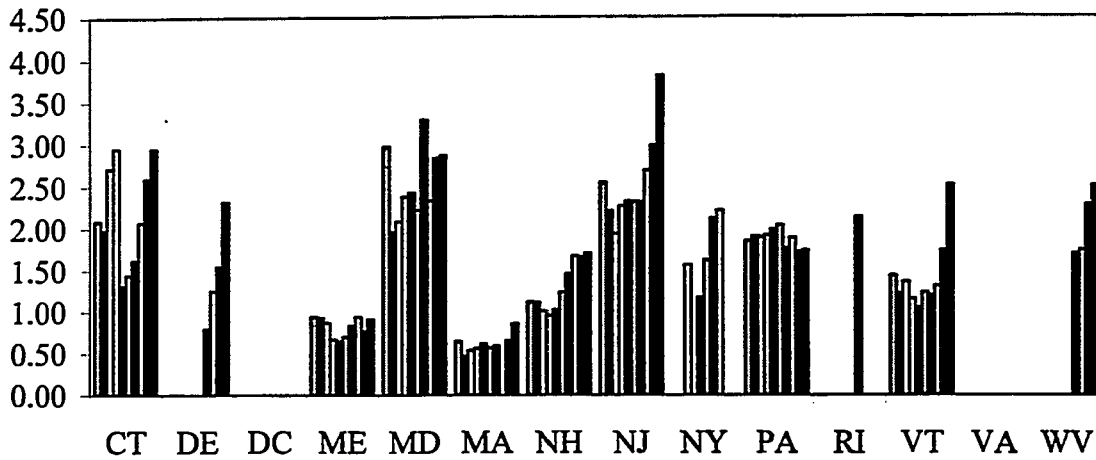


Figure 2.10 displays the average cost to close a case. Each bar represents one year.<sup>10</sup> The figures on the horizontal axis represent thousands of dollars. It cost an average of almost \$4,000, for example, to close a single case in New Jersey in 2000. These figures allow for a comparative evaluation of agency efficiency. Based on average cost to close a case, human rights agencies in Massachusetts and Maine are the most efficient, while those in New Jersey, Maryland, and Connecticut are the least efficient. Between 1991 and 2000, Maine's agency managed to maintain average cost at relatively steady levels, despite inflation. In Delaware,<sup>11</sup> the average cost per case closure climbed dramatically, as it did in New Jersey and Vermont. This figure also rose considerably in New Hampshire, New York, and West Virginia, reflecting increases in cost-of-operations expenditures as well as possible decreases in efficiency in agency caseload management.

Like budgets, levels of staffing also varied across the different agencies (see Figure 2.11 – each bar represents one year).<sup>12</sup> Only in Massachusetts, did the state human rights agency experience increasing staffing levels across the decade. Other agencies in the Eastern Region experienced modest, sporadic increases, or stagnation or decreases in staffing levels, pointing to possible agency difficulty in effectively carrying agency mandates.<sup>13</sup> Modest increases in total staff size were registered in the Delaware, New Hampshire, and Vermont. In Connecticut, the District of Columbia, Maine, Pennsylvania, and West Virginia staffing levels stagnated, while in Maryland, New Jersey, and New York total staff size decreased across the ten years under review.

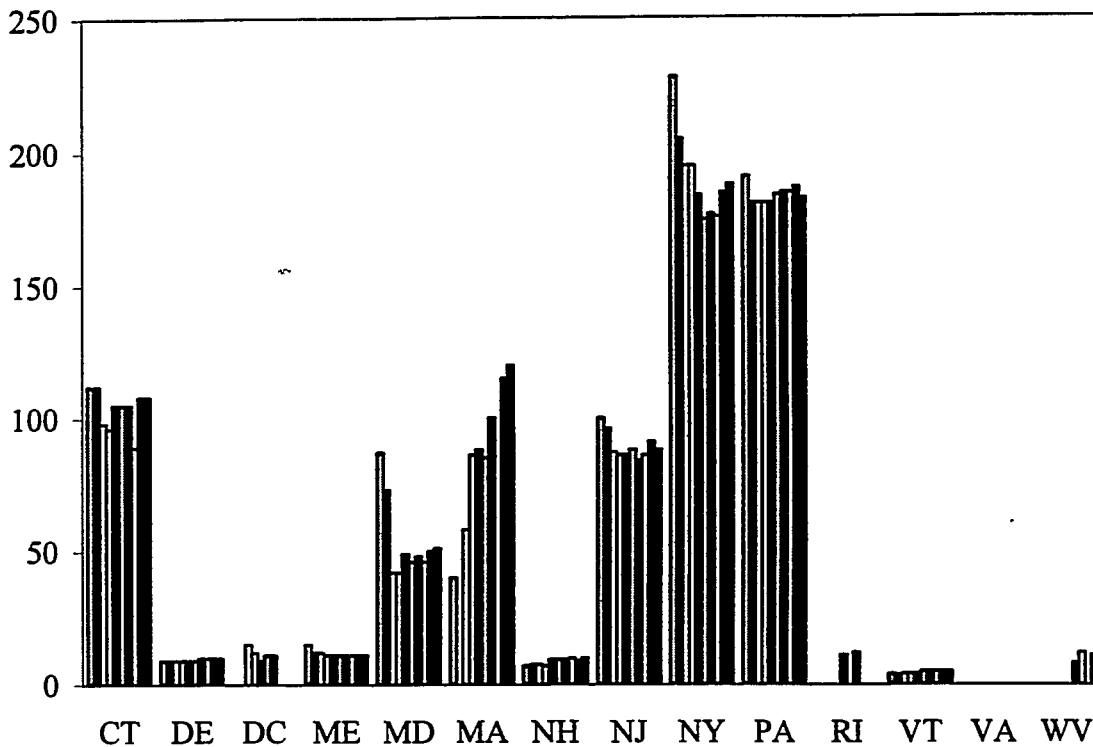
<sup>10</sup> Budget data were unavailable to calculate average cost to close once case for the District of Columbia and Virginia. The New York figure is based on the year 1998. The figure for Rhodes Island is from 1997.

<sup>11</sup> Data for Delaware are only available for 1997 through 2000.

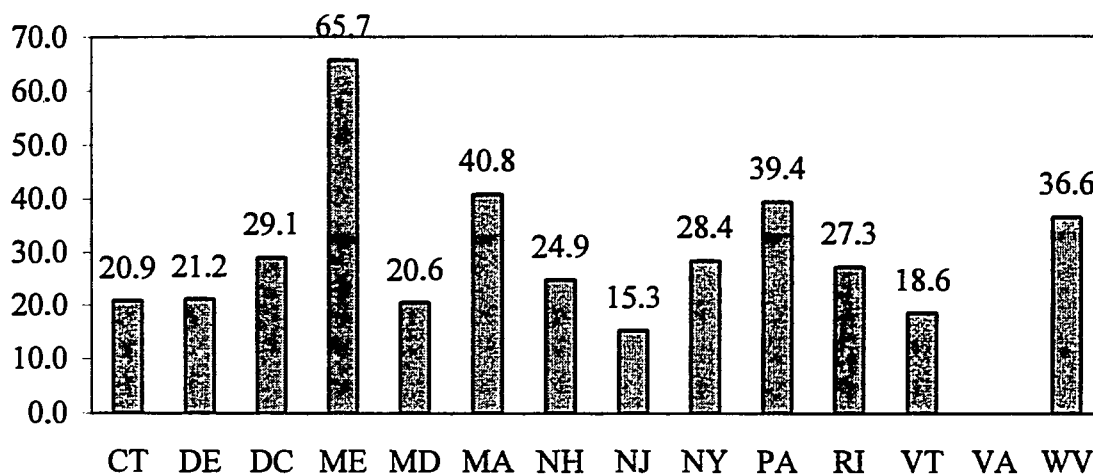
<sup>12</sup> Of the fourteen states, only Virginia did not furnish any data on staffing levels.

<sup>13</sup> However, also during this period some state human rights agencies witnessed decreases in the number of newly filed cases annually. Therefore, reductions in staffing levels may not reflect decreased effectiveness in case processing.

*Figure 2.11  
Staffing Levels, 1991-2000*



*Figure 2.12  
Workload Indices, 2000*



Agency staff efficiency may be measured by the number of cases closed divided by total number of agency staff members. As Figure 2.12 indicates, in the year 2000 the highest

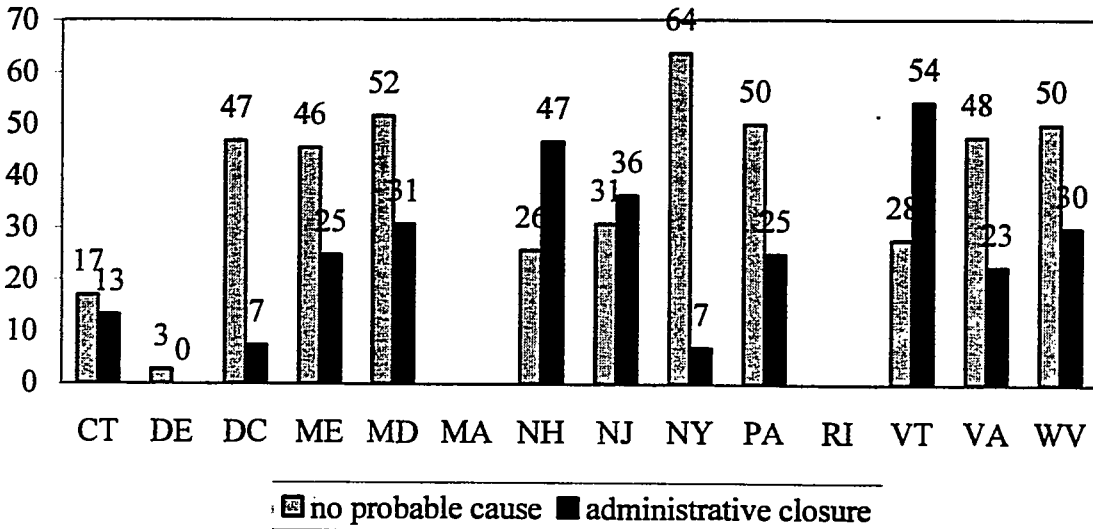


number of cases closed per staff member occurred in Maine, reflecting high agency efficiency relative to other states in the Eastern Region.<sup>14</sup> Massachusetts and Pennsylvania also had relatively high ratios of cases closed to total staff size. In 2000, New Jersey only closed 15.2 cases per staff member—the lowest of the region. Vermont also had a relatively low number of closed cases per agency employee that year.

**Case Resolution and Compensation**

State human rights agencies have a range of options in the case resolution process. Findings of no probable cause are frequently made if agency staff believe there is insufficient grounds for making claims that illegal discrimination occurred. Administrative closures occur if the complaint of discrimination is outside the agency’s jurisdiction, the complainant moves or refuses to cooperate, among other reasons. Both findings of no probable cause and administrative closures require relatively few agency resources. However, these methods of case resolution provide complainants with no compensation—monetary or intangible.

*Figure 2.13  
Case Resolution, 2000:  
No Probable Cause and Administrative Closure  
(in percentages)*



Of the 14 states, Delaware made the least use of findings of no probable cause and administrative closures to resolve cases (3 percent of all closures) in 2000.<sup>15</sup> Instead, Delaware relied heavily on mediation (69.6 percent) to close cases. However, that agency did not provide data on outcomes of case closures via mediation—whether or not they resulted in compensatory awards to complainants. Connecticut also made relatively little

<sup>14</sup> Data were not available for Virginia. Data from 1997 were used for the District of Columbia and Rhode Island as the most recent substitute for the missing 2000 data.

<sup>15</sup> Complete data were unavailable for Massachusetts and Rhode Island. Data from 1997 were the most recent for Delaware.

use of these two relatively quick case closure methods (30 percent of all closures). This state agency instead resorted frequently to its merit assessment review process (44 percent) to resolve complaints of discrimination.<sup>16</sup>

In the year 2000, Maryland led the states in its use of findings of no probable cause and administrative closures to bring down its caseload (83 percent), followed closely by Vermont (82 percent). In most states, these case closure methods accounted for between two thirds and fourth fifths of all case resolutions that year. This means that most cases were resolved without monetary or moral benefits to the complainant.

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<sup>16</sup> Refer to the Connecticut chapter for details on merit assessment review.

## Chapter 3

### CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

#### Mission, History, and Jurisdiction

The Connecticut Commission on Human Rights and Opportunities' (CHRO) mission is "to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education."<sup>1</sup>

Its predecessor, the Inter-Racial Commission was established in 1943 by the Connecticut State Legislature to investigate the possibilities of affording equal opportunity of profitable employment to all persons.<sup>2,3</sup> In subsequent years, its mission was expanded to receive, initiate, and investigate employment discrimination complaints (1947); to conduct hearings on complaints that were not resolved by conciliation (1947); and to impose remedies in employment cases (1959).<sup>4,5</sup> Employers guilty of discrimination could now be directed to hire, reinstate, award back pay to, or take other affirmative steps to compensate individuals who had experienced discrimination.

Public accommodations and housing were also added to agency's mission. In 1949, the agency was authorized to address and resolve complaints under the state Public Accommodations Act, which prohibited discrimination in public accommodations and in public housing based on race, color, or creed. In 1953, the Act was amended to cover all types of businesses that provide services to the public. In 1959, the Act was further amended to cover non-public housing providers. By 1963, housing anti-discrimination laws covered all housing except owner-occupied two-family homes.

The Inter-Racial Commission was renamed the Commission on Civil Rights in 1951 and again to the Connecticut Commission on Human Rights and Opportunities (CHRO) in 1967, now authorized to establish regional offices and to employ its own legal counsel to confront all forms of discrimination.

In 1975, CHRO was given the responsibility of administering affirmative action mandates that sought to remedy the effects of a history of past discrimination in state government. The development and expansion of contract compliance laws followed, and the purchasing power of the state was used to assist the development and participation of small, minority- and women-owned companies. The Commission was also mandated enforcement responsibility in the area of contract compliance.

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<sup>1</sup> CHRO adopted this mission statement October 16, 1991 (see Annual Report FY 1990-91, p. 2).

<sup>2</sup> General Statutes of Connecticut, Title 46A, Chapter 814c.

<sup>3</sup> See <<http://www.state.ct.us/chro/metapages/history.html>>.

<sup>4</sup> This Connecticut Fair Employment Act of 1947, for example, made it illegal for employers of five or more persons, employment agencies, or unions to discriminate in terms, conditions, or privileges of employment because of race, color, religious creed, national origin, or ancestry. The law also authorized the Inter-Racial Commission to study the problems of discrimination in all or specific fields of human relationships (Chapter 814c, P.A. 171).

<sup>5</sup> In 1959, the Fair Employment Practices Act is also amended making discrimination based on age illegal. In 1967, discrimination based on sex became illegal through further amendments to the Act.

In 1975, age was added as a protected class in state law prohibiting discrimination in public accommodations and credit transactions. Since 1980, sexual harassment has been specifically prohibited in employment law. Since 1988, discrimination on the basis of mental disability has been prohibited in public accommodations and housing law. In 1991, state law added further oversight and enforcement responsibility to the Commission by prohibiting discrimination based on sexual orientation.

In summary, then, CHRO has jurisdiction over complaints of discrimination in (1) employment (based on age, ancestry, color, learning disability, marital status, mental retardation, national origin, physical disability, race, religious creed, sex [including pregnancy], sexual orientation, genetic information, mental disability, and criminal record [in state employment and licensing only]); (2) in housing and public accommodations (based on age, ancestry, color, learning disability, marital status, mental retardation, national origin, physical disability, race, religious creed, sex [including pregnancy], sexual orientation, lawful source of income, mental disability, use and/or training of a guide dog, familial status [housing only], and breast feeding [public accommodations only]); and (3) credit transactions (age, ancestry, color, learning disability, marital status, mental retardation, national origin, physical disability, race, religious creed, sex [including pregnancy], and sexual orientation).

### **Federal Partners<sup>6</sup>**

The Equal Employment Opportunity Commission (EEOC) has jurisdiction over federal laws protecting individuals from employment discrimination on the basis of race, color, sex, religion, national origin, age, or disability.<sup>7</sup> Similarly, the United States Department of Housing and Urban Development (HUD) enforces federal laws banning discrimination in the sale or rental of housing on the basis of race, color, national origin, religion, sex, disability, or family status.

However, EEOC and HUD defer administrative enforcement of these laws to CHRO. Complainants generally have the right to sue in court at the federal level, if the complaint is not settled administratively via CHRO channels. CHRO has entered worksharing agreements with both federal agencies. Under these agreements, CHRO receives, investigates, and disposes complaints as appropriate for EEOC and HUD, and in return received monetary compensation from its partner federal agencies. Furthermore, CHRO submits a randomly selected number of its cases to EEOC and HUD for review and approval. EEOC and HUD, in turn, make determinations on the thoroughness of CHRO investigations and the appropriateness of CHRO decisions in relation to documented case evidence.<sup>8</sup>

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<sup>6</sup> CHRO receives federal funds to close contractually defined cases. At the time of report writing, data on the amount of federal funds the agency received and the number of affected cases were unavailable.

<sup>7</sup> EEOC was created by Congress in 1964 as part of the Civil Rights Act. EEOC's jurisdiction includes all government employers, private employers, employment agencies, and labor unions.

<sup>8</sup> If EEOC or HUD finds evidence supporting CHRO's action on the case, the case is closed. However, if EEOC or HUD finds weaknesses in either the investigation process or CHRO's decision, either federal agency may send the case back and require CHRO to conduct further investigative work (see the Legislative Program and Review Investigations Committee's *Commission on Human Rights and Opportunities, Final Report 1999*, p. 11).

### **Reporting Requirement**

CHRO is required to “from time to time, but not less than once a year, report to the Governor... making recommendations for the removal of such injustices as it may find to exist and such other recommendations as it deems advisable and describing the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work it has performed.”<sup>9</sup> This requirement does not offer guidance as to the specific information that must be included in CHRO’s reports. Staff at the Eastern Regional Office of the U.S. Commission on Civil Rights were able to procure annual reports for the 1991-2000 period that form the basis of this report.

### **Organization**

A nine-member policy-making body, composed of five individuals appointed by the governor and four by the Connecticut state legislature, governs CHRO.<sup>10</sup> This body appoints in turn an executive director to implement agency policy and to select and manage agency staff. CHRO has four regional offices, which are situated in Hartford, Waterbury, Bridgeport, and Norwich. Staff at the regional offices receive, process, and resolve complaints from individuals who feel that they have been discriminated against.<sup>11</sup>

Though not directly related to complaint processing, three offices in CHRO perform important programmatic functions: the Office of Education Programs, the Office of Economic Programs, and the Office of Diversity Programs. The Office of Education Programs promotes public understanding of human rights issues by fostering greater public awareness, increased knowledge, and greater appreciation of human diversity.

The Office of Economic Programs, on the other hand, reviews, monitors, and enforces the equal opportunity, affirmative action, and contract compliance laws of Connecticut for businesses who contract with the state.<sup>12</sup> It also reports annually to the governor and state legislature on the participation of minority and women-owned businesses in contracting carried out by the state of Connecticut.

Finally, the Office of Diversity Programs reviews and evaluates affirmative action plans submitted by executive branch state agencies and makes recommendations for approval or disapproval by the CHRO. CHRO has the authority to issue an agency a certificate of non-compliance in the event that state agency’s affirmative action plan is disapproved, which in turn prevents the agency from filling a position by hire or promotion until CHRO determines the state agency has achieved compliance.<sup>13</sup>

Directly related to the complaint processing, the Office of Public Hearings has the responsibility of scheduling and conducting public hearings in contested cases of discrimination in

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<sup>9</sup> GSC Title 46A Chapter 814c Part I sec. 46a-56 (a) (4).

<sup>10</sup> Commission members generally meet on the second Thursday of each month (Annual Report 2000, p. 6).

<sup>11</sup> Only the Hartford office handles complaints of housing-related discrimination.

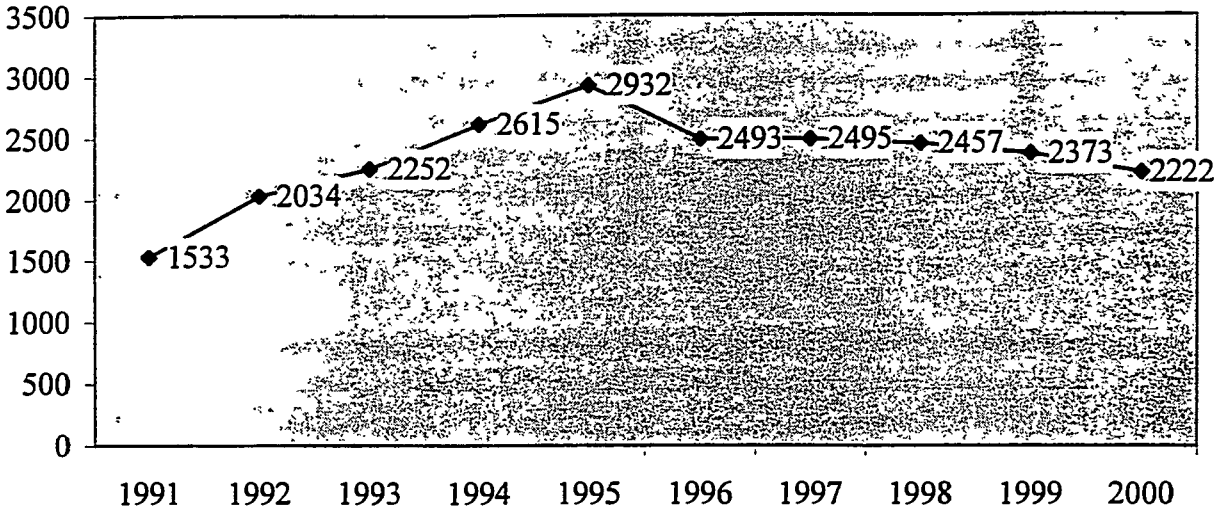
<sup>12</sup> Connecticut’s contract compliance laws were enacted to provide, through the distribution of the state’s contracting funds, equal employment opportunities for minorities and women, as well as economic development and entrepreneurial opportunities for small contractors and minority and women-owned businesses.

<sup>13</sup> Annual Report 2000, p. 8.

employment, housing, credit, and public accommodations. Human rights referees in the office, appointed by the governor subject to legislative approval, review contested cases and serve as independent arbitrators in the public hearing process for their assigned cases.

**Caseload Management**

*Figure 3.1  
Connecticut New Cases*

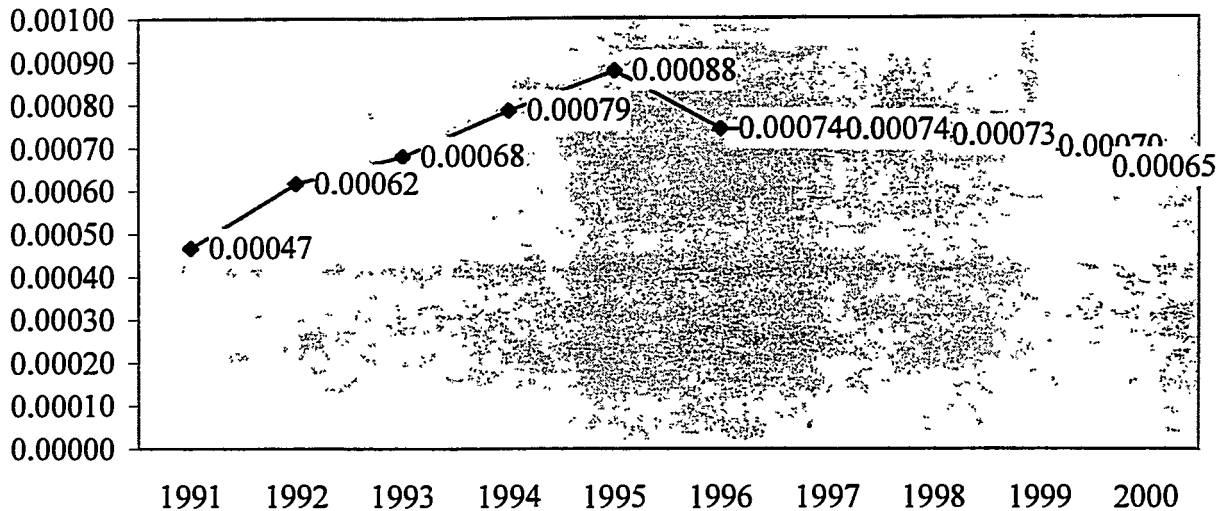


At the beginning of the decennial period, CHRO filed 1533 new cases (see Figure 3.1 and Table 3.1). This figure rose sharply to 2034 in 1992 and continued to climb steadily to 1995, when 2932 new cases were filed with the Commission. After 1995, however, the trend reversed and CHRO witnessed declining numbers of new cases. In 1996, for example, the Commission registered 2493 new cases, a 15 percent drop from 1995. In 2000, only 2222 new cases were filed, representing 76 percent of 1995 levels.

Table 3.1 Connecticut Caseload Statistics

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
New cases	1533	2034	2252	2615	2932	2493	2495	2457	2373	2222
Backlog cases	1912	1476	1489	2658	2140	1290	629	513	634	599
Total cases <sup>14</sup>	3445	3510	3741	5273	5072	3783	3124	2970	3007	2821
Cases closed	1969	2021	1522	1446	3450	3343	3156	2573	2252	2257

Figure 3.2  
Connecticut New Cases Per Capita



The ratio of new cases to the total population of Connecticut serves as an indicator of CHRO activity levels.<sup>15</sup> Across the decade, CHRO filed between 4.7 and 8.8 new cases for every 10,000 state residents (see Figure 3.2). In 1991, the agency filed 4.7 new cases per 10,000 state residents. The high of 8.8 was registered in 1995, after which the ratio declined, leveling off to 6.5 in 2000.

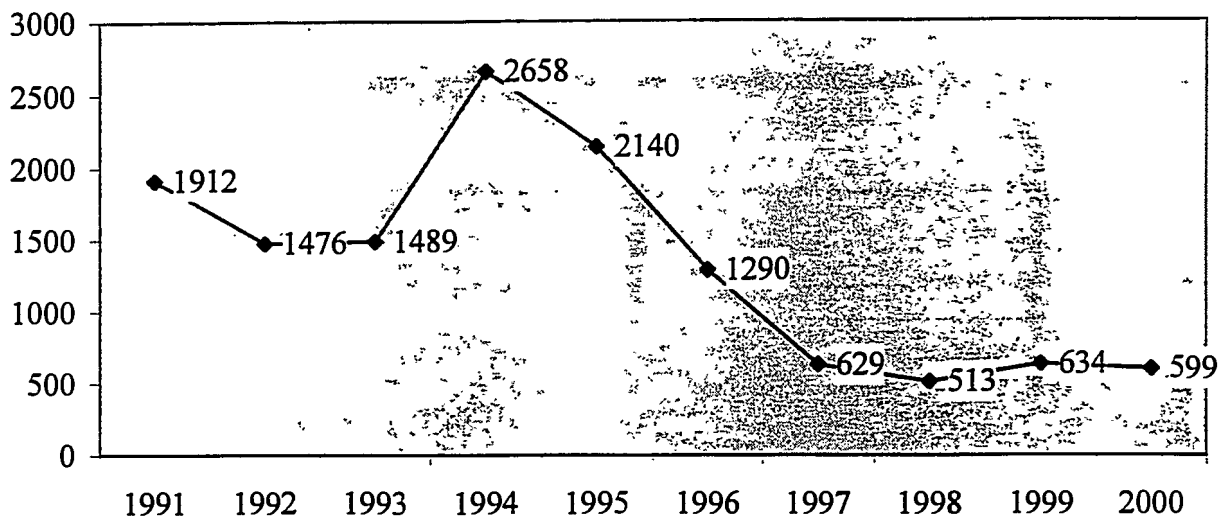
The trend for backlog cases shows a peak in 1994, when there were 2658 such cases (see Figure 3.3).<sup>16</sup> From a total of 1912 backlog cases in 1991, the number rose by 746 cases in 1994, an increase of nearly 39 percent in three years (see Table 3.1). The increase in backlog cases outpaced the agency's increase in new cases, reflecting possible difficulties in case management, particularly after 1993. After 1994, however, the number of backlog cases began to decrease rapidly, falling to 2140 in 1995 and again to 1290 and 629 in 1996 and 1997, where it remained relatively stable through 2000. In 1995, CHRO instituted its MAR process, which accounts for the steep decline in backlog numbers.

<sup>14</sup> "Total cases" is comprised of new and backlog cases.

<sup>15</sup> New cases per capita is calculated by dividing total CHRO new cases per year over the total population for the state of Connecticut from 1991 to 2000. The state population for each year was calculated by annually prorating the 1990-2000 intercensus state population increase and adding that amount to the previous year population total.

<sup>16</sup> Backlog cases are those filed complaints carried over from the previous fiscal year that remain to be solved.

Figure 3.3  
Connecticut Backlog Cases

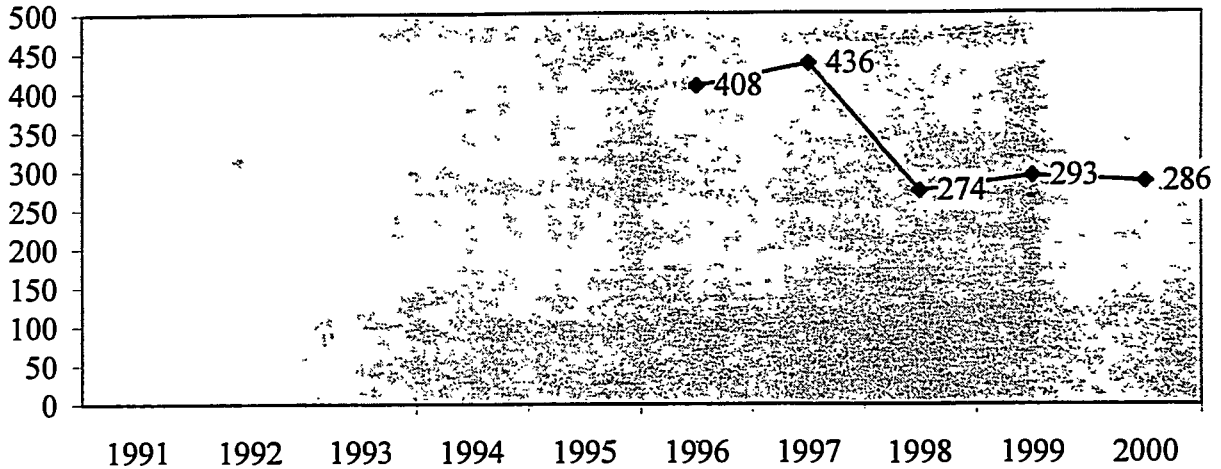


CHRO closed 1969 and 2021 cases in the years 1991 and 1992, respectively, surpassing or matching the number of new cases filed those years (see Table 3.1). In the years 1993 and 1994, however, the number of cases closed fell short of the number of new cases, leading to a marked increase in backlog. From 1991 to 1994 the number of cases closed fell from 1969 to 1446, even though the number of new cases increased by more than 70 percent during the same period. However, the next year, in 1995, the Commission closed 3450 cases, an increase of 139 percent over 1994, reflecting increased efficiency in case processing.

Processing time, or the average number of days that transpire between case filing and case resolution, is another indicator of agency efficiency. Although the data for years 1991 through 1995 were not available from CHRO reports and staff, data for later years provide some indication of trends. In 1996 and 1997, it took an average of 408 and 436 days to bring a case to a close (see Figure 3.4). The average number of days to close a case fell to 274 days in 1998, providing evidence for increased efficiency in case resolution. In 1999 and 2000, the average case processing time was 293 and 286 days, respectively, indicating continued efficiency in case resolution relative to the period before 1998.



**Figure 3.4**  
**Connecticut Case Processing Time**  
*(average number of days to close a case)*



**Bases and Types of Cases**

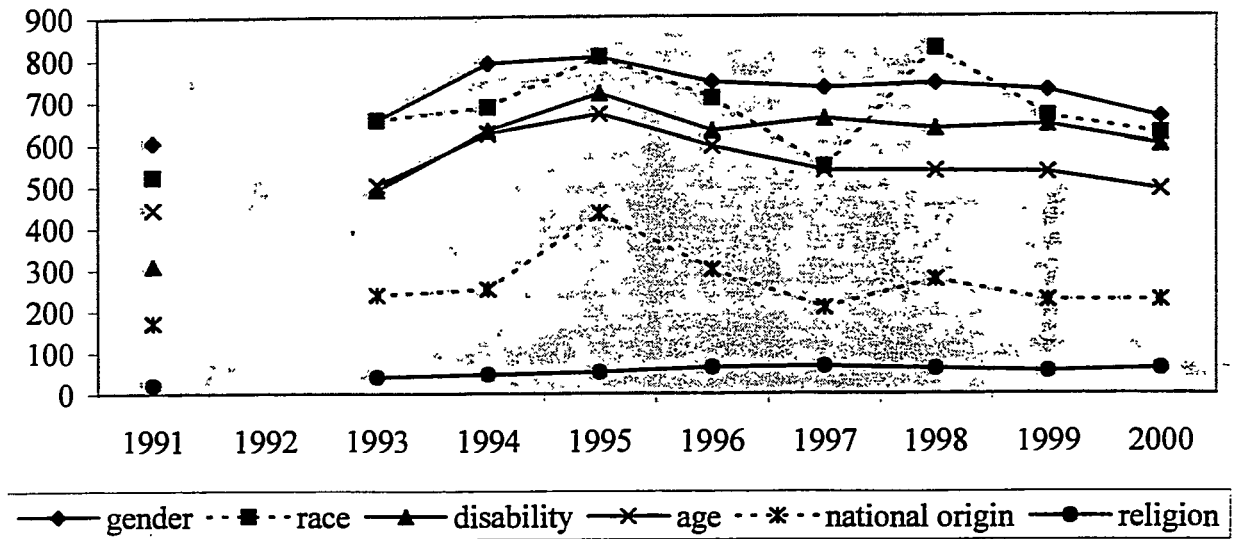
In 2000, gender was the most common basis for filed complaints. Race and disability status followed gender closely, as the second and third most frequent bases for filed complaints of discrimination in 2000 (see Table 3.2). With 489 cases, age was the fourth largest protected class represented among complaints that year. National origin complaints totaled 225, while discrimination complaints based on religion amounted to only 61.

*Table 3.2 Connecticut Bases of Cases*

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Gender	605	--	655	791	805	744	730	741	723	659
Race	523	--	656	686	806	706	545	825	662	621
Disability	309	--	491	631	718	629	657	634	642	595
Age	444	--	502	624	669	593	536	535	530	489
National origin	171	--	239	253	435	299	208	246	225	225
Religion	21	--	41	47	53	64	67	61	54	61
Retaliation	--	--	--	--	--	--	330	405	502	--

Throughout the 1990s as in the year 2000, gender was the most common basis for complaints of discrimination, with the exception of 1998 when CHRO filed more race-based complaints than gender-based complaints (see Figure 3.5). Race was typically the second most frequent basis for discrimination complaints, followed by disability, age, and national origin in order of decreased numerical importance. During the decade, religion remained a relatively insignificant basis for complaints filed with CHRO.

Figure 3.5  
Connecticut Bases of Cases



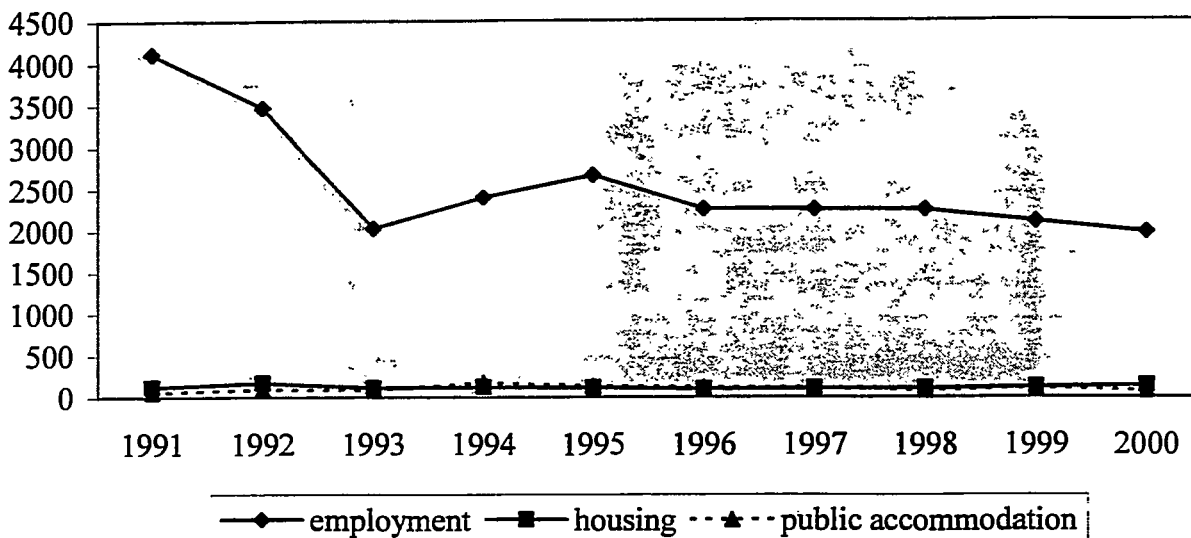
CHRO receives complaints of discrimination in employment, housing, and public accommodations. In 2000, 182 of 2198 classified cases were employment-related, while only 138 and 78 of the cases were housing- and public accommodations-related, respectively (see Table 3.3). During the ten-year period under review, complaints of employment discrimination were consistently the most common type of discrimination reported by complainants (see Figure 3.6). Typically, complaints of employment discrimination accounted for 90 percent or more of all complaints across the decade. Across the decade, complaints of discrimination in housing were the second most common type of complaint, followed by complaints of discrimination in public accommodations.

Table 3.3 Connecticut Types of Cases<sup>17</sup>

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Employment	3937	3466	2035	2404	2668	2262	2256	2253	2110	1982
Housing	120	174	118	123	118	99	107	108	123	138
Public accommodation	59	96	91	176	137	122	115	82	113	78

<sup>17</sup> For the basis-of-complaint figures, CHRO lists the number of allegations rather than the number of cases filed for 1991 and 1992. A single case may contain multiple allegations of discrimination. An allegation is linked to protected class. For instance, a complainant may allege discrimination in employment based on race, gender, and disability status. In this case, CHRO would file a single case for the complainant, but would list three allegations of discrimination (race, gender, and disability status).

Figure 3.6  
Connecticut Types of Cases



**Case Processing**

Modifying the way CHRO handles its cases, in 1995 the agency developed and adopted a merit assessment review (MAR) to enable the agency to focus its efforts on meritorious cases, move them more quickly to full investigations, and close them sooner.<sup>18</sup> In 1996, CHRO also initiated an agency-wide program of mediation, which has allowed the agency to free up its resources by encouraging the early settlement of cases.

A complaint that proceeds through the entire investigation and public hearing process goes through three distinct phases. However, a complaint can be resolved or closed at any point in the process through voluntary settlements, dismissal after initial merit assessment review, withdrawal, or CHRO administrative dismissal. Staff at CHRO’s four regional offices initiate the investigation process. Although most complaints are resolved at the regional office level, other units within the agency may become involved depending on the nature of the case.

Phase I: Complaint Processing and Merit Assessment Review

Phase I includes complaint intake and filing. Complainants must sign a sworn statement describing the alleged discriminatory act and identifying the entity or person alleged to have committed such act.<sup>19</sup> At intake, CHRO staff field complaints, dismissing those complaints outside the agency’s jurisdiction. For complaints within CHRO’s jurisdiction, a copy of the complaint is sent to the respondent along with informational questions prepared by CHRO staff.

<sup>18</sup> MAR was initiated with Public Act 24-238. CHRO strives to review all complaints by MAR within 90 days of filing (see *Confronting a Crisis: 1995 Annual Report for the Connecticut Commission on Human Rights and Opportunities*, p. 7).

<sup>19</sup> The statement must be filed within six months of the discriminatory act.

CHRO regulations provide for no fault conciliation during phase one of the investigation process. To reach no fault conciliation, the respondent may make an offer to the complainant. If the complainant accepts the offer, the case is closed without the respondent making any statement about fault. If the respondent fails to seek no fault conciliation, the complaint goes through the merit assessment review process. If the complaint is dismissed after the merit assessment review and the complainant does not accept CHRO's decision, the complainant may either file a request for reconsideration within 15 days of the decision or appeal the administrative decision to court.<sup>20</sup> If the complaint is not dismissed, it goes on to Phase II of the process.

#### Phase II: Fact Finding and Probable Cause Determination

Phase II is designed to find facts, promote the voluntary resolution of complaints, and determine if there is probable cause for believing that an illegal act of discrimination has occurred. Investigators have 190 days from the merit assessment review decision to make a determination of probable cause. During this phase, an investigator typically schedules a fact-finding conference. CHRO considers fact-finding conferences as the most efficient method of processing complaints, and often has scheduled a mandatory mediation at the same time as the conference.

The fact-finding conference may result in pre-determination conciliation between the parties involved. A pre-determination conciliation may occur at any time from the merit assessment review decision to a probable cause decision. A CHRO investigator must agree with the terms of the settlement agreement. If no pre-determination conciliation is attempted or achieved, the investigator drafts preliminary findings, which are reviewed by both parties and by CHRO's central office, and makes the final probable cause findings. After a finding of probable cause, attempts at conciliation are once again attempted.

#### Phase III: Public Hearing and Mandatory Remedies

If the investigator certifies that attempts at conciliation failed during Phase II, the case enters the public hearing phase of the process. At this stage, CHRO's Office of Public Hearings takes the cases over from the regional offices. The office assigns a human rights referee, sets a hearing conference meeting, conducts the hearing, collects written briefs and replies, has the referee write a decision of no discrimination or of discriminatory violation.

If the referee makes a decision that illegal discrimination occurred, current law allows the referee to order certain remedies. These remedies include orders to cease and desist from discriminatory practice; take affirmative action steps; hire or reinstate employees, pay back pay, or restore union membership (in employment cases); pay damages incurred by the complainant and reasonable

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<sup>20</sup> Since 1998, a complainant whose case is dismissed through CHRO's merit assessment review and who does not request CHRO to reconsider its decision has the right to sue directly in court. Since 1994, an alternative dispute resolution process has been in place, allowing both the complainant and the respondent to go outside CHRO for assistance. Alternative dispute resolution suspends CHRO's normal case processing. (The parties involved in the case must keep CHRO informed of the type and provider of the alternative dispute resolution sought and get CHRO's approval to use the process. This process is, however, rarely used [see Chapter IV of the Legislative Program and Review Investigations Committee's *Commission on Human Rights and Opportunities, Final Report 1999*, p. 6].)

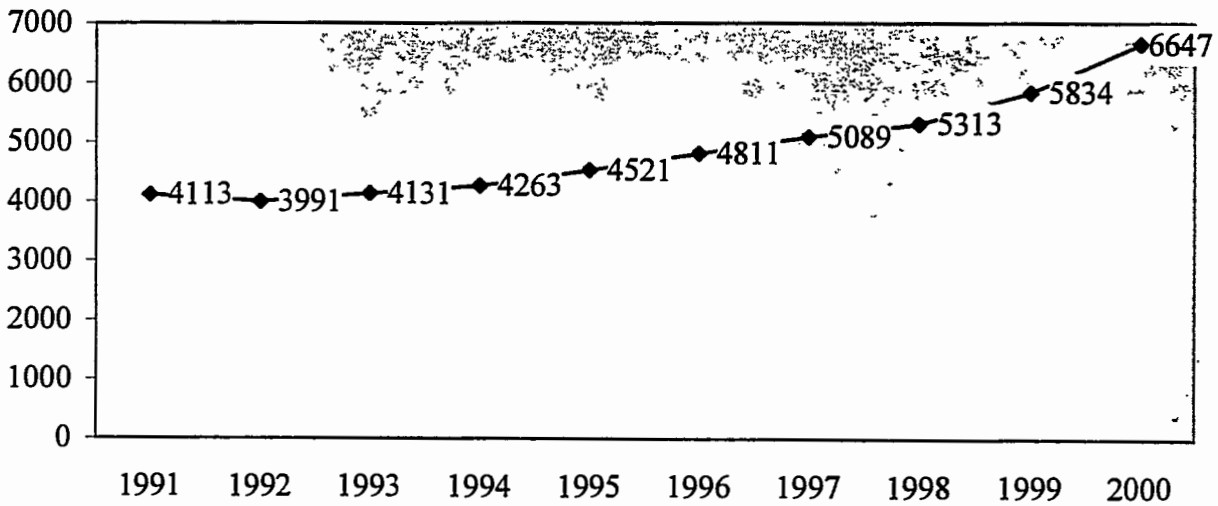
attorney’s fees (in housing, public accommodations, and licensing-based cases); and pay damages resulting from discriminatory practice (in credit cases).<sup>21</sup>

**Budget and Staffing**

CHRO began the decennial period with a budget of \$4,113,000, and ended with a budget of \$6,647,000 (see Figure 3.7). In average terms, the agency’s budget increased 6.2 percent for each of the ten years, surpassing somewhat inflation/cost-of-living increases. However, from 1991 to 1992, the Commission’s budget actually fell moderately and did not surpass 1991 real dollar figures until 1994. After 1994, the budget increased steadily at an average annual rate of 9.3 percent, reflecting a commitment on the part of state legislators to civil and human rights.

In terms of per capita budget, the amount allocated from the state to CHRO also increased in magnitude (see Figure 3.8).<sup>22</sup> In 1991, the state of Connecticut spent an average of \$1.25 for each state resident to fund CHRO. This figure was \$1.73 in 2000. Across the decade, per capita budget figures increased by 38.4 percent.

Figure 3.7  
Connecticut Budget (in thousand \$)



<sup>21</sup> See Chapter IV of Legislative Program and Review Investigations Committee’s *Commission on Human Rights and Opportunities, Final Report 1999*, p. 11.

<sup>22</sup> Per capita budget is calculated by dividing total CHRO budget per year over the total population for the state of Connecticut from 1991 to 2000. The state population for each year was calculated by annually prorating the 1990-2000 intercensus state population increase and adding that amount to the previous year population total.

Figure 3.8  
Connecticut Per Capita Budget

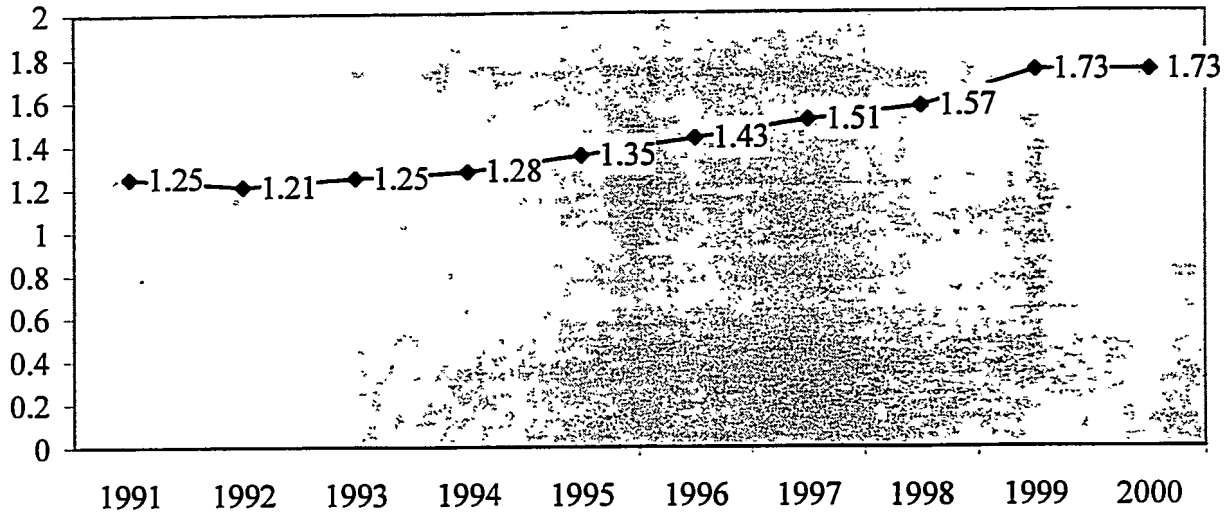
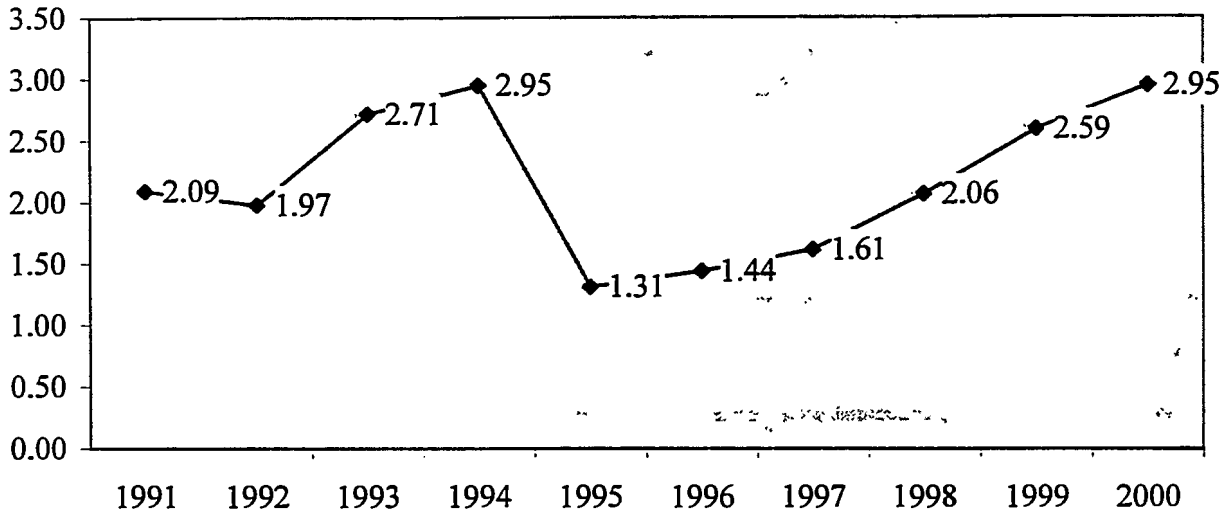


Figure 3.9  
Connecticut Budget (in \$1000)/Cases Closed

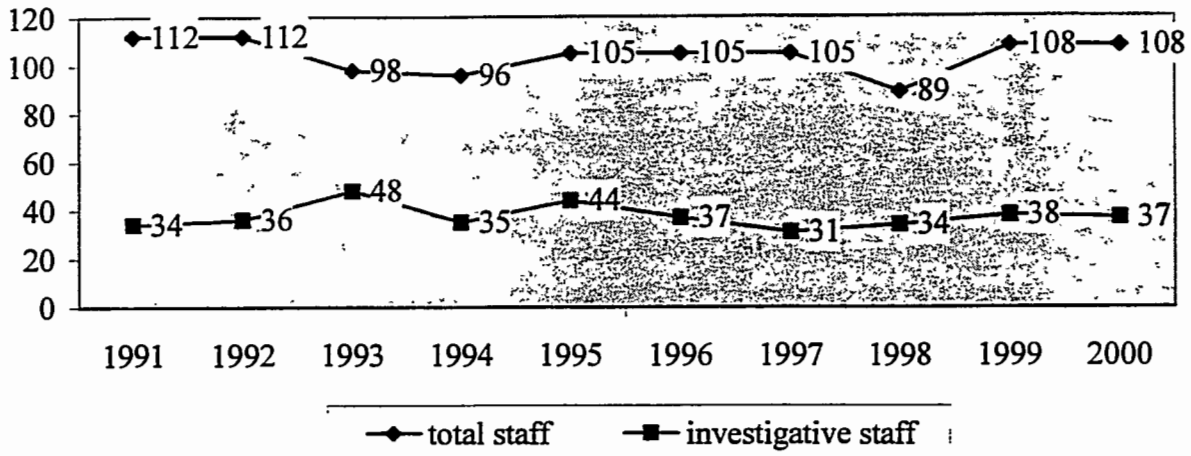


In 1991, it cost CHRO \$2,090 to close one case, on average (see Figure 3.9).<sup>23</sup> This figure fell nominally to \$1,970 in 1992. In 1993 and 1994, the cost per case closed rose to \$2,710 and

<sup>23</sup> The ratio measuring the number of cases closed over total agency budget dollars, indicating average cost to close a single case, is a very rough indicator of agency efficiency. It is rough as an indicator because many factors must be considered in allocating agency funds and in proceeding with case processing and case closing. Moreover, the types of cases on an agency's workload vary from year to year. Some cases require significantly more time and resources to process and close.

\$2,950, respectively. Between 1994 and 1995, however, this cost declined precipitously by 56 percent to \$1,310. CHRO attributes this dramatic decline to the institution of the MAR process.<sup>24</sup> After 1995, the average cost per closed case rose modestly to \$1,610 in 1997, and then more rapidly thereafter. Between 1995 and 2000 the cost per closed case increased by 32.8 percent annually. At the end of the decade, the figure stood at its 1994 levels—namely, \$2,950 per closed case, reflecting possible decreased agency efficiency in its use of budget dollars.<sup>25</sup>

Figure 3.10  
Connecticut Staffing

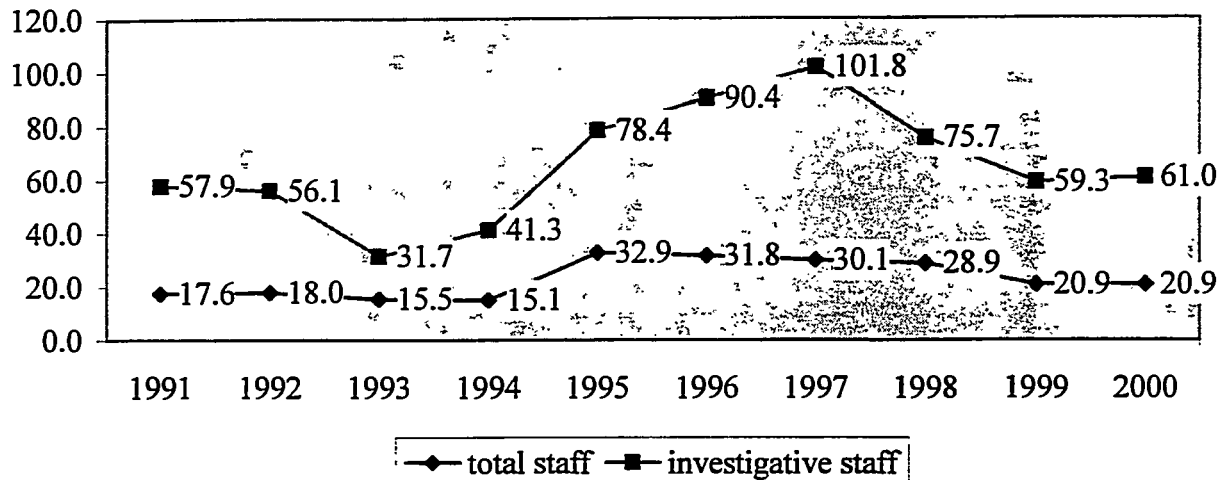


Over the ten-year period under review, the total number of employees on CHRO’s staff remained relatively unchanged. In 1991, CHRO employed 112 staff members (see Figure 3.10). After a significant dip to 89 total staff members in 1998, the total rose to 108 in 1999, where it stayed in 2000. The number of investigative staff in all of the CHRO’s offices stood at 34 in 1991, rose sharply in 1993, and then steadied to 37 by 2000.

<sup>24</sup> In 1995, cases closed through the MAR process accounted for 57.3 percent of all case closures. Other case closures amounted to 1,475—a figure very close to the number of cases closed in 1993 and 1994 (see *Confronting A Crisis: 1995 Annual Report for the Connecticut Commission on Human Rights and Opportunities*, pp. 14).

<sup>25</sup> The budget figures are not, however, adjusted for inflation, rendering any attempt to infer conclusions tenuous. Nevertheless, the post-1995 trend clearly indicates an upward movement—beyond inflation—in the cost to close a case.

Figure 3.11  
Connecticut Workload Indices  
(closed cases/staff)



CHRO's staff efficiency, as measured by cases closed divided by total number of staff members, fluctuated somewhat from 1991 to 2000. In 1991, the ratio stood at 17.6, and fell to 15.1 in 1994, only to jump up 32.9 a year later (when MAR was initiated) and to level off to 20.9 in 2000 (see Figure 3.11).<sup>26</sup> The efficiency of investigative staff in closing cases varied even more over the ten-year period. For example, the number of cases closed per member of the investigative staff stood at 57.9 and 56.1 in 1991 and 1992, respectively. However, one year later in 1993, this figure fell to 31.7. After 1993, it rose steadily to 101.8 in 1997, only to fall off again to 61.0 in 2000. This falling off may reflect the increased labor-intensive nature of post-1997 cases.

<sup>26</sup> Workload indices are another rough measure of agency efficiency. In this case, workload indices are created by dividing the number of cases closed by the number of total staff or investigative staff. The ratio indicates cases closed per staff member.



**Case Resolution and Compensation***Table 3.4 Connecticut Complaint Resolution (percentage of total closures)*

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
<i>Total</i>	--	--	--	--	3450	3343	3156	2573	2252	2257
<i>Merit assessment review</i>	--	--	--	--	1975 (52.2)	1294 (38.7)	920 (29.4)	977 (40.0)	835 (37.1)	991 (43.9)
<i>Settlement<sup>27</sup></i>	--	--	--	--	374 (10.8)	650 (19.4)	633 (20.1)	531 (20.6)	443 (19.8)	432 (19.1)
<i>Administrative closure<sup>28</sup></i>	--	--	--	--	502 (14.6)	687 (20.6)	572 (18.1)	381 (14.8)	418 (18.6)	384 (17.0)
<i>No probable cause<sup>29</sup></i>	--	--	--	--	510 (14.8)	604 (18.1)	843 (26.7)	519 (20.2)	395 (17.5)	301 (13.3)
<i>Public hearing<sup>30</sup></i>	--	--	--	--	89 (2.6)	108 (3.2)	188 (6.0)	165 (6.4)	161 (7.1)	149 (6.6)

In 2000, CHRO brought 2257 cases to a close. With 991 case resolutions—or 43.9 percent of all resolutions—the most common way of closing cases was through the MAR process in 2000 (see Table 3.4). Settlement was the second most frequent way of bringing cases to a close that year, with 19.1 percent of the total. Administrative closures, findings of no probable cause, and public hearings, were—in order of decreasing numerical importance—less common means of case resolution.

Between 1995 and 2000, more cases were closed via MAR than any other method. However, the relative importance of MAR varied from year to year. For example, in 1995—the year MAR was instituted—more than one half of all cases were resolved through this method. In 1997, however, less than one third of case resolutions were achieved by MAR. The relative importance of settlement as a means of case resolution, bringing with it benefits to the complainant, increased from 10.8 percent in 1995 to 19.4 percent in 1996, where it remained relatively unchanged through 2000. The proportion of cases closed through public hearings—another means of case closure bringing potential benefits to the claimant—also increased, from 2.6 percent in 1995 to 3.2 in 1996, and again to 6.0 percent in 1997. After 1997, this proportion stabilized between 6.4 and 7.1 percent of total cases.

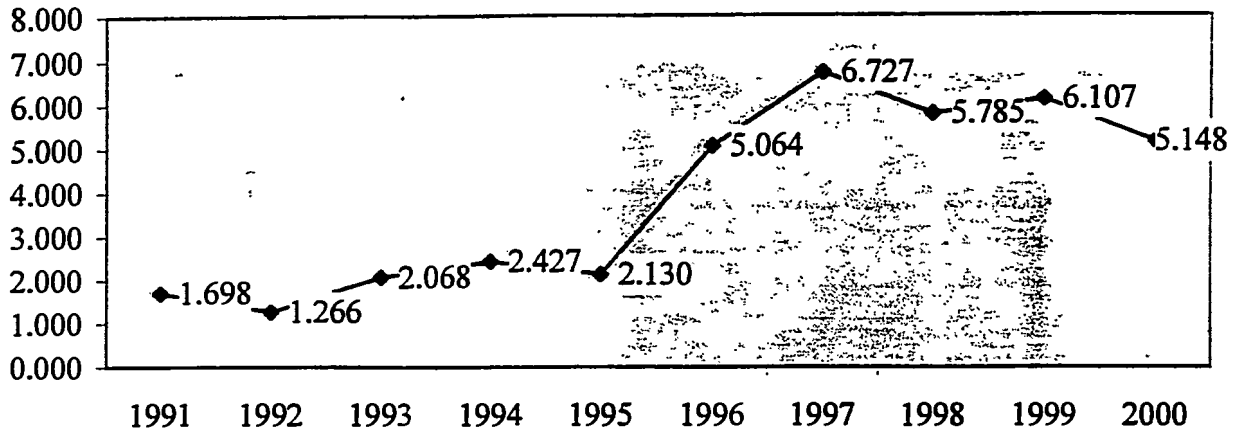
<sup>27</sup> Settlement encompasses withdrawal with settlement and pre-determination with settlement. Withdrawal with settlement refers to settlements negotiated between the parties in which the complainant withdraws the complaint. A pre-determination settlement is a settlement negotiated by a CHRO representative after a full investigation determines there is cause to believe discrimination could have occurred.

<sup>28</sup> CHRO may administratively close a case because of its inability to locate the complainant or because of its lack of jurisdiction over the complaint.

<sup>29</sup> No probable cause applies to cases in which there is no cause to believe that discrimination occurred. Insufficient evidence was uncovered during the course of the investigation to substantiate the complaint.

<sup>30</sup> If all parties cannot agree on a settlement after a full investigation determines there is cause to believe illegal discrimination occurred, the case is decided at a public hearing before a hearing officer. The hearing officer makes a decision within 90 days after examining witnesses and evidence presented at the hearing.

Figure 3.12  
Connecticut Compensation (millions \$)



The amount of compensatory awards complainants receive through CHRO is another measure of the effectiveness of the agency. As Figure 3.12 indicates, compensatory awards amounted to \$1.7 and \$1.3 million in 1991 and 1992, respectively. This figure rose slightly through 1995 to \$2.1 million. After 1995, however, the dollar amount of compensatory awards soared relative to pre-1995 awards. In 1996, the figure stood at \$5.1 million, rising to \$6.7 million in 1997. After 1997, the dollar amount of the awards declined somewhat, but never fell below the \$5 million mark. The post-1995 increase may be attributable to stronger cases and/or more aggressive investigations.