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**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

**REGULAR COMMISSION MEETING
21 GRAND STREET
HARTFORD, CT 06106**

**THURSDAY, MARCH 9, 2006
2:00 P.M.**

COMMISSIONERS PRESENT:

- John Lobon, Chairman**
- Edward Mambruno**
- George Marshall**
- Edith Pestana**
- James L. Griffin**
- Benjamin Rhodes, Jr.**
- Larry Conaway**
- Andrew M. Norton**
- Mr. Mengual**

STAFF PRESENT

- R. Hamisi Ingram**
- Robert Brothers**

2

1 Verbatim transcript of the
2 Regular Commission meeting of the Commissioners on
3 Human Rights and Opportunities, Thursday, March 9,
4 2006, at 2:00 p.m. at The Offices of the Commission
5 on Human Rights and Opportunities, 21 Grand Street,
6 Hartford, CT, at which time the Commissioners, CHRO
7 staff and public were represented as hereinbefore set
8 forth

9

10 CHAIRMAN LOBON: I would like to open
11 the State of Connecticut Commission on Human Rights
12 and Opportunities Regular Commission meeting, 21 Grand
13 Street, Hartford, Connecticut, the large hearing room,
14 Thursday, March 9, 2006 at 2:00 p.m.

15 I need a motion to approve the
16 transcript from February 9, 2006 regular commission
17 meeting.

18 COMMISSIONER CONAWAY: So moved.

19 CHAIRMAN LOBON: Moved by Commissioner
20 Conaway.

21 COMMISSIONER MARSHALL: Second.

22 CHAIRMAN LOBON: Seconded by
23 Commissioner Marshall, who is a talk box.

24 All those in favor.

3

1 (Whereupon all the Commissioners

2 responded aye.)

3 Nays? Abstentions?

4 Ayes have it.

5 Executive Records report.

6 MR. INGRAM: Thank you, Mr. Chairman.

7 I would like to say before we really get into my

8 report that last Friday we had our annual employee's

9 appreciation day, and several of our staff asked me to

10 express their gratitude that you had appeared and

11 spoke to them. And they really felt that you gave a

12 heartfelt presentation, and wanted me to thank you for

13 appearance.

14 CHAIRMAN LOBON: Thank you and the

15 staff. It was a pleasure being here, even though I

16 went to the dentist afterwards, which was wonderful in

17 itself.

18 MR. INGRAM: We will begin my report

19 with the affirmative action plans.

20 Mr. Bingham.

21 MR. BINGHAM: Good afternoon. The

22 first agencies that we'll talk about today is the

23 Department of Public Utilities. And today we have the

24 Executive Director, William J. Polumba and Nancy

4

1 Bryant, the Affirmative Action Officer representing.

2 Would you please stand.

3 CHAIRMAN LOBON: Welcome.

4 MR. BINGHAM: This plan is recommended

5 for approval based on Section 46a-68-59a(b)2 and (b)4,

6 standard for good faith effort.

7 Short term goal achievement one out of

8 one, or 100 percent.

9 Long term goal achievement was zero.

10 Total goal achievement 100 percent.

11 Set aside goal achievement for

12 2004/2005, the set -- the SBE goal was \$137,553.00,

13 and their goal achievement was 42.3 percent.

14 The MBE goal achievement was

15 \$34,388.00, and their percentage achieved 8 percent.

16 The set aside goal achievement for

17 2005/2006, first quarter reporting, the SBE goal

18 achievement was \$188,877.00, and so far they have

19 achieved 13 percent.

20 The MBE goal is for \$29,719.00, and

21 their achievement for the first quarter was 5 percent.

22 In their five year history, their plan

23 was approved all five years.

24 CHAIRMAN LOBON: Any comments from the

5

1 Commission?

2 COMMISSIONER RHODES: So moved.

3 CHAIRMAN LOBON: The motion has been

4 moved by Commissioner Rhodes.

5 COMMISSIONER PESTANA: Second.

6 CHAIRMAN LOBON: Seconded by

7 Commissioner Pestana.

8 Any discussion? (No response.)

9 Hearing none, all those in favor state

10 by saying aye.

11 (Whereupon all the Commissioners

12 responded aye.)

13 CHAIRMAN LOBON: George, are you there?

14 COMMISSIONER MARSHALL: Aye.

15 CHAIRMAN LOBON: Okay.

16 Any nays? Abstentions?

17 Ayes have it. The plan has been

18 approved.

19 MR. BINGHAM: The next department is

20 the Department of Corrections. And we have here the

21 entire hierarchy. We have Commissioner Theresa C.

22 Lance. We have Deputy Commissioner Carol Salisbury.

23 We have the Director of Equal Opportunity Assurance

24 Robert C. Jackson. We have the Director of Human

6

1 Resources Dan Callahan. We have the Affirmative
2 Action Officer Christine Moore. We have the Assistant
3 Director of Human Resources Traci Butler, and we have
4 the Legal Administrative Manager Sondra Shark. Anyone
5 else.

6 CHAIRMAN LOBON: Thank you. Welcome to
7 you all.

8 MR. BINGHAM: This plan is recommended
9 for approval based on Section 45a-68 to 59a, b, b(3)
10 and b(4) standard for good faith effort.

11 The short term goal achievement 43 out
12 of 60, or 71.7 percent.

13 The long term goal achievement was 112
14 out of 223, or 50.2 percent.

15 Total goal achievement, 155 out of 283,
16 or 54.8 percent.

17 The total promotional goal achievement
18 was 38 out of 48, or 79 percent.

19 The set aside goal achievement for
20 fiscal year 2004/05, the goal was \$4,673,884.00 and
21 they achieved 176 percent.

22 The MBE goal was \$1,168,461.00 and the
23 MBE percentage achieved 123 percent.

24 The set aside goal achievement for

7

1 2005/06, first quarter reporting, the SBE goal is

2 \$3,272,424.00, and they've achieved 39 percent.

3 And the MBE goal was \$818,106.00, and

4 they have achieved 55 percent.

5 Their five year history 2000, 2001,

6 2002, 2003, the plan was approved. And in 2004 it was

7 disapproved.

8 CHAIRMAN LOBON: Staff has made a

9 recommendation to approve the plan. Can I get a

10 motion?

11 COMMISSIONER RHODES: So moved.

12 CHAIRMAN LOBON: Motion has been moved

13 by Commissioner Rhodes.

14 COMMISSIONER PESTANA: Second.

15 CHAIRMAN LOBON: Second by Commissioner

16 Pestana.

17 Discussion?

18 COMMISSIONER MAMBRUNO: I have a

19 question.

20 CHAIRMAN LOBON: Commissioner Mambruno.

21 COMMISSIONER MAMBRUNO: I would like to

22 direct this to the Department of Corrections staff,

23 and especially the Commission. I think you've done an

24 outstanding job riding the ship. At one time it did

8

1 look like the Titanic, but in one year you did an
2 amazing job, and I would just like to send my, and I
3 believe my fellow commissioners, gratitude and
4 congratulations for taking what you had and making
5 what we can all see as a drastic improvement. And our
6 thanks.

7 MS. LANCE: I want to thank the
8 commission for -- Commissioner Lance for the
9 Department of Corrections.

10 It's a lot nicer this year coming up
11 here and talking in front of you than it was last
12 year. It was quite painful. I had a lot of
13 nightmares and sleepless nights over that experience.
14 Although you were very kind, I was -- I know my staff
15 and I were very disappointed in our performance last
16 year. And we made a commitment to you last year.
17 They were all here. They stood up. They're standing
18 up today, because I told them we take the beating, we
19 take the credit.

20 But I owe them all the credit, I owe
21 you the credit for sticking with us and having faith
22 in us and knowing that we would make the commitment.
23 We would turn it around and, you know, we're going to
24 do everything we can to stay the course and only get

9

1 better, so . . . thank you so much for your

2 cooperation and your support.

3 And -- most important, most important

4 is Neiva. I don't want to under emphasize how

5 incredibly helpful, supportive, guiding, everything

6 that we could possibly ask from an individual to help

7 us to get on the right track we owe to Neiva, and I

8 don't want to short change her at all. She did an

9 incredible job working with us. We took a lot of her

10 time, and she was more than willing and gracious to

11 help us.

12 So, please, I -- you know, I thank the

13 Commission, but I really have to give her a tremendous

14 amount of credit for working with us, so . . .

15 Thank you very much.

16 CHAIRMAN LOBON: Any other comments?

17 Commissioner Pestana.

18 COMMISSIONER PESTANA: I know you sat

19 down, but I also -- I wanted to commend you also on

20 the fact that no section of the plan was weak or

21 deficient. And my understand -- and I can't remember

22 the last time I've seen a plan up here that didn't

23 have any section that was weak or deficient. So, I

24 commend you on that, and the fact that your staff took

10

1 the time to come in and work hard to make sure that
2 all the sections were done properly. So, thank you
3 very much.

4 MS. LANCE: Thank you.

5 CHAIRMAN LOBON: Just a couple comments
6 from myself. After reading the report, there was a --
7 I think a misprint where you put a black male and it
8 should have been white male on page -- on page 8 of
9 13. I would assume that was a mistake in that area.

10 MR. JACKSON: We will correct that.

11 CHAIRMAN LOBON: Correct that.

12 Number two, you hired away one of our
13 employees. That's okay, but . . .

14 MS. LANCE: I never ever apologized.

15 CHAIRMAN LOBON: Oh, okay. Alright.

16 MS. LANCE: As the Commissioner of
17 Corrections, stealing -- (laughter) -- is part of my
18 job description when it's legal.

19 CHAIRMAN LOBON: Okay. Alright.

20 MS. LANCE: No one is safe.

21 CHAIRMAN LOBON: And as well as, you
22 know, commend you on your SBE and MBE. That's also
23 going to be almost 200 percent on that aspect of it as
24 well. So, I think everybody's elated here, so . . . I

11

1 think you can feel good about that.

2 MS. LANCE: Thank you.

3 CHAIRMAN LOBON: Thank you.

4 The motion has been made and second.

5 All those in favor say by saying aye.

6 (Whereupon all the Commissioners

7 responded aye.)

8 Nays? Abstentions?

9 Ayes have it. Plan approved.

10 MR. BINGHAM: And the last agency will

11 be the Department of Children and Families. And we

12 have here today Commissioner Darlene Dunbar. We have

13 Debbie Foran, the Director. We have Sharon Gaddy, the

14 Assistant Director. We have Victor Braithewaite, the

15 Program Manager and we have Colena Lewis, the Child

16 and Service Consultant.

17 CHAIRMAN LOBON: Welcome.

18 MR. BINGHAM: The plan is recommended

19 for approval based on Section 46a-68-59a, b(3) and

20 b(4), standard for good faith effort.

21 All goals were established with short

22 term time tables.

23 The short term goal achievement was 108

24 out of 216, or 50 percent.

12

1 Total goal achievement 108 out of 216

2 or 50 percent.

3 Total promotion goal achievement, 43

4 out of 78, or 55.1 percent.

5 For the set aside goal achievement for

6 the fiscal year 2004/05, the SBE goal was

7 \$3,159,866.00. The SBE achievement was 161 percent.

8 The MBE goal was \$789,966.00, and the

9 percentage achieved 170 percent.

10 The set aside goal achievement for

11 2005/06 with -- they didn't report any quarters this

12 year, but for the record the SBE goal is \$3,201,927.00

13 and the MBE goal is \$800,482.00.

14 For the five year history it's been

15 approved all the years. All the five years.

16 CHAIRMAN LOBON: Staff has recommended

17 approval of the Department of Children and Families.

18 COMMISSIONER RHODES: So moved.

19 CHAIRMAN LOBON: Motion has been moved

20 by Commissioner Rhodes.

21 COMMISSIONER MARSHALL: Second.

22 CHAIRMAN LOBON: Second by Commissioner

23 Marshall.

24 Any discussion? (No response.)

13

1 I will just make a comment. Once
2 again, MBE and SBE is awesome. You don't have
3 anything right now, but if you keep doing what you're
4 doing I assume it will be just as good. So, we look
5 forward to you continuing to do that type of --

6 MS. DUNBAR: Thank you.

7 Darlene Dunbar, Commissioner for DCF.

8 And I would also like to just name a
9 few people that really I would like to give a
10 particular thanks to.

11 Debbie Foran -- you just mentioned most
12 -- them all actually.

13 One somebody else stole from me, who is
14 not here today.

15 CHAIRMAN LOBON: Oh, okay.

16 MS. DUNBAR: But Debbie Foran in her
17 leadership role in the agency. Sharon Gaddy, Victor
18 Braithewaite, Joe Teal, Shirley Combs, as well as the
19 CHRO staff who helped us so much, as Theresa was
20 pointing out. Neiva, Alan Bingham, the Assistant and
21 all the technical assistance that we've received too.
22 Much appreciated, and I think we've seen the results.

23 Thank you.

24 CHAIRMAN LOBON: Thank you.

14

1 COMMISSIONER PESTANA: Thank you.

2 CHAIRMAN LOBON: Okay. A motion has

3 been made and seconded.

4 All those in favor?

5 (Whereupon the Commissioners responded

6 aye.)

7 Nays? Abstentions?

8 Ayes have it. Plan approved.

9 We have three that will be approved by

10 default. My research has indicated that these three

11 -- excuse me for a minute here -- Cedarcrest Hospital,

12 Connecticut Mental Health Center and the Insurance

13 Department. My research has indicated those plans

14 have been approved for the last five years.

15 I know we don't wish to do this so we

16 will have them on a six month review. Am I correct on

17 that? They will be coming back in six months? Or how

18 are we going to handle --

19 MR. BINGHAM: Six months.

20 CHAIRMAN LOBON: In six months they

21 will back for a plan approval.

22 So, we will approve it for the

23 extension for a six month period, and then we will

24 check it for --

15

1 COMMISSIONER PESTANA: I'm sorry.

2 They're going to have to resubmit a plan?

3 CHAIRMAN LOBON: Well, we need -- I

4 assume we didn't have the time to get to the

5 particular plans and get the information required to

6 submit to the Commission or -- where does that stand?

7 MR. BINGHAM: The plans were submitted

8 on time. We didn't have the staff to review the

9 plans.

10 MR. BROTHERS: Excuse me, if I could

11 just make a point of order.

12 CHAIRMAN LOBON: Yes.

13 MR. BROTHERS: It's my understanding

14 that if a plan is approved by default, it still

15 carries the same weight as a plan that has been

16 approved by review.

17 CHAIRMAN LOBON: Okay.

18 MR. BROTHERS: And therefore to be able

19 to require them to file a plan within six months may

20 not be accurate.

21 CHAIRMAN LOBON: Okay. Fine.

22 MR. BROTHERS: My recommendation would

23 be to have them file their annual plan as it is

24 prescribed by regulation on that date.

16

1 CHAIRMAN LOBON: Okay.

2 MR. BROTHERS: It's your call, it's

3 just --

4 CHAIRMAN LOBON: No. You -- you're the
5 legal guy here.

6 MR. BROTHERS: My recommendation is
7 that they file their plan pursuant to the regulation
8 on the next day which would be an annual filing.

9 CHAIRMAN LOBON: Then that --

10 MR. INGRAM: Without seeming as though
11 we have in-house disagreement, that's not quite
12 correct. And under the rules they are -- we are
13 permitted to put them on a six month program. Six
14 month schedule.

15 COMMISSIONER PESTANA: I have a
16 comment, or maybe it's a question. I'm not sure that
17 it's actually fair to penalize the agencies after they
18 spent all that time and resources putting together a
19 plan for us not to actually review it in a timely
20 fashion, and then sort of penalize them by asking them
21 to put it all together again in six months. I'm not
22 sure I agree with that.

23 MR. INGRAM: It's not a penalty. It's
24 a privilege to be on an annual filing schedule. It's

17

1 not a penalty to put them on a six month schedule.

2 CHAIRMAN LOBON: Commissioner Rhodes.

3 COMMISSIONER RHODES: Mr. Chairman, I

4 understand it's a privilege, but in actuality it's

5 like -- it's like it is a -- because, see, they have

6 to come back in six months. And what we normally

7 would do -- what we've done in the past is gone on an

8 annual basis. And it seems more so that it's your

9 pleasure to do that, but . . . I do believe if the

10 Commission votes for a year, it's a year; right? Is

11 that true?

12 MR. INGRAM: No. That's not correct.

13 That's what you've done, but that's

14 actually an incorrect procedure. Under the statute

15 the agency has to petition in order to go on an annual

16 filing schedule, otherwise they're on a six month

17 filing schedule.

18 COMMISSIONER GRIFFIN: So, previously

19 they had been on a yearly schedule; right?

20 MR. INGRAM: Correct.

21 COMMISSIONER GRIFFIN: So, that means

22 that they must have petitioned? Is that true?

23 MR. INGRAM: But you have to petition

24 with each filing. It's not a situation where you

18

1 petition one time and it stands up forever.

2 **COMMISSIONER GRIFFIN:** I don't believe
3 that to be true, because if you look at all the rest
4 of them, if you look at all the agencies that we've
5 taken through on a yearly -- yearly filing status,
6 they do not petition every year.

7 **MR. INGRAM:** I understand. None of
8 them have petitioned, period.

9 **COMMISSIONER GRIFFIN:** So, why do we
10 want to change it now?

11 **MR. INGRAM:** Because the Commission
12 chose to do it. But it's not in accordance with the
13 statute.

14 **CHAIRMAN LOBON:** Commissioner Mambruno.

15 **COMMISSIONER MAMBRUNO:** I have one
16 question. If this is the first time we're bringing
17 this up over a defaulted plan, shouldn't all the plans
18 have been defaulted upon go to six month filings,
19 because now we're breaking precedent here.

20 **MR. INGRAM:** It's not precedent. It's
21 just a pattern of what you followed in the past, which
22 was incorrect. And it's now being corrected.

23 **COMMISSIONER MAMBRUNO:** So then we
24 should have every plan that was defaulted upon come

19

1 before us every six months.

2 MR. INGRAM: Going forward.

3 CHAIRMAN LOBON: Commissioner Conaway.

4 COMMISSIONER CONAWAY: Yes. If in fact

5 this is true I would -- you know, I would make the

6 corrective action, and then, you know, move forward.

7 If in fact that's true.

8 If we have to do research, we need to

9 do research on that, because there just seems to be

10 disagreement. I just want to make sure that we're

11 doing the correct thing.

12 CHAIRMAN LOBON: What's the

13 Commission's pleasure?

14 MR. BROTHERS: If I could just speak to

15 this slightly. In looking at the statute, and -- it

16 indicates that the Commission on Human Rights and

17 Opportunities -- let's see -- semi annually accepted

18 any state agency commission, it does indicate may be

19 permitted to file a plan on annual basis. And the

20 operative word is may be permitted.

21 So, although past practice has been

22 that approval really means that we will move them into

23 an annual, I believe the Executive Director's position

24 of the -- not one that we have filed by past practice

20

1 could be correct.

2 The operative word in the statute is

3 may, not shall.

4 CHAIRMAN LOBON: Any comments from the

5 Commissioners in relationship to this issue?

6 COMMISSIONER PESTANA: So then where do

7 we leave the other plans? The other plans that were

8 defaulted?

9 CHAIRMAN LOBON: Well, we didn't make

10 them -- when you did -- I assume when you did the

11 other plans you allowed the annual review process.

12 MR. BROTHERS: That's been past

13 practice.

14 CHAIRMAN LOBON: That's past practice.

15 COMMISSIONER PESTANA: So, all the

16 plans that have been defaulted so far in the past year

17 are going on a six month plan?

18 MR. INGRAM: No. It starts with these

19 plans.

20 COMMISSIONER PESTANA: It's starting

21 with these?

22 MR. INGRAM: Yes.

23 CHAIRMAN LOBON: It's starting with

24 these plans, and we would look at that going forward?

21

1 MR. INGRAM: Correct.

2 CHAIRMAN LOBON: Now, anything that's
3 already passed has passed for an annual review. This
4 will be I think a direction that the Commissioners
5 will agree that we go forward then so we can be a part
6 of the approval process.

7 Comments?

8 COMMISSIONER RHODES: Let me ask a
9 question.

10 CHAIRMAN LOBON: Commissioner Rhodes.

11 COMMISSIONER RHODES: Is this up to us
12 to vote upon?

13 MR. INGRAM: No. They're approved by
14 default. You don't have to vote on it.

15 COMMISSIONER RHODES: No. I understand
16 that. I'm talking about their -- their filing status.
17 That's what I'm asking about. So, is this told to us,
18 this is the way it's going to go?

19 MR. INGRAM: Correct.

20 COMMISSIONER RHODES: Okay.

21 CHAIRMAN LOBON: Okay. That's an
22 operational decision?

23 MR. INGRAM: Yes, sir.

24 CHAIRMAN LOBON: Alright. Is everyone

22

1 okay or --

2 COMMISSIONER PESTANA: No. Absolutely

3 not.

4 COMMISSIONER RHODES: No.

5 CHAIRMAN LOBON: Okay. Then what's

6 your pleasure?

7 COMMISSIONER PESTANA: How about a

8 motion?

9 Can we -- actually I don't even know if

10 we can add into this? Can we add into this agenda?

11 MR. PECH: You can, but you have to

12 move first to amend the agenda.

13 MR. BROTHERS: Yes. If you want to

14 amend the agenda to include the item, you can amend

15 the agenda and then discuss and deliberate. But you'd

16 have to amend the agenda, because it's not an item on

17 it.

18 CHAIRMAN LOBON: Does someone want to

19 make an amendment to the agenda?

20 COMMISSIONER PESTANA: I move that we

21 amend the agenda for the State of Connecticut

22 Commission on Human Rights meeting, Thursday, March

23 9th, to include a vote on whether or not plans that

24 have been approved by default must submit -- must file

23

1 within six months. Did I say that? Is that a proper
2 motion?

3 MR. PECH: Yes. For purposes of
4 amending the agenda, yes.

5 COMMISSIONER PESTANA: Okay.

6 MR. INGRAM: It may be properly worded,
7 but it's against statute.

8 COMMISSIONER RHODES: Second.

9 MR. INGRAM: You can't take an action
10 against the statute.

11 COMMISSIONER GRIFFIN: Well, as it
12 proceeds right now it sounds like it's -- it's your
13 perception, someone else's perception, and then
14 there's the law. And I -- and we were breaking the
15 press then when we said what we've done all year, past
16 two three years. Now, I don't mind being wrong and
17 being corrected, that's fine, but it appears that
18 we're penalizing these agencies for something that is
19 probably our fault.

20 And I don't think the law -- you know,
21 and we've been doing this right along now, you know --
22 I mean, I guess the reasoning for putting them on a
23 six month is just not -- it's not going well with me
24 right now.

24

1 Now, if you're saying it's a law and

2 we can't do a motion against the law -- I mean. . .

3 CHAIRMAN LOBON: Commissioner Marshall,

4 any comments?

5 COMMISSIONER MARSHALL: Well, I'm going

6 to go with Mr. Brothers and his testimony and that's

7 what we should do. I go along with that. It's as far

8 as what the agency stands for and what we have done in

9 the past.

10 CHAIRMAN LOBON: So, are you agreeable

11 to a six month review, or are you asking for an

12 annual?

13 COMMISSIONER MARSHALL: Six months.

14 CHAIRMAN LOBON: Six month review.

15 COMMISSIONER MARSHALL: Yeah.

16 COMMISSIONER CONAWAY: I don't think he

17 understood, George.

18 Mr. Brothers is saying that there's an

19 ordinance that says May. And May would kind of

20 indicate that yeah, you can do that, which is what the

21 Executive Director said, but it also leaves way to

22 also -- you know, what we've been doing.

23 CHAIRMAN LOBON: Okay. I guess my

24 confusion here is is this an operational issue or is

25

1 this a policy issue in relationship to what the
2 Commission has control over. And that's the question
3 I need answer to.

4 MR. BROTHERS: It's operational.

5 CHAIRMAN LOBON: Operational?

6 MR. BROTHERS: It's our policy.

7 CHAIRMAN LOBON: Commissioner Conaway.

8 COMMISSIONER CONAWAY: It sounds like
9 there's a statute, and, you know, I don't think we can
10 go against the law. I think we have to, you know, go
11 with what the Executive Director has presented to us.
12 It sounds like he's made mistakes. Those agencies who
13 -- who we have given the annual review to, they should
14 not be penalized, but from March 9th on we -- we've
15 discovered this mistake and, you know, we're
16 rectifying it. We're taking corrective action. So, I
17 want to support what the Executive Director has just
18 presented to us, because it sounds like we made
19 mistake. That's what it sounds like to me.

20 CHAIRMAN LOBON: Commissioner Mambruno?

21 COMMISSIONER MAMBRUNO: I believe with
22 Commissioner Conaway that we shouldn't go against
23 statute if that is the case. However, what I am very
24 upset about is this is the first time I've heard about

26

1 it. And we're airing our dirty laundry in front of
2 people who have much better things to do than listen
3 to this.

4 CHAIRMAN LOBON: Correct.

5 COMMISSIONER MAMBRUNO: We could have
6 had a special session to discuss this before, instead
7 of hearing of it for the first time now. And I hope
8 that never happens again.

9 CHAIRMAN LOBON: Any other comments?

10 COMMISSIONER PESTANA: What do you want
11 to do?

12 COMMISSIONER CONAWAY: Withdraw it.
13 Withdraw your motion.

14 MR. PECH: Could I perhaps make a
15 suggestion.

16 Ray Pech, Assistant Director.

17 Hamisi and I discussed this
18 yesterday afternoon and I said I wasn't sure whether
19 we could do this. He wrote a memo to me which I got
20 this morning. I haven't had a chance to review it
21 yet. It might be wise to defer this discussion until
22 the next meeting, or if you want to call another
23 meeting in between, a special meeting, so that we can
24 -- as Commissioner Mambruno says, air it privately,

27

1 but at least come to some consensus in what the

2 statute does or does not require.

3 COMMISSIONER PESTANA: So you -- are

4 you just saying withdraw?

5 MR. PECH: Yeah. Because you're not

6 going to vote anything today.

7 COMMISSIONER PESTANA: Right. Okay.

8 MR. PECH: If that's the course you

9 want to take.

10 COMMISSIONER PESTANA: I withdraw the

11 motion.

12 CHAIRMAN LOBON: The motion has been

13 rescinded.

14 So, we can -- at this point in time

15 it's an operational issue. We can move forward to our

16 next area.

17 MR. BROTHERS: Excuse me.

18 CHAIRMAN LOBON: Yes.

19 MR. BROTHERS: I'm not sure. Have you

20 guys decided whether or not they're going to be filing

21 now in six months or one year?

22 CHAIRMAN LOBON: We're deferring that

23 action to the executive record as an operational

24 issue.

28

1 **MR. BROTHERS:** So, technically as of
2 today your plans have been approved by default. When
3 they're refiling it is -- will be decided next month?

4 **COMMISSIONER PESTANA:** Yes.

5 **MR. BROTHERS:** I just want to make sure
6 we all understand.

7 **COMMISSIONER PESTANA:** That's my
8 understanding.

9 **MR. BROTHERS:** The plans have been
10 approved by default. The pending question is when is
11 the next filing date for those plans?

12 **COMMISSIONER CONAWAY:** Six months to a
13 year. Correct.

14 **MR. BROTHERS:** That's correct.

15 And that will be discussed at next
16 month's Commission meeting?

17 **CHAIRMAN LOBON:** Is that the flavor
18 here?

19 **COMMISSIONER PESTANA:** Yes.

20 **MR. BROTHERS:** Okay. I just wanted to
21 make sure we're all clear.

22 **CHAIRMAN LOBON:** Do we need that as a
23 motion?

24 **MR. BROTHERS:** No.

29

1 CHAIRMAN LOBON: We're fine on that
2 one.

3 MR. BROTHERS: Right.

4 CHAIRMAN LOBON: Okay.

5 Mr. Ingram.

6 MR. INGRAM: Nandi Colon, fiscal
7 report.

8 MS. COLON: Good afternoon,
9 Commissioners.

10 CHAIRMAN LOBON: Good afternoon.

11 MS. COLON: My report will be short and
12 brief. And I apologize for my cell phone, but I'm
13 expecting to be called any minute, since I'm going to
14 become a grandmother again.

15 CHAIRMAN LOBON: Excuse me one second.
16 All of those who have submitted their plans, you may
17 leave at this point. You don't have to -- I'm sorry
18 for not telling you that earlier.

19 MS. COLON: Okay. I will start with
20 the financial status report. Start with the money
21 this time.

22 You'll note this month the personal
23 services dollars pretty much remains the same. We
24 still have a huge surplus. We have still \$297,000.00.

30

1 And that's, as I mentioned last month, a result of the
2 lack of filled positions and the extra funding that we
3 got from OPM.

4 If you come down to the other expense
5 column, down at the bottom, I'm projecting that we now
6 have a surplus, contrary to what I've been projecting
7 in the past. The reason being that as of today we
8 still don't have an agreement with DPW for the
9 Bridgeport move. So, at this point my projections all
10 change as a result of that. I was reserving quite a
11 bit of money to accommodate that move, and the retro
12 rent.

13 We don't know, and I don't think we
14 will know any time soon as to when we will be getting
15 a new location for them to move, so my projections
16 changed drastically there.

17 COMMISSIONER NORTON: The surplus is
18 \$3,345.00?

19 MS. COLON: Right. And actually that
20 will be eaten up in other line items. So that by the
21 end of the fiscal year you should be seeing zero
22 across the board. Normally what happens is we absorb
23 that. Either postage or something else.

24 Moving on to the position status

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1 report. That one also didn't change, except for the
2 fact that we lost one employee to retirement, and that
3 employee was located in Bridgeport. So, we will be
4 submitting that position for refill. And actually we
5 did hire one individual, who's sitting to my left,
6 Ruban Luciak. You can come up and greet the
7 Commissioners.

8 He's actually an HRO Representative.
9 The position was originally in the Fair Housing Unit,
10 but Mr. Ingram decided that it was better utilized in
11 the Affirmative Action and Contract Compliance Unit.
12 And so he just began. He transferred in from DAS.
13 And we're happy to have him.

14 CHAIRMAN LOBON: Very good.

15 MS. COLON: So, moving along. We still
16 have a few positions that we are in the process of
17 getting approval for, such as the Sec One -- I'll
18 start here with the Adjudicator. That did go through
19 DAS. Is still sitting at OPM. So, we're waiting on
20 approval for that.

21 The Sec One position in the Affirmative
22 Action and Contract Compliance Unit has been approved
23 through the first layer at OPM. So, we're waiting on
24 the second approval.

1 The Referee, as you know, is an
2 appointed position. And that will leave one vacancy
3 in the Fair Housing Unit and another in Bridgeport,
4 which will be reflected in next month's report.

5 In addition to that, during the month
6 we've been talking about reestablishing the HRO
7 trainee class that was held, I guess, in this agency
8 in the past. And I'll have Toni come up and speak to
9 you on that, because that's a brand new program.
10 Gloria Sparveri, who is our Affirmative Action Program
11 manager was supposed to talk about that program today,
12 but she had to leave early because she was not well.

13 But Toni will give you a little bit of
14 the background so you know what that's about.

15 COMMISSIONER GRIFFIN: Can I ask you
16 one question?

17 MS. COLON: Sure.

18 COMMISSIONER GRIFFIN: Do you think at
19 year end we'll have those five vacants filled?

20 MS. COLON: I'm hoping to. I'm hope
21 that -- right now we're in pretty good shape because
22 they've gone through the first layer at OPM, and
23 that's normally where, you know, things are held up or
24 -- based on questioning. Once they get to the second

33

1 level we're good to go.

2 COMMISSIONER GRIFFIN: Okay.

3 MS. COLON: An the good thing is that

4 we just recently had the exam for the HRO Reps

5 announced, and that closed as of March first. We

6 should get a new list based on who passes that exam as

7 of end of March. So, hopefully we'll be able to fill

8 the vacant positions with the members that are on that

9 list.

10 COMMISSIONER GRIFFIN: Okay. Thank

11 you.

12 CHAIRMAN LOBON: And one other

13 question. And you probably answered this. It's

14 probably gone through my head a couple of times. If

15 we don't use this money do we lose it?

16 MS. COLON: Yes.

17 CHAIRMAN LOBON: Oh, boy.

18 MS. COLON: Right. In personnel

19 services we really don't have much control over that.

20 CHAIRMAN LOBON: Okay.

21 MS. COLON: We have been utilizing

22 quite a bit of that money in overtime so that our case

23 loads are caught up, because we have such a huge

24 surplus. And we'll continue to do that until the end

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1 of the year, the fiscal year.

2 CHAIRMAN LOBON: If we hire, we do
3 hire, how would that impact this surplus? Would that
4 be for the year or how would that fall into place so
5 we could --

6 MS. COLON: Use up some of the money?

7 CHAIRMAN LOBON: Yeah. If we can use
8 it all. That's what I'm asking.

9 I'm saying would it be for the entire
10 salary, or how would that work to our advantage at
11 this point, because we're on the short rope right now.

12 MS. COLON: What will happen is
13 assuming that we get the results from the list as of
14 March 31st, you figure within two weeks of that we'll
15 start scheduling for interviews and hopefully within
16 another two weeks of that point, which is now the end
17 of April, we'll get people here. Their salaries will
18 be taken out of that pool of money from April until
19 the end of the fiscal year, which is June.

20 CHAIRMAN LOBON: Okay. So, we won't be
21 able to get it all?

22 MS. COLON: No, not all of it. I wish
23 we could.

24 COMMISSIONER NORTON: This is the

35

1 \$297,000.00 we're talking about?

2 MS. COLON: Right. We're talking about
3 the Personnel Services money.

4 But, you know, we're trying.

5 CHAIRMAN LOBON: I know.

6 MS. COLON: We're doing a little bit of
7 this and that, to eat up some of this.

8 CHAIRMAN LOBON: What about the DPW
9 issue, the \$155,000.00?

10 MS. COLON: Right.

11 CHAIRMAN LOBON: How would that fall?
12 Do we still retain that, or . . .

13 MS. COLON: That would not be part of
14 this budget.

15 CHAIRMAN LOBON: Okay.

16 MS. COLON: As a matter of fact, we
17 recently went to an appropriations meeting with Lena
18 Ferguson, and I do have the budget book, and we were
19 granted some funds for the move, 155, but that's for
20 our central office move. That's not for the
21 Bridgeport move.

22 CHAIRMAN LOBON: Oh, that's for the
23 central -- that's right.

24 MS. COLON: Right. That's for our

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1 move. If and when we do move.

2 CHAIRMAN LOBON: Right.

3 MS. COLON: So, I'll have Toni come up

4 and give you a little bit of insight as to the HRO

5 Rep, what we're doing as far as that program, and then

6 that will conclude my segment.

7 COMMISSIONER NORTON: Mr. Chairman, I

8 just wanted to say that I appeared in front of the

9 Executive Nominations Committee Last week for

10 reapproval as a member of the Commission, and on short

11 notice I called up Nandi to get some information and

12 she very quickly disgorged a good bit of useful

13 information that I was able to incorporate into my

14 comments in front of the Committee and look just a

15 tiny bit like I knew what I was talking about, and so

16 I wanted to say thank you. That goes for Mr. Newton

17 too, but I wanted to say thank you at this point

18 because you're standing there.

19 MS. COLON: Thank you.

20 MS. ALPHONSE: Good afternoon,

21 Commissioners.

22 My name is Toni Alphonse. I'm the

23 Personnel Officer here at CHRO.

24 Just a little bit about the HRO

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1 training that we're trying to implement. I think it's
2 a great start that we're making regarding the training
3 issue. We're trying to make it a two year program.
4 We've asked DAS, and as a matter of fact, they've been
5 very positive in our request for some changes to the
6 job specification, namely having these people do
7 outreach media and working within the community. I'm
8 hoping to hear from DAS with the approval that the
9 spec has been changed and up on the DA website within
10 a week or so.

11 Again, we're trying to make this a two
12 year training program, and it's going to be specific.

13 Gloria Sparveri is developing an actual
14 curriculum program, along with Michael Fryer, so that
15 this -- these folks that come in as trainees can spend
16 some time within each division, even out in the
17 region, so that they're well rounded, so that by the
18 time the two year training program is over, and they
19 become HRO Reps, they know everything about the agency
20 and what our mission is. So, you know, it's a very
21 exciting time for us.

22 Any questions.

23 CHAIRMAN LOBON: How many are we going
24 to put in that training program?

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1 MS. ALPHONSE: At this point we don't
2 have a figure. We're just trying to get the job spec
3 approved.

4 CHAIRMAN LOBON: Okay. You're waiting
5 on that.

6 MS. ALPHONSE: Correct.

7 CHAIRMAN LOBON: Thank you.

8 MS. ALPHONSE: Thank you.

9 MR. INGRAM: Mr. Chair, I'll just add a
10 comment or two about the training program. We have a
11 very interesting fact about our agency, and that is
12 it's aging very rapidly. We have 98 authorized
13 positions. 22 percent of those positions are age 20
14 plus, meaning 20 years in service, or more. Some of
15 them in the 30's. We even have two or three that are
16 approaching 40 years with the agency, or with the
17 State, anyway. And out of the 98 positions, 35
18 percent, 36 percent of those positions are aged 15
19 plus years in the service. So, the trainee program
20 is going to be very, very valuable for us to fill
21 holes as retirements come up, as people go out on sick
22 leave and don't come back, or take other positions.
23 So, it's a very very valuable addition to your
24 repertoire.

1 Now, I'll have Mr. Newton with our

2 fields operation report.

3 MR. NEWTON: Good afternoon.

4 CHAIRMAN LOBON: Good afternoon.

5 MR. NEWTON: You have a copy of the

6 report in your papers, I believe, that I prepared. As

7 of February 27th, when the report was prepared we had

8 a total of 2,293 active cases in the agency. As of

9 the end of January, which is the last point that we

10 had accumulated data on our recoveries and settlements

11 there was a total of \$1,632,860.17 that has been

12 obtained for complainants in this fiscal year to date.

13 Since then I just got the February report, it's

14 increased by another hundred thousand dollars. So, we

15 are certainly getting decent settlements for people

16 who file complaints with us and are able to have their

17 complaints mediated, or even post reasonable cause

18 conciliation where there award is based on the merits,

19 not just on a voluntary resolution between the

20 parties.

21 And I'll just add a little bit about

22 our Bridgeport office. The -- it doesn't look like

23 our current landlord wants us to stay, so public works

24 is working very hard to find an alternative location.

40

1 The one they've identified is -- I
2 haven't seen it personally, but Tonya Hughes, our
3 Bridgeport Regional Manager who is here today said
4 it's a very nice location. And the -- an architect
5 has drawn up a preliminary floor plan, and that's
6 going to aid in discussions between Public Works and
7 the owners of the building in order to come to some
8 number that we can act on.

9 The public works liaison is working to
10 get us the best possible financial situation. Any
11 build out supposedly can be done in 60 to 90 days,
12 although that's rarely the case. Our last move in the
13 Capital Regional took two and a half years. But they
14 tell us that they can do it a little quicker than
15 that, so . . . hopefully the Bridgeport office will be
16 in a better location soon, but it won't be this fiscal
17 year. It will be next fiscal year sometime.

18 Any questions?

19 CHAIRMAN LOBON: Questions.

20 COMMISSIONER NORTON: Mr. Chairman.

21 CHAIRMAN LOBON: Yes. Mr. Norton.

22 COMMISSIONER NORTON: I just want to
23 say when I --- also on short notice -- was preparing
24 my self to speak in front of the Executive _____

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1 Committee called Don up on short notice and he gave me
2 a bunch of useful information pretty quickly, pretty
3 cogently, again, that I was able to utilize so I
4 looked like I knew something.

5 So, I want to say thank you.

6 CHAIRMAN LOBON: Okay.

7 MR. INGRAM: Our legislative report,
8 Ms. Ferguson.

9 MS. FERGUSON: Good afternoon.

10 CHAIRMAN LOBON: Good afternoon.

11 MS. FERGUSON: In your handout packet
12 for today you'll find a legislative report for 2006.

13 The CHRO's legislative proposals have
14 come out in bill form this week, and they are house
15 bills 5733 and 5800, and you will find them
16 highlighted in bold print on the fifth page. An act
17 concerning mandatory fact finding conferences
18 scheduled by the CHRO and the duties of the Chief
19 Human Rights Referee and an act concerning procedures
20 for the hearing of complaints against state
21 contractors and subcontracts by the CHRO.

22 Anticipate that the judiciary committee
23 will have a public hearing on these bills within the
24 next two weeks, and the judiciary deadline, or

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1 deadline to report those out of committee is on March
2 27th.

3 The legislative report contains a
4 number of resolutions and bills that we are tracking,
5 because they have either a direct or indirect impact
6 on the agency. I'll highlight just a couple of them
7 for you. If you turn to page 2 please, you have
8 Senate Bill 224, which is an act concerning municipal
9 contract compliance, and they're -- this bill has a
10 provision that would require municipalities that
11 receive any state funds for the purposes of building
12 and constructing public works contracts, that they
13 have to set aside a certain amount of contract monies
14 for small and minority businesses. This is something
15 that CHRO is very interested in doing. We thought
16 that we might be able to do it through a budget
17 expansion option, but that opportunity was denied to
18 us.

19 This bill was currently in the planning
20 and development committee. I met yesterday afternoon
21 with Senator Eric Coleman. He expressed that there is
22 some concern about who would monitor, because as the
23 bill is currently written there is no enforcement or
24 monitoring provisions. The only way that CHRO would

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1 have a role to play is if other statutes in which we
2 have a direct role over contract compliance were
3 amended. But I really don't think that that is going
4 to happen this session. But this, I think might be an
5 important first step that we can use next session
6 perhaps to take it further.

7 The second is Senate Bill 432, an act
8 establishing a demonstration project for an office of
9 administrative hearings. This is a demonstration
10 project that would include CHRO, along with other
11 agencies, in a demonstration project to consolidate
12 all of the administrative hearing functions within one
13 agency. This is a proposal that has been kicking
14 around for a number of years. Senator McDonald has
15 been pushing it quite strongly for the last couple of
16 years. So, the agency is in the process of developing
17 its -- its position. So, we'll see where that leads
18 us.

19 Senate Bill 598, which recently came
20 out. An act adopting the Connecticut Uniform
21 Mediation Act, would just make uniform all mediations
22 for all agencies and judicial processes in which
23 mediation is required. This bill just came out, so
24 we're not quite sure what our position on this is

1 going to be.

2 If you'll turn to page 4, the very last
3 bill. An act concerning -- House Bill 5597, an act
4 concerning discrimination. This is a bill that would
5 add a new protective class, gender identity or
6 expression to the statutes. And it would also add
7 sexual orientation to the deprivation of rights
8 statutes, something that we've been trying for the
9 last couple of years. And this bill would indeed
10 codify the declaratory ruling that the Commission
11 issued about three years ago that addressed
12 transgender issues.

13 Also in your packet I believe is a copy
14 of the agency's presentation before the Appropriations
15 Regulation Protection Subcommittee. We met with them
16 on February 27th. I believe we made a good case for
17 additional positions in the regional offices to
18 address the time it takes to assign a complaint once a
19 complaint is retained for full investigation.

20 The subcommittee will make
21 recommendations to the full committee, and if they do
22 accept it then we will see it in a budget that comes
23 out in the Appropriations Committee.

24 Also, Commissioner Conaway has been

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1 confirmed by both the House and the Senate as of last
2 Wednesday.

3 Commissioner Norton will most likely be
4 confirmed by the House next Wednesday.

5 Commissioner Griffin -- he's always
6 confirmed.

7 Commissioner Griffin goes before
8 Executive and Legislative nominations on March 16.

9 And Commissioner Mengual appears before
10 the Committee on March 21st.

11 And that is my report.

12 CHAIRMAN LOBON: Thank you.

13 Any comments, questions?

14 Commissioner Conaway.

15 COMMISSIONER CONAWAY: I just want to
16 thank Lena Ferguson for your assistance in guiding me
17 through that process. I am a neophyte and I had no
18 idea what I was about to face, and I have to admit I
19 was nervous, and I just want to thank you publicly for
20 navigating that process for me. You did it very
21 professional. You responded well -- you responded
22 immediately to my calls, and I just want to thank you.
23 And I want to thank you too, Mr. Ingram for your help
24 on that day as well.

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1 MS. FERGUSON: You're welcome.

2 CHAIRMAN LOBON: Thank you.

3 COMMISSIONER MARSHALL: Mr. Chairman.

4 CHAIRMAN LOBON: Yes.

5 COMMISSIONER MARSHALL: I just want to
6 commend Ms. Ferguson for the wonderful job she's
7 demonstrated on handling our Commission business. A
8 wonderful job.

9 CHAIRMAN LOBON: Did you hear that?

10 MS. FERGUSON: Thank you.

11 CHAIRMAN LOBON: She says thank you,
12 George.

13 MR. INGRAM: I would like to say,
14 Mr. Chair, that -- referring to the confirmation
15 hearings, there is one question that's asked of each
16 candidate, and that is whether or not there is
17 anything in your past that might embarrass you, the
18 General Assembly or the Governor, and there seemed to
19 be a consensus that Mr. Norton answered that
20 question truthfully when he said yes.

21 COMMISSIONER NORTON: I ain't going to
22 lie. I think it's a fairly absurd question.

23 (Laughter.)

24 MR. INGRAM: Our Managing Director's

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1 report with Mr. Brothers.

2 MR. BROTHERS: Good afternoon,
3 Commissioners.

4 CHAIRMAN LOBON: Good afternoon.

5 MR. BROTHERS: I will keep my report
6 brief.

7 Case loads remain constant since the
8 time I've taken over the legal department. There's
9 really not much of a change, increase or decrease.

10 The point worth noting is that
11 approximately 45 percent of the cases that we handle
12 are actually in superior court, telequarters, supreme
13 court, which for an administrative agency is somewhat
14 more demanding than the process that we have here.

15 I'm also pleased to announce that the
16 three newly hired attorneys are doing very well.
17 They're all completing their probationary period, and
18 I'd like to attribute their success to the seasoned
19 attorneys who have been working closely with them.
20 They're an asset, all of them.

21 Other than that, everything is status
22 quo.

23 CHAIRMAN LOBON: That's very good.

24 Thank you, Bob.

1 **MR. INGRAM:** Now, we have two
2 additional slots that normally didn't appear on the
3 agenda that going forth will appear on the agenda, and
4 those are reports from the Curriculum manager and the
5 Affirmative Action Officer, who is not here today, so
6 that report will not be given. But Mr. Fryar, the
7 Curriculum manager is prepared to report his progress.

8 **CHAIRMAN LOBON:** Okay.

9 **MR. Fryar:** Good afternoon. Michael
10 Fryar, Curriculum manager.

11 **CHAIRMAN LOBON:** Good afternoon.

12 **MR. Fryar:** You don't have anything in
13 your packets in front of you, by the way. Please
14 don't go looking.

15 In front of you is a box. Inside that
16 box is a mug. That was a mug that was presented to
17 each of the staff members for the Commission at the
18 Employee Appreciation Day. Please, that's your's to
19 take home with you.

20 The Employee Appreciation Day was very
21 successful. Chairperson Lobon, thank you very much
22 for attending. We're very appreciative.

23 We also did our employee orientation.

24 This is the first orientation we've done in some time.

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1 It involved staff that had been with the Commission
2 for up to a year. It introduced them to the
3 management for the Commission, as well as the process
4 of a claim from intake, all the way through hearing.
5 The management was fantastic in coming in and give of
6 their time. Whether they were sitting on a panel of
7 two or three to answer questions of a new staff or
8 actually giving presentations themselves, it was very
9 very well received and very successful.

10 Part of the other duties that I've kind
11 of assumed as Curricular manager includes working on
12 promotional materials. The Commission is very much in
13 need of a new brochure and a new poster. I am
14 currently working on those, as well as specified
15 brochures for each area that we actually cover.

16 All of this kind of goes into our
17 outreach. I've also done two job fairs. One at
18 Quinnipiac University. That was done with Chief
19 Referee Donna Wilkerson -- no. I'm sorry. Quinnipiac
20 I did with Toni Alphonse. While we went down for a job
21 fair there, we also did a job fair at UConn law --
22 excuse me, the public interest. And that I did with
23 Attorney Wilkerson. We were very well received at
24 both locations. The students were very happy to see

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1 us. We had a phenomenal amount of interest from
2 students interested in doing externships with the
3 Commission. They're very interested in the work that
4 we do.

5 We are going to continue forward with
6 career fairs. I'm going to be putting a package
7 together to go out.

8 Whether or not we are hiring, which
9 obviously we are, we have new positions. It is
10 critical that the Commission appear at job fairs.
11 Anywhere there's going to be a potential employee so
12 they know who we are and what their rights are as
13 they're taking on jobs, and the responsibility in the
14 workforce of the college.

15 The website is being transitioned over
16 right now. We're taking care of that. Part of the
17 website will also include a speaker's corner. Again,
18 outreach so we can get out there and actually talk in
19 specific pieces, get the word and the message out from
20 the Commission. Each will develop a system by which
21 information will be updated to the site. The
22 appearance will mirror the state site. We are all
23 moving to that same appearance.

24 Internal training, inservice training

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1 will begin this Friday, and Service training runs
2 anywhere from computer training to management courses,
3 time management personnel management. Other courses
4 pertain to jobs.

5 We also have a general training for the
6 entire Commission, which will be taking place four
7 days in March. We will cover sexual harassment,
8 workers safety and substance abuse awareness. Gloria
9 Sparveri, the Affirmative Action Office and I are
10 coordinating this together.

11 Yes. I've only been here five months.
12 There's more.

13 The proposed trainee position, as was
14 mentioned, I'm developing curriculum for that, along
15 with Gloria.

16 The investigator training. It was very
17 interesting, the Department of Children and Families
18 actually no longer does their specific training for
19 their investigators. They have worked with the state
20 police to develop an investigators training program
21 specifically for agencies. I am speaking with the
22 state police sergeant who actually coordinates that
23 training of converting that training over so we can
24 begin to offer it right now. The state police are

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1 training. The facility is not available. They finish
2 in July. As of August that facility will be
3 available. Sergeant Dreger will be available, and we
4 will be able to actually get specific.

5 One of the interesting trainings that
6 they're proposing is how to tell if someone is lying
7 to you. It's taught by the gentleman that actually
8 do the polygraph tests for the state, and covers
9 everything from nonverbal to stuttering to breathing
10 to literally when you're sitting across from someone
11 how to tell whether they're being truthful or if
12 they're withholding. It's very interesting training.
13 That's one of the sessions that's proposed actually
14 for the investigators.

15 April 28th we're going to do a day of
16 mediation training down at Quinnipiac as part of the
17 Association for Mediation and Alternative Dispute
18 Resolution, which is at the Quinnipiac University and
19 UConn campus, mediating with difficult personalities.
20 It's a full day workshop. We will be down there for
21 that.

22 I'm planning a managers treat. Bring
23 the managers in and really work on some team building.

24 There's more.

1 I'm working with a UConn LLM student
2 who is going to be doing research into Section 8
3 issues and developing training for landlords on
4 tenants rights, post Sullivan. He's going to be
5 looking at the Sullivan case and the impact on that.
6 And actually we're really trying to get out to smaller
7 landlords, not big block, own 16 units or 16
8 buildings, but those mom and pop kind of we own one
9 building, and we don't really know what the law is,
10 but they're responsible for it.

11 I've currently written and we've okayed
12 and will be distributing a morale survey to go out to
13 the staff to discuss specific issues as well as
14 general topic issues. That information will be
15 accumulated. It will be passed at each of the March
16 trainings, that will be going on. That information
17 will be processed, a report will be prepared.

18 And Attorney Brothers didn't mention,
19 but he is reengaged in legal training. He will be
20 going out with two attorneys three times a year to
21 each of the regional offices and to housing. He will
22 be addressing specific issues with the investigators,
23 as well as answering questions. I'll be doing
24 tag-along training for that. There will be a short

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1 brief general topic that needs to be addressed in each
2 of those trainings.

3 Yes, I've only been here for five
4 months. To paraphrase, I've only yet begun to work.

5 Any questions?

6 CHAIRMAN LOBON: No questions from me.

7 COMMISSIONER PESTANA: Thank you.

8 MR. FRYAR: You're welcome.

9 CHAIRMAN LOBON: A job well done.

10 Let's make it happen. I think we will, ourselves, be
11 looking to you -- we're going to look for some
12 training retreat, some type of training. I think
13 those of us, at least new, want to have that
14 opportunity to get ourselves in tune, which is what
15 you're talking about as well, so So, we will
16 be talking about that.

17 COMMISSIONER GRIFFIN: Can I ask you
18 one question.

19 As far as training for landlords --

20 MR. FRYAR: Yes, sir.

21 COMMISSIONER GRIFFIN: The landlords or
22 the --

23 MR. FRYAR: His intent is to train
24 landlords. It's -- he's an LLM student on an

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1 international -- he's international civil rights, he's
2 on a grant through Washington DC. He's from
3 Isbekastan, and he needs a specific community project.
4 And he has worked in housing law in Isbekastan and was
5 interested in doing housing law here.

6 So, he only has forty hours to spend,
7 so it needs to be a fairly narrow topic. But there's
8 a recognized need that landlords don't understand the
9 law.

10 COMMISSIONER PESTANA: They don't.

11 MR. FRYAR: And need to be educated on
12 it.

13 COMMISSIONER GRIFFIN: I guess the
14 reason why I'm asking you, if we gave you -- if I have
15 a place where he can go and hold these sessions, and I
16 was just interested if we could make that happen.

17 MR. FRYAR: Absolutely. He is looking
18 to take the -- this to the end. Not just research,
19 but design the training and then execute it.

20 And if he can't -- if he runs out of
21 time, I'm looking to execute it. So we can absolutely
22 talk about getting that out there and getting people
23 trained.

24 COMMISSIONER GRIFFIN: Okay. Fine.

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1 **COMMISSIONER CONAWAY:** Do you have a
2 manual, because you presented a lot of -- like just --
3 I mean, how do you keep all these dates and all that
4 sort of stuff. I mean --

5 **MR. FRYAR:** I have three calendars.

6 **COMMISSIONER CONAWAY:** If you have
7 three calendars, how -- you know, how does -- how does
8 the rest of.

9 **MR. FRYAR:** Oh, I understand what
10 you're saying. I distribute e-mails. And I'll
11 usually do is for each date -- it has become
12 problematic. People are becoming confused. I have
13 had questions come back on which training was this.
14 Because there has been -- there was no training before
15 I came in.

16 One of the things that's going to
17 happen when the internet is transferred over, there
18 will be an intranet. Each staff member when they open
19 will open to a page. There will be a calendar. That
20 calendar will have everything listed on it.

21 It is an issue.

22 **COMMISSIONER CONAWAY:** Because you were
23 throwing a lot of stuff out there.

24 **MR. FRYAR:** Yes. You're absolutely

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1 correct.

2 COMMISSIONER CONAWAY: And I was just
3 wondering how, you know, you organize it.

4 Thank you.

5 MR. FRYAR: You're welcome.

6 CHAIRMAN LOBON: Right. I think
7 internet is where everybody is going at this point in
8 time. We are doing that in our shop as well, because
9 you find that this -- you're all over the place and
10 you need a central place to be able to go in --

11 MR. FRYAR: And look at that.

12 CHAIRMAN LOBON: -- at least to look at
13 that without worrying about missing something.

14 MR. FRYAR: Exactly. Absolutely.

15 COMMISSIONER CONAWAY: It sounds
16 excellent though.

17 MR. FRYAR: Thank you very much.

18 CHAIRMAN LOBON: Thank you.

19 MR. INGRAM: That concludes my report.

20 CHAIRMAN LOBON: Okay. New business.
21 Have three calendars.

22 MR. PECH: Good afternoon, again. I'm
23 still Ray Pech, and unlike Mr. Fryar, I've been here
24 almost 30 years. And unless you want to be here until

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1 some time over the weekend I won't bother to tell you
2 everything I've been doing for the last few months,
3 but . . . the things you need to know for today we'll
4 talk about.

5 You have before you two requests for
6 contract compliance exemptions from the University of
7 Connecticut. These are both similar to the 900
8 requests we've seen in the last few years. They are
9 both research contracts for which UConn is the primary
10 contractor, the prime contractor, to the feds, and
11 they subcontract out pieces of it to other
12 universities, generally out of state, that have a
13 particular expertise in the area, or in this
14 particular area of the prime contract.

15 So, two -- I don't know if you want to
16 consider them separately or together -- but the two
17 that are before you are -- one is with Texas A&M
18 University to collaborate on research involving
19 reconfigurable marine fuel cells and biological fuel
20 reformers. Again, don't ever ask me what these things
21 are. They sound arcane to me, certainly. But as is
22 typical, UConn has represented that Texas A&M has
23 particular expertise in this area, which makes them a
24 sole source provider, which is obviously one basis in

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1 which you can grant an exemption.

2 The work on the contract, by the
3 contractor, Texas A&M, will take place in Texas, using
4 Texas people, not Connecticut people.

5 So, I recommend that you grant that
6 one.

7 CHAIRMAN GRIFFIN: So move.

8 MR. PECH: Do you want to go on to the
9 other one, or do you want to vote now. That's your
10 pleasure. I would assume, although they're probably
11 going to be the same, unless --

12 COMMISSIONER CONAWAY: Can we do both
13 of them together.

14 MR. PECH: -- you disagree with the
15 recommendations.

16 CHAIRMAN RHODES: The motion to accept
17 A&B on the suggestion by Ray that we accept the
18 exemptions on these two --

19 MR. PECH: You can do both.

20 CHAIRMAN RHODES: Yeah. I said A&B.

21 MR. PECH: Okay. I won't even talk
22 about the second one. I'd say the same stuff anyway.
23 I don't know what it is.

24 They've represented it's a sole source

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1 provider.

2 COMMISSIONER CONAWAY: Is this similar
3 to what we did for Central last month?

4 MR. PECH: No. That's a different
5 issue.

6 That involved bringing over residents
7 of the people's republic, and in other cases it was
8 student exchanges. This is a totally different issue.

9 CHAIRMAN LOBON: Okay. A motion has
10 been made to approve the exemption for Texas A&M, and
11 the University of Florida. The motion has been moved
12 by Commissioner Rhodes and seconded by, I believe,
13 Commissioner Pestana. Any other discussion?

14 Hearing none, all those in favor state
15 by saying aye.

16 (Whereupon the Commissioners responded
17 aye.)

18 Nay? Abstentions.

19 Ayes have it.

20 MR. PECH: The next item on the agenda,
21 at the last meeting Commissioner Conaway referred to
22 at the request of the Central U.S. China Business
23 School you did grant a blanket exemption for certain
24 contacts that they were going to enter. And you asked

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1 me to look at the possibility of putting together
2 something similar for these UConn research contracts,
3 because these are the ones that come up -- I would
4 say, average one a month, if not more. And it's
5 always the same thing. That a prime contract to a
6 federal contract. They subcontract out pieces to
7 other universities, which are out of state -- which
8 are in state universities, which it doesn't matter,
9 because they're in state and they subject to our laws.

10 But the problem comes when they contact
11 with an out of state university that has a particular
12 expertise, that university in whatever state it's
13 located has to follow the laws of that jurisdiction,
14 so they have objection to being asked to follow our
15 laws.

16 So, I think this was e-mailed, because
17 I didn't see it until the 6th, so it wasn't in the
18 usual packet. But I put together a two page memo,
19 which I hope all of you have seen, on -- for your
20 consideration on whether or not you want to grant a
21 blanket exemption when the contracts meet these
22 requirements.

23 It would involve only UConn and their
24 subcontractors on research contracts, where the

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1 subcontractors use the out of state university that
2 has an expertise in this area, whatever the area might
3 be, and no workers from the state will be recruited or
4 used by the subcontractor. And should you grant this,
5 my intent, as it was with Central and the U.S Trans
6 Business School last month is that the University
7 would submit every three months a quarterly report
8 with copies of any contracts I've executed the prior
9 three months. And if I saw anything abhorant in those
10 I would, number one, contact the university, and
11 number two let you guys know at the next meeting and
12 you might want to think about a recitation.

13 But it seems to me that there are so
14 typical and so uniform and consistent that it would
15 save UConn's time, my time, your time, if we -- well,
16 maybe not my time, but your time and UConn's time. I
17 will also have to review them every three months.

18 So, that's it. If you have any
19 questions on that.

20 CHAIRMAN LOBON: Yeah. I think that's
21 what we suggested as a Commission so we wouldn't have
22 to go through 15 or 20 at a time.

23 COMMISSIONER RHODES: Do you need a
24 motion?

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1 CHAIRMAN LOBON: I think we have to

2 have a motion to approve this, yeah.

3 I think that a quarterly report is

4 definitely a savior for us.

5 COMMISSIONER RHODES: So moved.

6 CHAIRMAN LOBON: A motion has been

7 moved by Commissioner Rhodes.

8 COMMISSIONER MARSHALL: Second.

9 CHAIRMAN LOBON: Seconded by

10 Commissioner Marshall.

11 MR. PECH: Probably -- since there

12 isn't a motion directly on the agenda, you probably

13 ought to state what you're moving.

14 CHAIRMAN LOBON: That's what I'm

15 getting ready to do.

16 MR. PECH: Okay.

17 CHAIRMAN LOBON: The motion has been

18 moved and seconded to approve the recommendation for

19 blanket contract compliance exemption regarding UConn

20 research contracts.

21 All those in favor state by saying aye.

22 (Whereupon the Commissioners responded

23 aye.)

24 Nays? Abstentions?

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1 Ayes have it.

2 MR. PECH: Okay. I'll be back up on

3 another issue in a bit.

4 CHAIRMAN LOBON: Okay.

5 MR. BROTHERS: The next item that you

6 have is the declaratory ruling.

7 CHAIRMAN LOBON: Yeah.

8 MR. BROTHERS: I can address that.

9 I believe there is some information in

10 your packet regarding this. For those of you who are

11 not familiar with the declaratory ruling, what it

12 really is is that there's someone from the outside who

13 is asking a legal question or a legal opinion and they

14 want the Commission to be able to render that.

15 We have several choices as to what we

16 can do when a declaratory ruling has been presented to

17 us. One thing that we can do is deny it. We can

18 entertain it and accept it. We can set it down for

19 specific proceedings, which is my recommendation in

20 this case.

21 In a nutshell what this case really

22 deals with is an individual who is employed by

23 Elizabeth Arden. The individual worked outside of the

24 State of Connecticut and had dealings with numerous

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1 states. The ultimate question is when he was fired
2 was he fired from Connecticut, or was he working in
3 and fired from another state?

4 Although they want a declaratory ruling
5 and a legal opinion on this, it's my opinion that
6 because it's so fact specific, my recommendation is to
7 set it down for a specific proceeding, which is to
8 have the investigation done, and flush out whether or
9 not in fact the respondent's position is correct or
10 not correct and just have it go its natural course.

11 Just so that you know the history of
12 this, the case was originally dismissed at the merit
13 assessment review where the investigator didn't
14 believe that we had jurisdiction to be able to deal
15 with the case.

16 It was then reviewed under
17 reconsideration and granted. The respondent, because
18 it was granted, in my opinion, has now filed a
19 declaratory ruling hoping that somehow we're going to
20 kick it, but my ultimate advice to you is to be able
21 to just set it down for a specific proceeding, which
22 is my recommendation. Let it go through the
23 investigation, and if the respondent is correct it
24 will get flushed out.

1 **COMMISSIONER NORTON:** Can I ask a
2 question?

3 **MR. BROTHERS:** Sure.

4 **COMMISSIONER NORTON:** Is it possible
5 that upon some review we might -- this agency, if not
6 this Commission, but someone in the agency, could
7 determine that the man involved didn't benefit from
8 the jurisdiction of Connecticut, and then could go to
9 the other state and for some kind of weird reason they
10 say, well, you know, we don't really have
11 jurisdiction, it ought to be Connecticut, and then the
12 guy gets stuck in a noman's situation.

13 **MR. BROTHERS:** That's possible. I
14 mean, that could happen.

15 I can tell you that past practice of
16 the Commission has always been, as long as there's at
17 least one employee in Connecticut, then even if he had
18 several outside, we're going to deem that we have
19 jurisdiction.

20 I also should tell you that that's our
21 opinion. That's our practice. We don't have a
22 supreme court ruling. There is no court interpreting
23 that, but I would rather -- it's always our opinion
24 when we're interpreting our statutes to read them as

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1 liberally as possible until such time as the court's
2 disagree with us, and then we'll have to address that.

3 COMMISSIONER NORTON: So, typically if
4 someone who lives in Hartford and worked at a 7-11 in
5 Springfield and got fired, you might be inclined to
6 give them jurisdiction, or give CHRO jurisdiction
7 because 7-11 has other Connecticut employees?

8 MR. BROTHERS: I'm not sure I
9 understand the question.

10 COMMISSIONER NORTON: Okay. Well, if
11 someone worked in -- someone who lived in Hartford
12 worked in Springfield and they were fired.

13 MR. BROTHERS: Right.

14 COMMISSIONER NORTON: Because they were
15 black.

16 MR. BROTHERS: No. The answer is no.
17 Because it's actually where it takes place.

18 The thing that we were looking at is
19 where did the discriminatory act take place.

20 COMMISSIONER NORTON: Okay.

21 MR. BROTHERS: And what we're saying in
22 this case is that the -- arguably, that the decision
23 to fire this individual took place in Connecticut,
24 therefore that's how we're claiming the jurisdiction

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1 question.

2 MR. PECH: Your question, Commissioner
3 Norton, if 7-11 happened to be head quartered in
4 Connecticut and the decision to terminate the
5 Springfield employee was made here, then we might.
6 That's what this case was about.

7 COMMISSIONER NORTON: Okay.

8 MR. BRADY: Can I be heard?

9 MR. BROTHERS: I'm sorry. And I never
10 asked whether or not there was anybody here to address
11 it.

12 MR. BRADY: Yeah. Kevin Brady for
13 Elizabeth Arden.

14 MR. BROTHERS: I would recommend that
15 the Commissioners give him an opportunity to be able
16 to respond. He represents the respondent, who is
17 actually petitioning the declaratory ruling.

18 CHAIRMAN LOBON: Alright. State your
19 name and --

20 MR. BRADY: Good afternoon,
21 Commissioners. My name is Kevin Brady for the
22 respondent, Elizabeth Arden.

23 It is correct that we are here on the
24 declaratory ruling, but the impact that the decision

1 of the Commission today could have far reaching
2 affects if the petition is denied and there are
3 further proceedings on this matter.

4 Mr. Sterile was resident of Tennessee.
5 He was paid in Tennessee. Elizabeth Arden had
6 provided Worker's Compensation insurance for this
7 employee in Tennessee, provided his rental car and all
8 of his telephone equipment for his sales position as
9 the regional sales manager for its operations in the
10 Central Region.

11 The sole claim of Mr. Sterile of why
12 there's jurisdiction in this matter is because
13 Elizabeth Arden's Human Resource operations are in
14 Stamford, Connecticut.

15 Now, the CEO of the corporation and
16 head quarters are in Miami, Florida. There are also
17 New York offices for this organization. Even assuming
18 that the decision was the telephone call to Mr. Arden
19 to communicate his termination decision occurred in
20 Connecticut, and that's a question whether all those
21 members involved in the decision making process were
22 present in Connecticut. The decision to terminate
23 Mr. Sterile had occurred outside Connecticut, in at
24 least North Carolina, Florida, Connecticut and New

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1 York by his supervisors.

2 His supervisor also is a resident of

3 North Carolina and reports directly to that person.

4 So, the impact of this decision is

5 going to have far reaching decisions if the petition

6 is denied.

7 The problem with the reconsideration

8 ruling is that it basis its analysis on the New York

9 Human Rights law, which is completely different from

10 the Connecticut Fair Employment Practices Act. It has

11 an express provision for extraterritorial application,

12 which the Connecticut statute, nor the legislative

13 history has in Connecticut.

14 You know, there's little guidance as to

15 the regulations of the Commission. On this particular

16 jurisdictional issue, you know, can -- can an employee

17 from another state to bring his claims here -- you

18 know, you look at the five central regional offices

19 and how those are set up for the Commission and the

20 regulation of Connecticut agencies, 46a-54-a(8) states

21 that the regional offices shall be in various parts of

22 the state for the convenience of the members of the

23 public. It's certainly a stretch to say that any

24 regional office in Connecticut is convenient for

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1 Mr. Sterile, a resident of Tennessee to file his

2 complaint here.

3 And the impact of this decision, if you

4 allow this case to proceed based on this

5 jurisdictional argument, is that any employer who has

6 a national operation that has an office in

7 Connecticut, that any employee throughout the country,

8 or the world for that matter, could file a claim here

9 in Connecticut. That is going to increase the burdens

10 of the administrative and judicial process in

11 Connecticut by increasing these types of claims. You

12 know, so, on that basis the respondent's petition for

13 a declaratory ruling should be granted and either

14 reverse the decision on reconsideration or we ask that

15 in the alternative to affirm the underlying decision,

16 so that Elizabeth Arden can take an appeal to superior

17 court pursuant to the Administrative Procedure Act.

18 Thank you.

19 CHAIRMAN LOBON: Thank you.

20 MR. BROTHERS: If I could just comment

21 to a couple of the comments that were made.

22 Actually setting the proceeding down

23 for the normal course of an investigation, a possible

24 outcome of that is that this case would be dismissed.

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1 So, it's not necessarily that we're doing something
2 adverse to the respondent. I mean, all we're doing is
3 putting it through the compliant process.

4 It's my understanding that there is at
5 least a letter, I believe it was from Stamford,
6 Connecticut that mentioned something about the
7 termination. But all that needs to be flushed out
8 through a full investigation is ultimately where I'm
9 going. And that -- this question is normally fact
10 driven, and we have derivatives of this throughout the
11 practice of the Commission. And to be able to
12 uniformly try to make a blanket declaratory ruling
13 is not going to be applicable in every case, which is
14 why my recommendation to you still is to set down for
15 a specific proceeding, which is the full
16 investigation, and then it can get flushed out.

17 And if in fact there is a cause
18 finding, respondent always has the opportunity at that
19 time to be able to take an appeal.

20 COMMISSIONER NORTON: Appeal where?

21 MR. BROTHERS: Well, the can appeal --
22 I mean, ultimately if there's a cause of finding and
23 it went to an administrative hearing the complainant
24 prevailed, the respondent would have the opportunity

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1 to be able to take an appeal on that issue, and they

2 could still raise the same issue they're raising.

3 COMMISSIONER NORTON: To the superior

4 court.

5 MR. BROTHERS: That's right.

6 But what I'm saying is that they don't

7 lose their argument.

8 COMMISSIONER NORTON: The

9 jurisdictional argument?

10 MR. BROTHERS: Right. I mean,

11 ultimately if they want to challenge in this case

12 there was a cause finding, but there's also the

13 possibility the case will be dismissed if in fact

14 Elizabeth Arden's position is correct.

15 COMMISSIONER NORTON: If -- would

16 Elizabeth Arden have a chance to come back to us later

17 in the day if a fact finder, or I guess would it be a

18 referee -- who down this process became your

19 imagination would -- well, it wouldn't be imagination,

20 but who down that line --

21 MR. BROTHERS: The course of events

22 will be that an investigator will be assigned to the

23 case. He or she will then look at all the facts,

24 probably conduct a fact finding hearing, listen to all

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1 the witnesses. Ultimately render a decision, either
2 in favor of the complainant or in favor of Elizabeth
3 Arden.

4 At that time if it's in favor of the
5 complainant there would be an administrative hearing.
6 Once that's over with, the hearing referee is not
7 bound by the investigator's decision. It's a de novo
8 proceeding. He or she can either concur again with
9 the complainant or Elizabeth Arden, and then at that
10 point either party can take an appeal.

11 COMMISSIONER NORTON: But the whole
12 process of fact finding an investigation, which is
13 many, many months, will go on even if the
14 jurisdictional claim -- well, even if there was really
15 no reason --

16 MR. BROTHERS: Ultimately not. If the
17 investigator looks at this issue and believes the
18 position that Elizabeth Arden has asserted, it's very
19 possible the ultimate decision is to dismiss the
20 compliant because of a lack of jurisdiction.

21 COMMISSIONER NORTON: Even before all
22 the other action --

23 MR. BROTHERS: The other action won't
24 happen.

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1 MR. PECH: Ray Pech.

2 There's not generally disagreement
3 between Elizabeth Arden and us on the point that if
4 it's determined that the decision was not made in
5 Connecticut, I don't think we can be asserting
6 jurisdiction.

7 Right now the issue is clouded. We're
8 not certain of it. One person says this, one person
9 says that.

10 MR. BROTHERS: Right.

11 MR. PECH: That's why we think the best
12 course is to set it down through the investigation,
13 because that's the thing the investigator has to
14 determine. Where it was made.

15 COMMISSIONER NORTON: So, this
16 declaratory ruling, if we moved ahead, even today,
17 would not merely have us establish that. If the
18 decision wasn't made in Connecticut it shouldn't have
19 jurisdiction. We'd be deciding right here and now, or
20 when we made the declaratory ruling what in fact
21 happened. Are we being asked to decide --

22 MR. PECH: Well, we can't really decide
23 what happened, because we don't know what happened.
24 We don't know what the recommendations are at this

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1 point. We don't have any facts on the issue yet.

2 **COMMISSIONER NORTON:** So, if we issued
3 a declaratory ruling we would be doing two things.
4 One saying if the decision wasn't made in Connecticut
5 it's not in our jurisdiction. And two, we would be
6 making the conclusion as to whether this decision
7 occurred in Connecticut. We'd be making that fact.

8 **MR. PECH:** Which is really the
9 investigator's role.

10 **MR. BROTHERS:** Which is why my
11 recommendation is to let the investigator flush all of
12 that out.

13 **CHAIRMAN LOBON:** You're not saying a
14 declaratory ruling, you're looking for a investigating
15 process?

16 **MR. BROTHERS:** That is my
17 recommendation.

18 **CHAIRMAN LOBON:** That's your
19 recommendation. Okay.

20 **MR. BROTHERS:** Your option is to be
21 able to set it down for a specific proceeding. My
22 recommendation of that is the investigation.

23 **CHAIRMAN LOBON:** Okay.

24 **MR. BRADY:** Just one final point. I

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1 think to assume that there's jurisdiction first and
2 proceed to investigation missed the point of whether
3 there was even procedurally even has jurisdiction over
4 Mr. Sterile in this case. He's a non resident. His
5 employment relationship is governed in the state of
6 Tennessee. That's how it is set up. And so to say
7 that, you know, whether discrimination occurred, the
8 parties are both non Connecticut residents. So, to
9 there's no reason to even go to that point to say, you
10 know, does the discrimination occur in Connecticut,
11 merely because a phone call may have been made out of
12 Human Resource Department in Connecticut that provides
13 support to the actual decision makers, who it is clear
14 are outside the State of Connecticut.

15 So, to go forward and say, you know,
16 whether the -- and the statutes aren't clear whether
17 or not it goes to whether the -- because it is
18 different from the New York Human Rights law, which is
19 the basis for the reconsideration decision.

20 CHAIRMAN LOBON: Thank you.

21 Comments? Any other comments?

22 Anything from the Commissions?

23 (No response.)

24 The staff has made a recommendation to

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1 recommend that this matter be put down for further
2 investigation at an investigator level.

3 MR. BROTHERS: That's correct. For
4 specific proceedings which would lead the
5 investigation.

6 COMMISSIONER RHODES: So move.

7 CHAIRMAN LOBON: The motion has been
8 made by Commissioner Rhodes.

9 COMMISSIONER CONAWAY: Seconded by
10 Commissioner Conaway.

11 CHAIRMAN LOBON: Seconded by
12 Commissioner Conaway.

13 All those in favor -- any other
14 discussions?

15 COMMISSIONER PESTANA: We're moving to
16 deny?

17 CHAIRMAN LOBON: No.

18 MR. PECH: This is one of the options
19 you have.

20 MR. BROTHERS: No. We're moving to set
21 it down for a specific proceeding to go through with
22 the full investigation.

23 COMMISSIONER PESTANA: Oh, okay.

24 MR. BROTHERS: And let the investigator

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1 flush out the facts.

2 COMMISSIONER PESTANA: Alright.

3 CHAIRMAN LOBON: Alright. So, it's

4 been moved and seconded. No other discussion.

5 All those in favor state by saying aye.

6 (Whereupon the Commissioners responded

7 aye.)

8 Nays? Abstentions?

9 Ayes have it.

10 CHAIRMAN LOBON: Okay. We're looking

11 at old business, consideration for reestablishing

12 various subcommittees of the Commission.

13 MR. PECH: We had went into this

14 discussion somewhat, I can't remember now if it was

15 January or February, but one of the last two meetings,

16 and the reason that I asked that it be on the agenda

17 today is at a meeting in October, I believe it was,

18 you all reiterated the point that you wanted to be

19 advised of legislative issues before we submitted any

20 proposals. Related to that issue of legislation -- I

21 think the very last item in your mailing this month is

22 a report from me dated February 24th in which I

23 outlined testimony that we've been -- we've been asked

24 to testify on certain bills that were not our bills,

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1 but proposals that we nevertheless feel we should
2 support for various reasons. And I did prepare that
3 testimony for Mr. Ingram, and it was submitted to the
4 various committees.

5 But the issue comes up, or came up that
6 frequently we get notified, say, on Monday morning
7 that a bill was up on Wednesday afternoon. You guys
8 aren't meeting between those two dates, and it's often
9 very short notice. So, it was reiterated to us again
10 that you might want to reconstitute or reappoint
11 certain committees, including a legislative sub
12 committee, so that we could call one or the other of
13 you and say "Look, we've been asked to testify on this
14 bill. Here's the position we think we ought too take.
15 Do you have any disagreement with that, or do you
16 think the Commission might have a disagreement with
17 that. Because if we wait for a meeting, there's
18 nothing gone one way or the other. So, that's why
19 this is here.

20 And I -- does anybody have any
21 questions on the position we took, as I outlined them?
22 I think they were proper positions for the CHRO to
23 take in all of them.

24 Well, anyway, that's why it's on here.

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1 COMMISSIONER PESTANA: Okay.

2 COMMISSIONER MAMBRUNO: Thank you.

3 CHAIRMAN LOBON: Okay. Does anybody
4 have any -- I assume that -- we don't have vote on
5 this.

6 MR. PECH: Well, you have to establish
7 who's going to be on the Committees at some point.

8 CHAIRMAN LOBON: Right. But I think
9 right now we -- I think what we probably want to do is
10 get together and determine what subcommittees we want
11 to actually establish. Legislative subcommittee is
12 definitely one, and we may have some others. And I
13 agree with you, we need to have that in place. And
14 then I would say to you, Commissioners, be prepared
15 because you will be chairs on some of these
16 subcommittees. Oh, yeah. So. . .

17 COMMISSIONER MAMBRUNO: If you don't
18 return the call, you volunteered to chair.

19 CHAIRMAN LOBON: Commissioner Mambruno,
20 you know how it works, right.

21 (Laughter.)

22 Okay. Can I get a motion to move into
23 executive session please.

24 COMMISSIONER RHODES: So moved.

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1 CHAIRMAN LOBON: Been moved by

2 Commissioner Rhodes.

3 COMMISSIONER MARSHALL: Second.

4 CHAIRMAN LOBON: Seconded by

5 Commissioner Marshall. All those in favor.

6 (Whereupon the Commissioners responded

7 aye.)

8 Nays? Abstentions?

9 Okay. Executive session.

10

11 (Whereupon executive session took

12 place.)

13

14 CHAIRMAN LOBON: Can I get a motion to

15 come out of executive session please.

16 COMMISSIONER RHODES: So moved.

17 CHAIRMAN LOBON: Moved by Commissioner

18 Rhodes.

19 COMMISSIONER CONAWAY: Seconded.

20 CHAIRMAN LOBON: Seconded by

21 Commissioner Conaway.

22 All those in favor state by saying aye.

23 (Whereupon the Commissioners responded

24 aye.)

83

1 Nay?

2 COMMISSIONER NORTON: Nay. I don't

3 know. I kind of like executive session.

4 CHAIRMAN LOBON: Okay. Abstentions?

5 Abstentions?

6 Ayes have it.

7 Let it be -- let the record show that

8 there were no votes taken in executive session.

9 COMMISSIONER RHODES: We need to amend

10 the agenda so that we can entertain or give the

11 Chairman permission to move forward with the

12 evaluation and compensation concerning the Executive

13 Director. So, that's all I have, sir.

14 MR. PECH: Well, you certainly can

15 amend the agenda to put that on for today. You can do

16 that, and then once you've done that you can get into

17 a discussion of what's proper for you.

18 COMMISSIONER RHODES: I understand.

19 MR. PECH: It's a two step process.

20 MR. BROTHERS: The first thing you need

21 to do is have a motion, as Ray said, to be able to

22 amend the agenda.

23 CHAIRMAN LOBON: Can I get a motion to

24 amend the agenda?

1 **COMMISSIONER RHODES:** Mr. Chairman, I
2 make the motion to amend the agenda to have the
3 Chairman look into as well as execute the evaluation
4 for our Executive Director, as well as do what's
5 necessary in terms of his compensation.

6 **CHAIRMAN LOBON:** The motion has been
7 made.

8 **COMMISSIONER MARSHALL:** Second.

9 **CHAIRMAN LOBON:** Seconded by
10 Commissioner Marshall.

11 All those in favor state by saying aye.

12 (Whereupon the Commissioners responded
13 aye.)

14 Nay? Abstentions?

15 Ayes have it.

16 **MR. BROTHERS:** And now you're free to
17 discuss.

18 **CHAIRMAN LOBON:** What we want to do is
19 we want to -- to allow for the evaluation that was
20 done on the -- as a matter of fact, we have to have a
21 copy of it.

22 **COMMISSIONER GRIFFIN:** Not now, but --

23 **COMMISSIONER CONAWAY:** Move forward.
24 The first year evaluation.

85

1 **CHAIRMAN LOBON:** We're looking to
2 approve a compensation -- evaluation and compensation
3 package for the executive director for the year of
4 2004 to 2005.

5 **COMMISSIONER RHODES:** You're saying
6 what?

7 **MR. PECH:** I'm looking at the statute,
8 okay, and I believe there's language in here that says
9 that you shall evaluate the director on an annual
10 basis.

11 **CHAIRMAN LOBON:** Done that.

12 **MR. PECH:** And it says -- this is the
13 part that I'm not clear about, whether you had --

14 **CHAIRMAN LOBON:** Right.

15 **MR. PECH:** It says the director shall
16 receive an annual salary --

17 **CHAIRMAN LOBON:** You need to get into a
18 mike.

19 **MR. PECH:** I'm sorry.

20 The statute says -- I'm quoting from
21 46a-52(c). The director shall be supervised and
22 annually evaluated by the Commissioners, so, you have
23 that authority. And if you want to vest that in the
24 Chair, I think that's probably your privilege as a

1 Commission.

2 But as far as the salary it says the
3 executive director shall receive an annual salary
4 within the salary range of a salary group established
5 by the Commissioner of DAS. So, I think you have to
6 do it in consultation with that.

7 You can't just decide, okay, we're
8 going to pay him x.

9 COMMISSIONER RHODES: We researched
10 that, and I guess the motion should have said the --
11 within working with or taking with DAS the
12 recommendation, because there's a structure already in
13 place.

14 We're not saying that we want to
15 designate that but take whatever is given in terms of
16 the structure, he will go out and seek that and --

17 MR. PECH: I think that's perfectly
18 lawful within the statute.

19 COMMISSIONER RHODES: Right. That's
20 where about it is.

21 COMMISSIONER CONAWAY: Actually that
22 was part of the discussion.

23 CHAIRMAN LOBON: Right. Because DAS
24 would have to sign off on this process.

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1 MR. PECH: Not on the evaluation.

2 That's your's.

3 COMMISSIONER RHODES: No. But on the
4 salary side.

5 MR. PECH: Right.

6 COMMISSIONER RHODES: Okay.

7 COMMISSIONER CONAWAY: But just take
8 the percent right out, because it's already built in.
9 Even though that we may recommend something, there's
10 something built in. All executive directors are at
11 that level. The class he's in.

12 CHAIRMAN LOBON: So, we just go into
13 framework of DAS?

14 COMMISSIONER CONAWAY: Right.

15 CHAIRMAN LOBON: And what is approved
16 by DAS.

17 COMMISSIONER CONAWAY: Right.

18 CHAIRMAN LOBON: Is that --

19 MR. BROTHERS: As long as it's within
20 the framework of the DAS.

21 CHAIRMAN LOBON: That's what we -- we
22 gonna stay in the framework of the DAS.

23 Okay. The motion has been made --

24 MR. PECH: No. You've got to reword

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1 the motion.

2 COMMISSIONER RHODES: The motion to

3 amend the agenda is fine.

4 CHAIRMAN LOBON: We're done.

5 COMMISSIONER RHODES: We're talking

6 about the motion to give you the authority of what we

7 would want you to do in terms of that.

8 MR. PECH: Now, you -- just so it's

9 clear on what you're voting. Clearly your authorizing

10 the Chair to work with DAS.

11 COMMISSIONER RHODES: Yes.

12 MR. PECH: On his own. Independent of

13 the rest of you, or --

14 COMMISSIONER CONAWAY: We've already

15 had a discussion about it.

16 MR. PECH: And what about the

17 evaluation. Is that going to be done?

18 COMMISSIONER CONAWAY: That's already

19 been done as well.

20 COMMISSIONER RHODES: The evaluation

21 has already been done by the -- we had a subcommittee

22 do that.

23 MR. PECH: Okay.

24 COMMISSIONER RHODES: So, the motion is

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1 that the executive director -- I mean, the Chair would
2 act on behalf of the Commission to report on the
3 evaluation of our executive director for that said
4 year, as well as to have him work within the framework
5 of DAS for salary compensation.

6 MR. PECH: And again I don't think the
7 -- a stickler lawyer --

8 COMMISSIONER RHODES: Continue.

9 MR. PECH: -- technically out of place.
10 But the evaluation is for the past year.

11 COMMISSIONER RHODES: Correct.

12 MR. PECH: Are you talking about a
13 salary going forward are you not?

14 COMMISSIONER RHODES: For said for a
15 year, your know, what year we so noted.

16 MR. PECH: So, you're talking about
17 salary going forward? Are you looking to go back
18 retroactively?

19 CHAIRMAN LOBON: Yes, we are.
20 Retroactive as well.

21 COMMISSIONER RHODES: But see, we're
22 saying retroactive, but he's going to work within the
23 framework of DAS. When we ask, if they say no -- you
24 know whatever.

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1 MR. PECH: Okay. I just wanted to be

2 clear if you're going retroactive?

3 COMMISSIONER RHODES: That's our

4 understanding.

5 CHAIRMAN LOBON: Yes, we are.

6 MR. PECH: Okay.

7 CHAIRMAN LOBON: The motion has been

8 made.

9 George? George?

10 COMMISSIONER CONAWAY: I second it.

11 CHAIRMAN LOBON: The motion has been

12 made by Commissioner Rhodes and seconded by

13 Commissioner Conaway.

14 Any other discussion? (No response.)

15 Hearing none, all those in favor state

16 by saying aye.

17 (Whereupon the Commissioners responded

18 aye.)

19 Nays? Abstentions?

20 Ayes have it.

21 Okay. We are --

22 COMMISSIONER CONAWAY: -- done?

23 CHAIRMAN LOBON: No. We are not. We

24 have to vote on the reopening request; right?

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1 COMMISSIONER RHODES: Right.

2 CHAIRMAN LOBON: Okay. We need to take
3 them one at a time?

4 MR. BROTHERS: You can put them both
5 together if the ruling is going to be the same.

6 CHAIRMAN LOBON: Do you want to do them
7 together.

8 COMMISSIONER CONAWAY: Please. Please
9 put them together.

10 COMMISSIONER RHODES: Mr. Chair, I
11 would like to make a motion that we deny the two
12 reopening requests on B1 and B2.

13 CHAIRMAN LOBON: The motion has been
14 made to deny reopening of the two cases under B,
15 number one and number two. All those in favor --

16 COMMISSIONER NORTON: I just want to --

17 CHAIRMAN LOBON: And we need a second.
18 Can I get a second.

19 COMMISSIONER MAMBRUNO: Second.

20 CHAIRMAN LOBON: Second by Commissioner
21 Mambruno.

22 COMMISSIONER NORTON: I just want to
23 say my apologies for the people who came all this way
24 hoping to get their cases reopened, but we're not

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1 going to do it.

2 CHAIRMAN LOBON: Okay.

3 COMMISSIONER RHODES: Let the record

4 note that there is no one here.

5 CHAIRMAN LOBON: Okay. Any other

6 comments? (No response.)

7 All those in favor state by saying aye?

8 (Whereupon the Commissioners responded

9 aye.)

10 Nays? Abstentions?

11 Ayes have it.

12 COMMISSIONER RHODES: Motion to

13 adjourn.

14 COMMISSIONER MAMBRUNO: Aye.

15 CHAIRMAN LOBON: A motion has been made

16 to adjourn by Commissioner Rhodes.

17 Can I get a second.

18 COMMISSIONER MARSHALL: Second.

19 CHAIRMAN LOBON: Second by Commissioner

20 Marshall.

21 All those in favor state by saying aye.

22 (Whereupon the Commissioners responded

23 aye.)

24 Ayes have it.

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1 **We are adjourned.**

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3 **(Whereupon the meeting concluded for**

4 **the day.)**

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1 **CERTIFICATION**

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3 **STATE OF CONNECTICUT)**

) ss.

4 **COUNTY OF HARTFORD)**

5

6 **I, Nancy E. Paretti, a Notary Public in**

7 **and for the State of Connecticut, do hereby certify**

8 **that the foregoing record is a correct and verbatim**

9 **computer-aided transcription of the proceeding**

10 **hereinbefore set forth.**

11 **I further certify that I am neither**

12 **counsel for, nor related to, nor employed by any of**

13 **the parties to the action in which this proceeding is**

14 **taken and further certify that I am not related to,**

15 **nor an employee of any attorney or representative**

16 **employed by the parties thereto, nor am I financially**

17 **interested in this action.**

18 **In witness whereof I have hereunto**

19 **set my hand and affixed my notarial seal this date,**

20 **March 14, 2006.**

21

22 **Nancy E. Paretti**

23 **Notary Public**

24 **My commission expires February 28, 2007**

