

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106**

Tuesday, September 17, 2013 2:00 p.m.
Regular Commission Meeting

COMMISSIONERS PRESENT

Gary Collins, Chairperson
Edward Mambruno, Secretary
Tracey Gove
Dawn Niles
Cesar Noble
Andrew Norton
Edith Pestana

COMMISSIONERS ABSENT

Patricia Wrice
Cheryl Lynn Clarke

STAFF PRESENT

Tanya A. Hughes, Interim Executive Director

Charles Krich, Principal Attorney
Cheryl Sharp, Human Rights Attorney III
Dedra Morris, Administrative Asst.
Alvin Bingham, AA/CC Supervisor
Patrick Kilby, AA/CC Asst.
Valerie Kennedy, HRO Representative

Susan Hom, HRO Representative
Monica Hammie-Richardson, Exec. Secretary
James O'Neill, Legislative Liaison
David Teed, Assistant Attorney General
Jim Flynn, Regional Manager

I. CHAIRPERSON

Chairperson Gary Collins convened the Tuesday, September 17, 2013, Regular Commission Meeting of the Human Rights and Opportunities to order at 2:03 pm.

Chairperson Collins greeted all and thanked them for attending this meeting. Chairman Collins focused attention on the importance of getting through the lengthy agenda which includes Education, Advocacy, and Enforcement. He also spoke of the impending task of revising the Affirmative Action regulations and the task of finalizing an Executive Director.

II. SECRETARY

Secretary Mambruno requested a motion to accept the minutes from the August 14, 2013 Regular Commission Meeting. A motion to accept was made by Commissioner Niles and was seconded by Commissioner Noble. There was discussion on the motion. The discussion was led by Commissioner Noble. It was said that the minutes did not reflect the discussion around providing our constituents and other agencies with notice of what's intended on our Affirmative Action plan. He voiced his dismay and that of other Commissioners. Chairman Collins took up the discussion by agreeing "we've got to get better at informing our 'brother agencies'" and requested that Commissioner Noble take a look at the minutes, edit them, and take them up at the October meeting. The motion was tabled.

III. AFFIRMATIVE ACTIONS RECOMMENDATIONS – VOTE REQUIRED

A. Staff Recommendations : Approvals

- (1) Department of Education (annual filing status)
- (2) Central Connecticut State University (annual filing status)
- (3) Office of the State Comptroller (annual filing status)
- (4) Office of the Attorney General (annual filing status)
- (5) Office of the Chief Medical Examiner (annual filing status)

Presiding Chairman Collins asked for staff recommendations for approval of five Affirmative Action plans listed above.

Alvin Bingham presented the following:

1. Department of Education

Representing the Agency were Stephan Pryor; Barbara Brown; Lawanda Scott; Karen Shaw; Charlene R. Tucker; Kathy Demser; Levy Gillespie and others.

The Department of Education plan was recommended for approval based on compliance with the following: the plan contains all elements required; demonstrated good faith effort to achieve its goals; the goals met were short term; there were no comments or questions.

2. Central Connecticut State University

Representing the agency were Dr. Jack Miller, Nick Agostino, and Rosa Rodriguez

The CCSU plan was recommended for approval based on compliance with the following: it contained all the elements required; not all promotions were met; goal achievement short term was met and goal achievement long term was also met.

Question asked by Chairman Collins: "The Board of Regents does not do the AA plan for CCSU as it does for other Higher Education plans?" The answer was "Correct, it does not."

Comment made by Commissioner Niles congratulating the Board of Education on the approval of their plan after it had not been approved for several years; that was a great improvement. "Congratulations to the Board of Ed!"

3. Office of the State Comptroller

Representing the agency were Kevin Lembo, State Comptroller, Martha Carson, Johnette Tolliver, Doris Vieira, and Ellen Vasquez.

The plan contains all elements required; the agency showed good faith effort; goal achievement was met; in 2012 the plan was conditionally approved. There were no comments or questions. This plan was recommended for approval.

4. Office of the Attorney General

No one appeared on behalf of the Attorney General's Office but a letter was presented instead and distributed to all of the Commissioners.

The plan was recommended for approval based on the following: The plan contains all elements required; the work force was not in parity with the development market; there were no deficiencies and goal achievement was met. There were no questions or comments.

5. Office of the Chief Medical Examiner

Representing this agency were James R. Gill, Chief Medical Examiner, Al Lands, Associate Vice President, Terry Sieger Affirmative Action Specialist, and others.

The plan contains all elements required; met program goals; no deficiencies; There were no questions or comments. This plan was recommended for approval.

Chairman Collins asked Mr. Bingham if there was anything he thought should be brought to the Commissioners' attention or was anything missed that they should know about. Mr. Bingham answered there was nothing more.

Chairman Gary Collins asked for a motion to approve all five plans upon recommendation of staff. The motion was made by Commissioner Mambruno and seconded by Commissioner Gove. It was unanimously approved.

Chairman Collins thanked all for coming and offered them to stay for the rest of the meeting.

B. Staff Recommendations: **Disapproved**

(1) **Board of Regents for Higher Education**

Representatives for this agency were Dr. Gregory Gray, President, Steve Wininberg, Vice President, EEO Director and others.

CHRO staff Alvin Bingham read the reasons for disapproval of the plan. They were as follows: work force not in parity with the labor force; did not show good faith effort; goal achievement not met; deficiencies as noted in prior plan. Chairman Collins asked for questions.

Question from Commissioner Noble. "If the goals not met in the Board of Regents plan were the same goals with similar percentages as the other agencies that were approved, then why was the Board of Regents recommended for disapproval?" Alvin Bingham deferred the question to Dr. Val Kennedy.

Answer: the standard of review consists of three elements – (1) inclusion of all elements, (2) (a). Parity of work force or (b). Substantial goal achievement or (c) demonstrates good faith effort, and (3) must correct deficiencies noted in the previous review. The Board of Regents was deficient in availability and goals in previous review. There was a problem in the professional class category.

Question: Commissioner Noble asked for clarification about the term deficient - was it worse than weak? The answer is yes.

Question from Chair Collins. What could the Board of Regents have done to rectify the deficiencies before getting a recommendation for disapproval?

Answer: Dr. Kennedy answered there are 30 to 60 days to rectify/correct the current filing. Then, once the review has started there is no further communication. Chair Collins stated that he as well as others on the Board are big components of enforcement; being collaborative is always encouraged.

Question from Commissioner Pestana. Why was the Board of Regents plan approved last year but not this year, and with different deficiencies from last year?

Answer: per Dr. Kennedy, the availability analysis produced incorrect data and hiring promotion goals were again deficient in both the previous plan and the current one. The standard of review deems that you correct availability analysis from the previous plan. Their 1st filing was last year and we gave them the benefit of doubt. In hindsight we should have given them a conditional approval.

Question from Commissioner Mambruno. Could a phone call or two have corrected these errors?

Answer: Dr. Kennedy stated that our policy is to allow agencies to revise the plan up until the review. Chair Collins commentated that revisions or updates can be done up to the day of the meeting because we are the body who ultimately gives approval.

Question from Commissioner Mambruno. Is this the same for all plans?

Answer: “yes. We do not contact anyone after review. We have 80 plans – most are submitted and corrected and get approved. We don’t call anyone unless it’s for clarification on something particular.”

The President from the Board of Regents, Dr. Gregory Gray read a prepared statement demonstrating that they are committed to affirmative action and the EEOC program and expressing hope that new Affirmative Action Regulations will provide a more collaborative process with CHRO.

Chairman Collins clarified that the end of the month was deadline for renewal of the Board of Regents plan.

Questions from Commissioner Norton: “Is the Office of Civil Rights a part of the Board of Ed?... Do you submit a report to them?”

The answer was “yes” to both questions and the report is more of an audit.

Dr. Kennedy clarified that the additions to their plan had nothing to do with disapproval. She had no other recommendations short of the disapproval.

Chair Collins asked for a motion with regard to Board of Regents plan. Commissioner Pestana made a motion to conditionally approve the Board of Regents plan. It was seconded by Commissioner Mambruno. There was no discussion. The vote was unanimous.

Chair Collins thanked all. “A full contact meeting/discussion is a good thing for all as demonstrated by today’s Board of Regent discussion.”

IV. Division Reports

A. Executive Director's Report

AED Hughes distributed a written report on the status of units, outreach efforts, staffing concerns, aged inventory, etc.

Comment from Chair Collins: He would like to see CHRO on Facebook and Twitter. ED Hughes stated it is in the process of being completed, pending approval from IT, etc.

Question from Commissioner Noble: Is year to year analysis of data available on new/ closed/ aged cases? Yes. However, our complaint tracking system is in the process of being revised/ overhauled and that information is not readily available but can be compiled by hand as needed.

Chairman Collins thanked Interim Director Hughes for her and the staff's hard work and her report.

B. Outreach Report

Attorney Cheryl Sharp gave an abbreviated version of her report on education and advocacy for CHRO which included 15 items. She highlighted:

- **Letter for the Interns** – Per request of Commissioner Noble, a Thank You letter was prepared to send to them with all the names of the Commissioners listed on it.
- **Fall interns** now working at CHRO
- **Racial Profiling** – need for it has been voiced. Maybe October 16, from 5-7pm. Andrew Clark will participate as well as interim AG.

Thank You Attorney Sharp and the staff for working on all these items.

C. Legislative Report

Jim O'Neil gave a brief history of our relationship with CASE and the ongoing Disparity Study / Report.

Question from Commissioner Pestana: Is the study electronically available because Cheryl Clark (who was instrumental in acquiring the funding) would be very interested in seeing it also? "Yes", stated Jim O'Neil.

Question from Commissioner Norton: CASE called the SBE program illegal as far as quotas. Is anyone disputing this? How long has this report been out?

Answer: the report had been out 3 weeks and yes, we are disputing it.

Chairman Collins stated that the entire team needs to be on this. Tanya Hughes verified that we were and had a meeting with Attorney Alix Simonetti the following day.

Jim O'Neil concluded his report with presenting the proposed revisions to the Affirmative Action regulations.

Regular Commission Meeting
September 17, 2013

Chairman Collins apologized for not meeting the August deadline and concluded that Jim O'Neil get together with Commissioner Pestana and Assistant AG David Teed within the next two weeks to discuss the recommendations made.

There were five issues proposed and one was not of a technical nature (good faith effort).

Commissioner Noble stated he was in agreement and supportive of Commissioner Pestana's recommendations.

Chairman Collins thanked all for their hard work. A motion was made by Commissioner Mambruno and it was seconded by Commissioner Gove to move into Executive session.

VII. Executive Session

Following return from Executive session, Chairman Collins stated that for the first half of the session, they invited Neil Griffin from the Department of Labor and David Teed from the Attorney General's office. For the second part of the session, invitees included Interim ED, Tanya Hughes, Attorney Cheryl Sharp, Attorney Charlie Krich and Assistant AG David Teed. No items needed to be voted on during the Executive session. The issues discussed were to hire a permanent Executive Director and review applications. There will be a special meeting called to review them before the next scheduled Commissioner's Regular Meeting in October.

VIII. Adjournment

A motion was made to adjourn by Commissioner Pestana and seconded by Commissioner Gove. The vote was unanimous.