

**MINUTES OF THE REGULAR MEETING OF THE  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
LEGISLATIVE OFFICE BUILDING – ROOM 1A  
HARTFORD, CT 06106  
WEDNESDAY, APRIL 10, 2013  
2:00 P.M.**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Cheryl Clarke  
Tracey Gove  
Lyn May (via telephone)  
Dawn Niles  
Edith Pestana  
Patricia Wrice

**COMMISSIONERS ABSENT**

**STAFF PRESENT**

Robert J. Brothers, Jr., Executive Director  
David Teed, Assistant Attorney General  
Alvin K. Bingham, Supervisor, Affirmative Action/Contract Compliance  
Valerie Kennedy, Human Rights & Opportunity Representative  
Neva E. Vigezzi, Affirmative Action Program Analyst  
Kimberly Jacobsen, Human Rights Attorney 3  
James J. O'Neill, Legislative Liaison  
Marla Shiller, EEO Manager  
Heather Petit, Administrative Assistant

**I. CHAIRPERSON**

Chairperson Norton convened the Wednesday, April 10, 2013, Regular Commission Meeting of the Commission on Human Rights and Opportunities to order at 2:05 p.m.

**II. SECRETARY**

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, March 13, 2013, Regular Commission Meeting. A motion was made by Commissioner Gove to approve the minutes which was seconded by Commissioner Pestana. There was no discussion. The motion was approved unanimously. Commissioner Clarke and Commissioner Wrice abstained from the vote. Chairperson Norton did not vote on the motion.

**III. GUEST SPEAKER – Attorney Adam D. Bovilsky, Director, Human Relations and Fair Rent Department, City of Norwalk**

Attorney Bovilsky thanked the Executive Director, Robert Brothers, and the Commissioners for inviting him to speak. Attorney Bovilsky stated that back in September 2007 CHRO convened a meeting of all the local human rights commissions. Attorney Bovilsky stated that the meeting was fascinating and that each jurisdiction operated quite differently. Attorney Bovilsky said he thought it would be helpful if they could get together more often if the Commission was interested in doing so. Attorney Bovilsky asked the Commissioners for their help in bolstering the value of having human rights departments in cities and towns without local commissions.

Attorney Bovilsky stated that some of the responsibilities of his department are: Affirmative Action, ADA Title II coordinator, staff the Fair Rent Commission, language access coordinator, representative for mayor's ten year plan to end homelessness and staff the human relations commission. Attorney Bovilsky stated that their commission operates under CONN. GEN. STAT. §7-148 (i-n) which grants them right to adjudicate local discrimination complaints. However, Attorney Bovilsky said that the local code narrows their jurisdiction to only hear formal complaints on employment discrimination, housing and public accommodation.

Attorney Bovilsky stated that the Blue Ribbon Commission was formed in the 1990s when the City of Norwalk had tension between the African American community and the local police force. In addition, Attorney Bovilsky said they studied all areas wherein minorities felt they were not being treated equally such as education, low income areas, etc. Attorney Bovilsky feels it was very important that this type of study was done from a commission that focuses on inclusiveness and diversity.

Attorney Bovilsky stated the commission and staff have regular contact with the community; including, speeches, training, etc. Attorney Bovilsky said they actively reach out to local civic and religious leaders so that they feel comfortable sending people to them as they know they will be helped. Attorney Bovilsky stated that because there is not adequate public transportation in the area it is easier for citizens of Norwalk to go to them and file their complaints at the city level. In addition, they have hearings at night to accommodate individuals that work during the day. Attorney Bovilsky stated that it is a level of individuality and attention to detail they can do with limited staff.

Chairperson Norton asked if by statute his department was able to adjudicate cases and render a decision on discrimination allegations against private businesses in Norwalk. Attorney Bovilsky stated that they can do this; however, there are times they refer individuals to CHRO as in ADA cases due to the

narrow scope of their local code. Attorney Bovilsky said the statute gives them authority to enforce the decisions in state court; however, the appeals go to CHRO. Attorney Bovilsky stated that CHRO is able to investigate ADA, education cases, etc. where his department cannot.

Attorney Bovilsky left materials for the Commissioners along with his business card. Chairperson Norton thanked Attorney Bovilsky for coming to speak with them and for the work that he does.

#### **IV. OUTREACH REPORT – Kimberly Jacobsen, Human Rights Attorney 3**

Attorney Jacobsen gave highlights of the April 2013 Outreach Report. Attorney Jacobsen confirmed the date of May 14, 2013 for CHRO's 70<sup>th</sup> Anniversary Celebration on the steps of the State Capitol. Attorney Jacobsen said there will be numerous speakers and cultural entertainment and asked the Commissioners to email Attorney Cheryl Sharp if they are interested in speaking at the event. Attorney Jacobsen stated there will also be a short reception following the event from 4 p.m. to 6 p.m.

Attorney Jacobsen said that Kids' Speak will be held on May 22, 2013 at the UCONN Law School. Attorney Jacobsen asked the Commissioners if they know of any donors who would be willing to donate lunches for the kids to please have them contact Attorney Sharp.

Attorney Jacobsen stated that the Legal Division will be conducting staff training on April 16, 2013 starting at 9:00 a.m. Attorney Jacobsen invited the Commissioners to attend as attendance would count toward their annual training hours. Attorney Jacobsen said that part of the training will include a roll out of a draft online complaint form. In addition, the agency will be trying a pilot program at the Capitol Region office where individuals can come into the office and fill out the compliant form online using a CHRO computer. In addition, Attorney Jacobsen stated that Attorney David Kent will discuss how an investigator assesses credibility and drafting investigative reports.

Attorney Jacobsen said that Attorney Michelle Dumas Keuler will be conducting training for the Torrington Board of Education in regard to bullying in the near future.

Attorney Jacobsen said that Commissioner Tracey Gove will be interviewed for the April edition of the CHRO Times. Attorney Jacobsen asked the Commissioners to contact Attorney Sharp if they are interested in being interviewed for future editions of the newsletter.

**V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED**

A. Staff Recommendations: ***Approvals***

1. Department of Revenue Services
2. Commission on Human Rights and Opportunities

Chairperson Norton asked for a motion to accept staff recommendations for approval of two Affirmative Action Plans: the Department of Revenue Services and the Commission on Human Rights and Opportunities. The motion included the retention of each agency's filing status. Such a motion was made by Commissioner Wrice and seconded by Commissioner Gove. There was discussion on the motion.

1. Department of Revenue Services

Representing the agency were Kevin Sullivan, Commissioner, and Penny Potter, EEO Manager.

Mr. Bingham reported that the Department of Revenue Services' plan was recommended for approval based on compliance with the following: the plan contains all elements required; the workforce is not in parity; the agency has not met all or substantially all of its hiring goals but has substantially met all of its promotion goals; the agency has demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review.

Secretary Mambruno commended the agency's diversity and opportunity committee for their outstanding work in hiring college interns with disabilities, their student internship program and creating a computer lab for existing employees to expand their computer knowledge. Secretary Mambruno stated he wanted to recognize the outstanding work they have done and hopes other agencies will take their lead.

Chairperson Norton commended the agency for having six years in a row with an approved plan and also for the professional categories of employment wherein the agency has hired many minorities.

Commissioner Sullivan thanked the Commissioners for their observations and thanked Ms. Potter for her work on the plan and all the additional work she does for the agency on a daily business.

2. Commission on Human Rights and Opportunities

Representing the agency were Robert J. Brothers, Jr., Executive Director and Marla Shiller, EEO Manager.

Mr. Bingham reported that the Commission on Human Rights and Opportunities' plan was recommended for approval based on compliance with the following: the plan contains all elements required; the workforce is not at parity; the agency has not met all or substantially all of its hiring goals but has met all of its program goals; the agency demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review.

Commissioner Clarke stated she had some concerns in the areas that were weak or deficient as it is the Commission's affirmative action plan. Mr. Brothers stated that last year effective July 1, 2012, the agency became part of the Department of Labor for administrative purposes which included the preparation of the agency's affirmative action plan. Mr. Brothers thanked Ms. Shiller for the plan as she took on additional responsibility in writing CHRO's plan without additional help. As this was the first time Ms. Shiller or Ms. Vigezzi worked together on CHRO's plan, Mr. Brothers said he assumes there are a few things that need to be worked out. Mr. Brothers thanked Ms. Vigezzi for her work on the plan and applauded Ms. Vigezzi for her diligence with the plan. Mr. Brothers stated that he knows Ms. Vigezzi never waives no matter which agency's plan she is reviewing and thanked her for this. Mr. Brothers stated he will sit down with both Ms. Shiller and Ms. Vigezzi to work out any issues with the plan.

Ms. Shiller stated that this is the first biennial plan she has done and only had the agency one month before she had to begin working on the plan.

There was discussion in regard to the plan.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the Department of Revenue Services and the Commission on Human Rights and Opportunities including the retention of their filing statuses. The motion passed unanimously. Chairperson Norton did not vote.

**VI. NEW BUSINESS**

- A. Declaratory Ruling on Complainant's Petition for CHRO to declare the definition of "employer" under CONN. GEN. STAT. §46a-51(10) to be interpreted to say that an employer with three employees is not required to have all three in Connecticut to qualify as an employer under statute in the

matters of Barbara Dubois v. Maharam Fabric Corp. (CHRO Nos. 0920414 and 1120319).

Mr. Brothers said the agency has looked at this issue and is of the opinion that you need three or more employees; however, only one has to be in Connecticut. Mr. Brothers stated that this has been the interpretation of the Commission for some time.

Chairperson Norton asked for a motion to adopt the declaratory ruling as currently written regarding the issue of three or more employees as to how many of those employees need to be in Connecticut. Such a motion was made by Commissioner Niles and seconded by Commissioner May. There was discussion on the motion.

Chairperson Norton then called for a vote on the motion to adopt the declaratory ruling as currently written regarding the issue of three or more employees as to how many of those employees need to be in Connecticut. The motion passed unanimously. Chairperson Norton did not vote.

- B. Request for Exemption; Southern Connecticut State University (SCSU) Contract with the University of Pittsburgh; Provision of Two DNA Plasmids to SCSU; Contract term: Plasmids to be provided when requested if available and used for the period of Five Years; Estimated Contract Cost: \$0.00.

Chairperson Norton asked for a motion to grant approval for a contract compliance exemption to Southern Connecticut State University and the University of Pittsburgh for the purpose of getting two DNA plasmids from the University of Pittsburgh. Commissioner Pestana made such a motion. Commissioner Gove seconded the motion. The motion passed unanimously. Chairperson Norton did not vote.

## **VII. DIVISION REPORTS**

- A. Legislative Report

Mr. Brothers stated the session has been somewhat slow due to the issue of gun control. Mr. Brothers said that the public hearing on the Commission's proposal will be held on Monday before the Judiciary Committee. Mr. Brothers stated there have not been any updates since Mr. Jim O'Neill's recent email regarding the legislative update.

B. Executive Director's Report

None

**VIII. EXECUTIVE SESSION**

Chairperson Norton asked for a motion to go into Executive Session. Chairperson Norton asked that the motion permit Mr. Brothers and David Teed to stay for the session at times. Such a motion was made by Commissioner Wrice and seconded by Commissioner Gove. The motion was approved unanimously. Chairperson Norton did not vote.

**IX. RETURN TO REGULAR SESSION**

At 3:45 p.m. the Commission returned to Regular Session from Executive Session and Chairperson Norton noted that no votes were taken in Executive Session.

**X. VOTE ON EXECUTIVE SESSION ITEMS**

(Requires a Vote by Commissioners on the Record)

None

**XI. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Wrice and seconded by Commissioner Clarke to adjourn the meeting at 3:49 p.m. The motion carried unanimously. Chairperson Norton did not vote.