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STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

REGULAR COMMISSION MEETING
21 GRAND STREET
HARTFORD, CT 06106

TUESDAY, APRIL 11, 2006
2:00 P.M.

COMMISSIONERS PRESENT:

- Benjamin Rhodes, Jr., Acting Chairman
- Edward Mambruno
- George Marshall
- James L. Griffin
- Andrew M. Norton
- Gloria Mengual

COMMISSIONERS ABSENT:

- John Lobon, Chairman
- Edith Pestana
- Larry Conaway

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, Tuesday, April 11,
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 ACTING CHAIRMAN RHODES: I would like
11 to call the State of Connecticut Commission on Human
12 Rights and Opportunities Regular Commission meeting
13 here at 21 Grand Street, Hartford, Connecticut, the
14 large hearing room, Tuesday, April 11, 2005, to order.

15 COMMISSIONER GRIFFIN: Yes,
16 Commissioner. I make a motion that we move the
17 current agenda to be a revised agenda.

18 ACTING CHAIRMAN RHODES: So, you want
19 to amend the agenda to include the --

20 COMMISSIONER GRIFFIN: The agenda.

21 ACTING CHAIRMAN RHODES: Okay. I got a
22 motion. I need a second.

23 COMMISSIONER RHODES: Second.

24 ACTING CHAIRMAN RHODES: Seconded. All

3

1 those in favor?

2 (Whereupon the Commissioners all

3 responded aye.)

4 Okay. Before we proceed on, I would

5 just like to go to housekeeping rules. All

6 affirmative action plan representatives please sign

7 in. If you speak, please come to the podium, use the

8 microphone. Clearly state your name and what agency

9 you're representing.

10 Number two, may we have a moment of

11 silence for Edith Gaines, the Hartford Public Schools,

12 first black superintendent and among the first

13 recipients of CHRO's Norstar Awards.

14 A moment of silence. (Pause.)

15 Thank you.

16 Also, a reminder that April 25th is a

17 Holocaust Remembrance Day. Also, may I have a motion

18 to amend the agenda to include Connecticut Valley

19 Hospital Affirmative Action plan. Also, old business

20 of Affirmative Action Plan schedules. And an

21 Executive Session discussion of the Town Hall

22 Greenwich complaint.

23 COMMISSIONER GRIFFIN: So move.

24 COMMISSIONER MAMBRUNO: Second.

4

1 ACTING CHAIRMAN RHODES: It's moved and
2 properly seconded.

3 All those in favor . . .

4 (Whereupon the Commissioners all
5 responded aye.)

6 Opposed? Abstentions?

7 Ayes have it.

8 Now, we have the secretary's report
9 reviewed and approval of the transcript of March 9,
10 2006 regular commission meeting.

11 COMMISSIONER MAMBRUNO: I make a motion
12 to accept the minutes as written.

13 COMMISSIONER GRIFFIN: Second.

14 ACTING CHAIRMAN RHODES: It's moved and
15 properly seconded.

16 All those in favor?

17 (Whereupon all the Commissioners
18 responded aye.)

19 The ayes have it.

20 Number three, the Executive Director's
21 report.

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

23 We will start our report with the
24 Affirmative Action Program Manager, Ms. Gloria

5

1 Sparveri.

2 MS. SPARVERI: Good afternoon,
3 Mr. Chairman and members of the Commission.

4 For the record, my name is Gloria
5 Sparveri. I am the Affirmative Action Program
6 Manager.

7 I would like to share with you a brief
8 overview of some of the projects that I am currently
9 working on. These projects are the result of the
10 current director's goals for continued success and
11 improvement of the agency.

12 The first one that we're looking into
13 is projected goal candidates. We are researching the
14 possibility of establishing a two tier
15 selection/hiring process to better address agency goal
16 candidates, qualified candidates and making hiring
17 selections that are in the best interest of the agency
18 overall.

19 The second project we're working on has
20 to do with outreach to agencies. It's affirmative
21 action syllabus. We are developing a two part model
22 training tool for agencies to use as a guide when
23 preparing their affirmative action plans. We've
24 developed some new HR/Affirmative Action forms that

6

1 are designed to accommodate the requisite information
2 for plans and to concurrently work with HR in the
3 recruitment process.

4 The third is a contract compliance
5 syllabus. This is outreach to vendors and
6 contractors, and it would mirror the affirmative
7 action syllabus in that it would be a model training
8 tool to be used by state approved contractors and
9 vendors for use as a guide regarding affirmative
10 action mandates and compliance.

11 The fourth project we're working on is
12 the HRO Trainee Program. And I know you heard a
13 little bit about it last month. We are currently
14 working on developing a program that is geared toward
15 meeting agency needs and providing ongoing recruitment
16 opportunities. This program has a wide range of
17 benefits. The first would be employment opportunities
18 for job seekers interested in a career in civil
19 rights, and who share a commitment in the agency's
20 mission statement, a better served public. It is cost
21 efficient for the agency regarding salary and
22 benefits. Ultimately the agency would gain highly
23 trained, qualified staff, which would add to upward
24 mobility and would contribute to the promotable pool

7

1 of employees, which ultimately supports employee
2 retention, which is a cost effective measure for any
3 agency.

4 The fifth project we're working on is a
5 diversity study. It is an agency wide project, and so
6 far it has been well received by staff, and we've had
7 almost 100 percent participation in the survey that
8 we've disseminated. We'll be able to evaluate the
9 results and address issues that may need attention
10 and/or improvement. The information will provide us
11 with opportunities to be more proactive in developing
12 public awareness and a greater social conscious.

13 We have combined agency policies and
14 procedures with our harassment prevention and
15 workplace human rights. We updated the language and
16 provisions so there would be one all inclusive policy
17 and procedure that would meet agency workplace needs.

18 Lastly, we have partnered with the
19 Permanent Commission on the status of women to develop
20 and provide the new mandatory annual five hour update
21 training that's required for all Affirmative Action
22 Officers, Attorney Generals, and Attorney General
23 designees. These trainings are scheduled for this
24 June.

8

1 Every project, and all of the outreach
2 that I have mentioned is geared toward developing the
3 agency into a more proactive and recognized leader and
4 role model. I believe there's great potential for the
5 agency with these projects as we continue to change
6 and improve.

7 Thank you.

8 ACTING CHAIRMAN RHODES: Thank you. Is
9 there any questions? (No response.)

10 No questions, Commissioners.

11 We thank you.

12 MS. SPARVERI: Thank you.

13 MR. INGRAM: Mr. Bingham will deliver
14 the affirmative action plans report.

15 MR. BINGHAM: The first agency is the
16 Office of Consumer Counsel. Those here representing
17 the Office of Consumer Counsel please stand.

18 Thank you.

19 This plan is being recommended for
20 approval based on compliance with Section
21 46(a)-68-58(a) b2, and b4 of the regulations.

22 The set aside contract compliance
23 portion for the fiscal year 2004/2005, the SBE goal
24 was \$10,852.00. They achieved \$18,185.00, or 168

9

1 percent.

2 The MBE goal was \$2,713.00. They
3 achieved \$723.00, or 27 percent goal achievement.

4 For the fiscal year 2005/06 with one
5 quarter reporting, the goal -- SBE goal \$9,224.00,
6 they've achieved \$4,4-- -- I mean, they've spent
7 \$4,476.00, or 49 percent, and the MBE goal was
8 \$2,306.00, and they haven't -- there was zero
9 expenditures.

10 Their five year history. Their plan
11 has been approved for five years.

12 That's it.

13 ACTING CHAIRMAN RHODES: Commissioners,
14 you've heard the report.

15 COMMISSIONER NORTON: I would make a
16 motion to accept the recommendation and to approve.

17 COMMISSIONER Griffin: Second.

18 ACTING CHAIRMAN RHODES: Seconded by
19 Commissioner Griffin.

20 Okay. Any discussion?

21 COMMISSIONER MAMBRUNO: Yes.

22 ACTING CHAIRMAN RHODES: Alright.

23 COMMISSIONER MAMBRUNO: Mr. Bingham,
24 could you please tell me whether or not the plan is

10

1 retaining a general filing status?

2 MR. BINGHAM: Yes, it is.

3 COMMISSIONER MAMBRUNO: Thank you.

4 COMMISSIONER NORTON: Wouldn't that --

5 I'm sorry, if I may ask . . . wouldn't the statute

6 allow for them to have a biannual filing since they're

7 under 20 employees?

8 MR. BINGHAM: It might.

9 ACTING CHAIRMAN RHODES: Does anyone

10 else --

11 COMMISSIONER MAMBRUNO: I believe

12 you're correct, if they are under 20 employees.

13 ACTING CHAIRMAN RHODES: Yes. That is

14 true.

15 COMMISSIONER NORTON: And by the way,

16 I'm that good, because I read it five minutes ago.

17 COMMISSIONER MAMBRUNO: Me too.

18 COMMISSIONER NORTON: So, I don't want

19 to pretend to have some encyclopedic memory.

20 COMMISSIONER MAMBRUNO: And as

21 Commissioner Norton, if I looked up and would have

22 seen the filing status as biannual. So, my mistake.

23 MR. BINGHAM: That's alright. Yeah.

24 I'm sorry. It's biannual.

11

1 ACTING CHAIRMAN RHODES: Okay. Are

2 minds clear on this matter? (No response.)

3 And a motion on the floor? First?

4 Second? Are we ready for a vote?

5 All those in favor?

6 (Whereupon all the Commissioners

7 responded aye.)

8 Any opposed? Abstentions?

9 The ayes have it.

10 MR. BINGHAM: The second agency is the

11 Department of Revenue Services. All of those who are

12 here representing the Revenue Services please stand.

13 Kenny Potter is here.

14 Okay. The Department of Revenue

15 Services plan had no deficient elements, and therefore

16 it's in compliance with B4. We're recommending it for

17 approval.

18 The set aside requirements for the

19 fiscal year 2004/05, SBE goal was \$409,980.00.

20 They've achieved \$863,294.00, or 211 percent

21 achievement.

22 The MBE goal was \$102,495.00. They

23 spent \$411,830.00, or 402 percent.

24 Their SBE goal with one quarter

12

1 reporting for 2005/06 SBE was \$487,380.00. They've
2 achieved \$186,251.00, or 38 percent.

3 The MBE goal, \$121,845.00. So far
4 they've spent \$55,919.00 -- \$915.00, or 46 percent
5 achievement. The five year record is -- the plan has
6 been approved.

7 ACTING CHAIRMAN RHODES: Commissioners,
8 may I get a motion?

9 COMMISSIONER NORTON: I move that we
10 accept the recommendation to approve the Affirmative
11 Action Plan for the Department of Revenue Services.

12 COMMISSIONER MAMBRUNO: Second.

13 ACTING CHAIRMAN RHODES: It's been
14 moved and properly seconded. Is there any discussion?

15 COMMISSIONER NORTON: I would just like
16 to make one observation, if I may, Mr. Chairman.

17 It's not really a question, but just to
18 lop it back to you and your's.

19 It actually appears that the Department
20 of Revenue Services has a pretty -- I don't know what
21 to say, but I'll say healthy percentage of black
22 people working there. And also in the professional
23 category. Sometimes when you look overall at the
24 percentages it isn't a reflection of being at the

13

1 upper reaches, but at the lower reaches.

2 However, at the highest reaches
3 officials and administrators, out of 45 people there
4 is just one black person, according to this chart, and
5 that seems like kind of a low number. And I just feel
6 like saying that out loud. And I'm sure that people
7 aren't -- well, I don't know anything.

8 But in any case, I would just pass that
9 -- make that louder than just standing on this page,
10 that it would be nice if there was more than one out
11 of 45 people who were black, or Puerto Rican,
12 according to this.

13 That is all I wanted to say.

14 ACTING CHAIRMAN RHODES: Okay. Any
15 more comments from Commissioners? (No response.)

16 All those in favor . . . ?

17 (Whereupon all the Commissioners
18 responded aye.)

19 Opposed? Abstentions?

20 The ayes have it.

21 MR. BINGHAM: The third agency is the
22 Department of Information Technology. Here
23 representing them is Diane Wallace, Mark Smith and
24 Nancy Bryant. If you'd please stand.

14

1 Thank you.

2 The Department of Information and
3 Technologies plan is recommended for approval based on
4 compliance with Section 46(a)-68-58(a), b1, b2, b3 and
5 b4 of the regulations.

6 The contract compliance for 2004/05,
7 their SBE goal was \$2,350,701.00, and they achieved
8 11.1 percent.

9 Their MBE goal was \$587,675.00, and
10 they've achieved 5.3 percent.

11 For the first quarter of this fiscal
12 year, the goal is -- the SBE goal is \$1,155,476.00.
13 The first quarter reporting, 7.3 percent.

14 And the MBE goal is \$288,869.00 and
15 they didn't report anything on that.

16 Their five year history is they've been
17 approved for all the years.

18 ACTING CHAIRMAN RHODES: Okay. Motion?

19 COMMISSIONER GRIFFIN: So moved.

20 COMMISSIONER MAMBRUNO: I -- I have a
21 question.

22 ACTING CHAIRMAN RHODES: No, we'll get
23 to --

24 The motion on the floor is to approve.

15

1 Do I hear a second?

2 COMMISSIONER NORTON: Second.

3 ACTING CHAIRMAN RHODES: It's moved and
4 properly second.

5 Any discussion?

6 COMMISSIONER MAMBRUNO: Yes. Through
7 you, Mr. Chair. I would like to ask a question as to
8 why the SBE and MBE goals are so low.

9 MR. SMITH: I'm Mark Smith, the Chief
10 Administrative Officer at the Department of
11 Information and Technology.

12 We have requested -- or we request an
13 exemption from DAS with regards to the difficulty in
14 achieving that goal for us related to a depreciation
15 expense. There's a significant portion of the
16 accounting entry for our budget that represents
17 capitalization of equipment that was bought in prior
18 years. And that accounting not only creates a goal
19 against a budget that doesn't actually represent an
20 opportunity for expenditures. And I'm not sure if I'm
21 getting the substance of that issue to you.

22 COMMISSIONER MAMBRUNO: It sounds like
23 something my accountant would try to tell me to get a
24 bigger bill from me.

16

1 I just want to know, have you tried to
2 increase the quote to give the minority -- give
3 minorities the opportunity to have the chance to be
4 effective in some of your programs and bid on these,
5 or is this something that you're prohibited from
6 because of maybe something that DAS has put on you?

7 I don't want to know about
8 depreciation. I just want to know about opportunities
9 for contracts going out into the communities.

10 MR. SMITH: To the extent that we have
11 real expenditures, we make every effort to include
12 small business and minority business, and give them an
13 opportunity to participate in those.

14 COMMISSIONER MAMBRUNO: Have you worked
15 with the staff, our staff, to see if they had some
16 recommendations for you regarding this?

17 MR. SMITH: We have.

18 MS. BRYANT: We requested the extension
19 from DAS. We didn't get it, but because of staff
20 we've scheduled more meetings, and I'm told that
21 that's positive.

22 COMMISSIONER MAMBRUNO: Could we please
23 have your name for the record?

24 MS. BRYANT: Nancy Bryant.

17

1 COMMISSIONER MAMBRUNO: So, you are
2 actively working with staff?

3 MS. BRYANT: Yes, we are.

4 COMMISSIONER MAMBRUNO: Thank you.

5 ACTING CHAIRMAN RHODES: I am an
6 accountant and I've got a little problem with that,
7 because it seems like you should have another account
8 that would receive that credit. And there's credits
9 in that account? Is that what you're telling me?
10 Depreciation, and you're debiting the expense part?
11 Yes?

12 MR. SMITH: Yes.

13 ACTING CHAIRMAN RHODES: Okay. That's
14 crazy for me. For business in the state of
15 Connecticut. Well . . . it's really crazy, really,
16 that you would do that, have that -- offset that
17 account like that.

18 It should be something by itself so the
19 depreciation would be real pure. It's not pure like
20 that.

21 MR. SMITH: As I said, this is
22 something that we will pursue with DAS to have that
23 rectified for future --

24 ACTING CHAIRMAN RHODES: Okay. Yeah.

18

1 MR. SMITH: -- future periods.

2 COMMISSIONER MAMBRUNO: I believe if
3 you put it maybe in another way to the Department of
4 Administrative Services and show them the importance
5 of this, these numbers, this contract compliance, and
6 the affect it is having on your agency, I believe they
7 may have a change of heart.

8 MR. SMITH: That's our hope also. And
9 as I said, we will be pursuing that. And hopefully
10 next year when we -- or next time when we are here
11 before you that will not be an issue.

12 ACTING CHAIRMAN RHODES: Maybe you can
13 let us know if that is corrected before that.

14 COMMISSIONER MAMBRUNO: Maybe sooner.

15 ACTING CHAIRMAN RHODES: Maybe we can
16 help assist.

17 MR. Smith: Sure.

18 ACTING CHAIRMAN RHODES: Alright.

19 Thank you.

20 MR. BINGHAM: Commissioner, I would
21 just like to say one thing considering the MBE, WEB
22 participation. I sat with Meg on the rating and
23 ranking last year. Last year they had a \$2,350,000.00
24 goal. This year it was 1 million. So, DAS and CHRO

19

1 recommended -- recognized the difficulties and the
2 goal had been lowered. But I know the DAS, and the
3 Commission, is -- they're proactive, and we really
4 don't want MBE's -- or contract compliance to be
5 interpreted as just construction. There are
6 professional services out there. There are
7 accountants, there are engineers, and there are things
8 in this field. And so, therefore, we felt that the
9 Department of Information and Technology should make a
10 concerted effort to find these people in these fields.

11 And I know for a fact -- I can speak
12 for Meg, is that we've continued to work with them to
13 help them to achieve their goals.

14 ACTING CHAIRMAN RHODES: It's not a
15 problem. It's just that -- being honest with you,
16 it's an accounting error. You should not have
17 depreciation going against an account like that. They
18 have so many things that are really not associated
19 with it. Okay. It's like -- and it kind of hides the
20 fact that what it's really there for. Do you
21 understand what I'm saying?

22 MR. BINGHAM: Yes. But when they made
23 the goal it wasn't on depreciation.

24 ACTING CHAIRMAN RHODES: No. I'm not

20

1 -- I'm not -- that's fine. I'm fine with them. It's

2 more so with the accounting folks.

3 MR. BINGHAM: Okay.

4 ACTING CHAIRMAN RHODES: Okay. We have

5 a motion on the floor for a second.

6 Any more discussion? (No response.)

7 All of those in favor . . .

8 (Whereupon all the Commissioners

9 responded aye.)

10 Opposed? Abstentions?

11 The ayes have it.

12 MR. BINGHAM: The next agency is the

13 Office of the State Treasurer, and we have Lea Glenvyk

14 Theodore Ginensky and Linda Hershman representing the

15 Office of the Treasurer. Any more people? (No

16 response.)

17 Thank you.

18 The affirmative action plan is

19 recommended for approval based on compliance with

20 Section 46(a)-68-58(a) b1, b3 and b4 of the

21 Affirmative Action Regulations. Their SBE goal for

22 2004/05 was \$248,172.00. They achieved -- they spent

23 \$299,964.00, so their total percentage was 121

24 percent.

21

1 Their MBE goal was \$62,036.00.

2 Achievement was \$100,839.00, or 162 percent.

3 For the fiscal year 2005/06, zero

4 quarters reporting the goal. The SBE goal is

5 \$378,970.00 and the MBE goal is \$94,697.00. And their

6 history is the plan had been approved all previous

7 years, or all five previous years.

8 ACTING CHAIRMAN RHODES: I need a

9 motion.

10 COMMISSIONER MAMBRUNO: I make a motion

11 to approve the plan of the Office of the State

12 Treasurer as recommended by staff.

13 However, I don't know if I need to make

14 another motion, but I want to understand why the

15 retention of annual filing status was retained?

16 You're retaining the annual filing status. Is that

17 correct, sir?

18 MR. BINGHAM: That's the

19 recommendation.

20 COMMISSIONER MAMBRUNO: Okay. That's

21 good.

22 Then I make a motion to accept staff's

23 recommendation to approve the plan of the Office of

24 the State Treasurer.

22

1 COMMISSIONER GRIFFIN: I second it.

2 ACTING CHAIRMAN RHODES: Okay. It's

3 seconded, and we'll get to a discussion?

4 You second it?

5 COMMISSIONER GRIFFIN: Yeah. I second

6 it.

7 ACTING CHAIRMAN RHODES: It's so moved

8 and properly seconded.

9 Discussion.

10 COMMISSIONER GRIFFIN: I just wanted --

11 you know, could you clarify that a little bit.

12 COMMISSIONER MAMBRUNO: No. We're

13 retaining the annual funds.

14 COMMISSIONER GRIFFIN: Oh, just

15 retaining the annual funds.

16 COMMISSIONER MAMBRUNO: Just for the

17 record, there are some new boxes that I'm not familiar

18 with. And since I need new glasses I can't see. So,

19 that's throwing me off.

20 COMMISSIONER NORTON: Did we -- if I

21 can just -- I know we're on this motion, but it

22 appears -- and when it comes to the Office of Consumer

23 Counsel that -- there's nothing checked there because

24 the statute seems to say that they're biannual, so we

23

1 don't necessarily do anything.

2 ACTING CHAIRMAN RHODES: Right.

3 COMMISSIONER NORTON: But in the case
4 of DOIT, there was a check here to retain the annual
5 filing status. Does that mean -- and I know I'm
6 backtracking because we already did them. Does that
7 mean that that agency asked to retain annual filing
8 status? Did ask or --

9 MR. BINGHAM: They asked once. It's
10 the recommendation of the reviewer that -- or to you
11 that it retain its annual filing.

12 COMMISSIONER NORTON: Okay. Because
13 they had at one point historically asked for annual
14 filing status, had been enjoying such, and you're
15 recommending that they retain it. Okay. And we did
16 it.

17 And so, are we going to, as a mater of
18 procedure, understand that our motions to accept the
19 recommendation, though it's unstated, will include the
20 checked box here for retaining annual status. Is that
21 how we're sort of working. Because we've passed
22 motions now when that's been -- maybe implicit, but
23 nonetheless not said.

24 MR. BINGHAM: Right.

24

1 COMMISSIONER NORTON: Then what I
2 wanted to ask is in the case of the State Treasurer,
3 which we're on now, that box is checked.

4 MR. BINGHAM: Yes.

5 COMMISSIONER NORTON: In the case of
6 the Department of Revenue Services it's not checked.

7 MR. BINGHAM: Right.

8 COMMISSIONER NORTON: And we just did
9 that. Does that mean that we did not maintain annual
10 filing status for that agency? Because I don't
11 remember?

12 ACTING CHAIRMAN RHODES: I've seen that
13 they retain the annual -- in my --

14 MR. BINGHAM: If I can help you,
15 Commissioner.

16 COMMISSIONER NORTON: Thank you.

17 MR. BINGHAM: It's only because staff
18 didn't check the box.

19 COMMISSIONER NORTON: Okay. So, we're
20 going to -- okay. So, just to state it out loud, like
21 the others before us, we -- our motions to accept the
22 recommendation include the subset recommendation that
23 they retain annual filing status?

24 MR. BINGHAM: That is correct.

1 COMMISSIONER NORTON: And that's what
2 we did in Revenue Services?

3 MR. BINGHAM: Right.

4 ACTING CHAIRMAN RHODES: And that's
5 what we're about to do with the State Treasurer?

6 MR. BINGHAM: Right.

7 COMMISSIONER NORTON: Thank you very
8 much.

9 ACTING CHAIRMAN RHODES: Okay. Are
10 your minds clear?

11 COMMISSIONER NORTON: I'm clear on it.

12 ACTING CHAIRMAN RHODES: Okay. Very
13 good.

14 All those in favor . . . ?

15 (Whereupon all the Commissioners
16 responded aye.)

17 Opposed? Abstentions?

18 The ayes have it.

19 MR. BINGHAM: The next agency is the
20 Connecticut Valley Hospital. Are there people here
21 representing Connecticut Valley Hospital.

22 I'm sorry. John Ontinay is here
23 representing them.

24 Okay. The recommended -- the

1 Connecticut Valley Hospital is being recommended for
2 approval based on compliance with Section
3 46(a)-68-58(a) b3 and b4 of the Affirmative Action
4 regulations.

5 For 2004/05, all quarters reporting,
6 the SBE goal was \$475,128.00. They achieved
7 \$625,899.00 for a percentage of 131.7 percent.

8 The MBE goal, \$118,782.00. They
9 achieved \$313,222.00. Percentage achieved, 263.7
10 percent.

11 For the fiscal year 2005/06, the first
12 quarter reporting, the goal -- the SBE goal,
13 \$742,932.00. They've achieved \$145,475.00, or 19.6
14 percent.

15 The MBE goal, \$185,734.00.
16 Achievement, \$110,679.00. Percentage achieved is 59.6
17 percent.

18 And they've been -- their five years,
19 they've been approved.

20 ACTING CHAIRMAN RHODES: Can I get a
21 motion?

22 COMMISSIONER NORTON: I'll move to
23 accept the recommendation of staff to approve the
24 Affirmative Action Plan of CVH.

1 COMMISSIONER GRIFFIN: So moved, and
2 second.

3 ACTING CHAIRMAN RHODES: It's moved and
4 properly seconded.

5 Any discussions? (No response.)

6 All those in favor . . . ?

7 (Whereupon all the Commissioners
8 responded aye.)

9 Opposed? Abstentions?

10 The ayes have it.

11 MR. BINGHAM: Okay. And the last
12 agency is the Division of Special Revenue.

13 Representing it is Leroy Watson and Paul Young. I'm
14 sorry. He's with the Division of Special Revenue.

15 The Division of Special Revenue's plan
16 is being recommended for disapproval based on
17 noncompliance with Sections 46(a)-68-58 b1, b2, b3 and
18 b4 of the Affirmative Action Regulations.

19 The set aside participation for the
20 fiscal year 2004/05, the SBE goal was \$168,374.00.

21 They achieved \$235,179.00, or 140 percent.

22 The MBE goal was \$42,094.00. They
23 achieved \$411,830.00 or 154 percent -- that doesn't
24 look right.

1 But their SBE -- for the current year
2 2005/06, two quarters reporting the goal, SBE goal,
3 196,412.00. They've achieved \$191,929.00, for a 98
4 percent achievement.

5 The MBE goal, \$49,103.00. They've
6 achieved \$91,551.00, or 186 percent.

7 The five history, they've been
8 approved.

9 ACTING CHAIRMAN RHODES: Okay. This is
10 recommended to be disapproved. I would like to hear
11 from them before we --

12 MR. YOUNG: My name is Paul Young. I'm
13 the Executive Director of the Division of Special
14 Revenue, and I am very disappointed that our plan is
15 up for disapproval. It is something that just
16 recently came to us on Thursday, so I haven't had a
17 chance to dissect it, but I assure you that Leroy
18 Watson, our Affirmative Action Officer and I, have
19 already met on it, and will continue to meet on it,
20 and we will get this plan back in line with the way it
21 should be, and it will get approved the next time
22 through.

23 Leroy, I think you also wanted to make
24 a comment.

1 MR. WATSON: Good afternoon.

2 This is kind of new for me. I'm not
3 used to being disapproved for anything. There's a
4 piece that goes excuses are the tools of incompetence.
5 One is not standing here to try and make excuses for
6 the Division of Special Revenue.

7 Historically we've had numbers that far
8 succeeded any expected goals. Hiring goals,
9 promotional goals, et cetera. We've done well. The
10 Commission has even recognized us over the years as
11 far as achieving goals.

12 But, once again, as I say, excuses are
13 tools of incompetence. In this particular situation
14 there are many, many instances and reasons why things
15 went the way they went. However, at this point in
16 time we're asking that the Commission give us the
17 opportunity to correct those deficiencies that we do
18 have in the plan, and that we can proceed from there.

19 ACTING CHAIRMAN RHODES: Let me ask you
20 a question. Based on the time schedule now you would
21 go on -- and it's recommended that you go -- we want
22 semi, which would be six months. But in actuality you
23 would have three months to come back before us.

24 MR. YOUNG: Right.

30

1 ACTING CHAIRMAN RHODES: Do you think
2 you could meet that?

3 MR. YOUNG: That would be very
4 difficult. We're a small agency with minimal turn
5 over. I mean, three last -- the entire year last year
6 there were three people that turned over. So, it will
7 be a challenge to try to get that.

8 COMMISSIONER NORTON: Well, can I ask a
9 question?

10 ACTING CHAIRMAN RHODES: Please.

11 COMMISSIONER NORTON: It seems to me
12 you're saying that you're a small agency so you don't
13 do a lot of hiring, so it would be hard to get a lot
14 of hires and meet goals, but . . . but it looks to me
15 as if the problem here is that you didn't show good --
16 it looks to me as if the problem isn't that you didn't
17 hire people who are goals. It looks to me like you
18 didn't show the good faith effort of explaining when
19 you didn't and how you didn't.

20 MR. WATSON: And that's part of the
21 deficiency, the fact that the explanation wasn't
22 complete.

23 We only hired three people during the
24 course of the last reporting period, and out of those

31

1 three individuals one person was via a union contract
2 person and we had to take the person. Those kind of
3 instances were not drawn out as far as the explanation
4 of why the hires took place. And that's the purpose
5 of the deficiency.

6 COMMISSIONER NORTON: So -- but just to
7 return to Commissioner Rhode's original question, if
8 those are the problems, what would having to resubmit
9 in three months --

10 MR. WATSON: Absolutely nothing.

11 COMMISSIONER NORTON: Yeah. It's --

12 MR. WATSON: The workforce hasn't
13 changed during the course of the last five years, let
14 alone, that drastically. Other than early retirement
15 kinds of situations, the workforce just hasn't turned
16 over during the course of the last five years, let
17 alone in three months, with that happening. So, you
18 can see the kind of significant change.

19 ACTING CHAIRMAN RHODES: Okay.

20 Alright. Any more Commissioners? Any more
21 discussion? (No response.)

22 We thank you.

23 Okay, Commissioners, before we put this
24 on I want you to totally understand what -- if you

32

1 should put in motion what you're doing.

2 Currently they were on an annual
3 status, filing status. The recommendations were
4 disapproved. And it's also recommending that they go
5 to semi annual filing status.

6 Now, you've heard the discussion. If
7 we go to semi annual filing status, I don't know if
8 you want staff to give you a little bit more, or do
9 you --

10 COMMISSIONER NORTON: I don't know if
11 -- I'm sorry. Was the motion to accept --

12 ACTING CHAIRMAN RHODES: There's no
13 motion yet. I'm saying the recommendation is. And
14 I'm also asking do you want staff to discuss with you
15 what they think -- they've just said that in three
16 months they will not be able to -- or there will be no
17 -- and I take it we're in the business of making sure
18 that they comply, you know, and do the right thing.

19 COMMISSIONER NORTON: See, I drew a
20 different conclusion than you did about the three
21 month deal. Since you have to be done three months
22 before the filing time -- three months before six
23 months is three months from now.

24 ACTING CHAIRMAN RHODES: Right.

1 COMMISSIONER NORTON: At first it
2 seemed to me they started to blanch at the idea of
3 doing it that soon because they didn't hire a lot of
4 people. That seems to me to actually make it a
5 simpler task, not a more complicated task to have a
6 filing done right.

7 ACTING CHAIRMAN RHODES: Okay. I
8 understand that.

9 COMMISSIONER NORTON: And I -- someone
10 from our agency ought to correct me if I'm making a
11 bad analysis there.

12 I don't know, is Neva around?

13 MR. BINGHAM: You're correct,
14 Commissioner.

15 COMMISSIONER NORTON: Okay. I guess --
16 you know, and just recently we've been sort of looking
17 more deeply than we had before about annual and semi
18 annual filings. And regardless of where people fall
19 on interpreting the statute, or the issue, it does
20 seem to me in my review that annual filing, while not
21 exactly a gift, could be considered to be something to
22 be given to people who are doing it all right. And
23 so, it seems to me that imposing a semi annual filing,
24 at least for the next round, might be appropriate to

34

1 the extent that it is ever so slightly a pat on the
2 back to the people who are doing it all right. And
3 maybe it's a pat you don't get for people who aren't
4 doing it all right. Does that make sense, what I just
5 said?

6 COMMISSIONER MAMBRUNO: For you, Andy,
7 it does.

8 ACTING CHAIRMAN RHODES: Mr. Teed, do
9 you want to address the Commission?

10 MR. TEED: Yeah. For the record, I'm
11 David Teed, Assistant Attorney General. In the
12 opinion that you have in your packets is the annual
13 filing standards and the standards that you have to
14 find in order to take annual filing status away. So
15 you might want to look at that before you decide on
16 this question.

17 COMMISSIONER NORTON: So, in David's
18 thing here he talks about -- I think the regulatory
19 fleshing out of that, where he's got three standards.
20 Time limits of prior submissions. I guess that --
21 that says you can give annual filing base status to
22 any agency you want if by our regulations -- I mean,
23 to put it broadly, they've been good. And they've
24 been timely. They've been in compliance. They've

35

1 demonstrated good faith effort.

2 Now, if we don't agree with the
3 conclusion that our agency has made about special
4 revenue, then we might disagree, but if we do agree,
5 they at least have not done item three, which is
6 demonstrated every good faith effort.

7 So, again, whether you want to look at
8 it as punitive I'm not sure you need to. Annual
9 filing status would be given to someone who's doing it
10 good. And if they're not, then it sort of devalues
11 giving annual status as a relief to every other agency
12 if we're going to always give it.

13 MR. BINGHAM: And you need an approved
14 plan to get annual status.

15 COMMISSIONER NORTON: Yeah. Okay.

16 COMMISSIONER GRIFFIN: Just for --
17 again, just for clarification. Are you saying that if
18 someone's been doing it good for six years and this
19 situation arises that you don't take that into
20 consideration?

21 I mean, you know --

22 MR. BINGHAM: You have to have an
23 approved plan.

24 COMMISSIONER GRIFFIN: Right.

1 COMMISSIONER NORTON: Okay. So, what
2 the Executive Director is saying is that if we decide
3 to disapprove this plan, you don't get to have the
4 benefit of annual filing.

5 MR. TEED: Right. Exactly.

6 COMMISSIONER NORTON: And the motion is
7 to disapprove the plan --

8 ACTING CHAIRMAN RHODES: There is no
9 motion yet.

10 COMMISSIONER NORTON: Well, the
11 recommendation from the staff.

12 ACTING CHAIRMAN RHODES: Yup. You need
13 an approved plan to get the annual filing status,
14 which is clearly stated. Okay?

15 MR. GRIFFIN: Could I just hear briefly
16 from staff --

17 ACTING CHAIRMAN RHODES: You want to
18 hear from Neva?

19 COMMISSIONER GRIFFIN: Is it Neva?

20 ACTING CHAIRMAN RHODES: Who do you
21 want to hear from. She's here. What do you want to
22 hear from her for?

23 COMMISSIONER GRIFFIN: Just for my sake
24 -- you know, just how -- some of the numbers are

1 confusing. How you arrived at the total disapproval?

2 MS. VEGIZZI: Pardon me?

3 COMMISSIONER GRIFFIN: The disapproval.

4 MS. VEGIZZI: Yes.

5 COMMISSIONER GRIFFIN: Just explain it

6 a little bit.

7 MS. VEGIZZI: Why the plan is

8 disapproved. Because there are a lot of discrepancies

9 in this affirmative action plan. Unfortunately

10 discrepancies have been a problem in the past few

11 years in affirmative action plans.

12 I couldn't determine really who was

13 hired. When I go to the goals analysis to figure out

14 why they didn't meet their goals, and the reason, the

15 information in the goals analysis was different from

16 information in other sections of the plan. I couldn't

17 make an analysis of their goal achievement and the

18 reasons why they didn't meet their goals.

19 COMMISSIONER GRIFFIN: Okay. That's

20 it. I just wanted to --

21 ACTING CHAIRMAN RHODES: Okay. Thank

22 you.

23 Alright, Commissioners. Are we through

24 with the discussions? Are you set? Everybody set?

38

1 (No response.)

2 Okay. Can I get a motion?

3 COMMISSIONER GRIFFIN: I would move
4 that we accept staff's recommendation to disapprove
5 the affirmative action plan of the Department of
6 Special Revenue which implicitly includes conversion
7 to a six month or semi annual filing.

8 ACTING CHAIRMAN RHODES: Okay.

9 COMMISSIONER MAMBRUNO: I second that
10 motion.

11 ACTING CHAIRMAN RHODES: It's been
12 moved and properly seconded. All those in agreement,
13 aye?

14 (Whereupon all the Commissioners
15 responded aye.)

16 Any opposed? Abstentions?

17 The ayes have it.

18 And I think that through the
19 disapproval that -- I believe you will work with our
20 staff and try to -- try to correct those deficiencies?
21 Okay. You will work with them. Okay. And hopefully
22 we'll -- within -- we say six months, but really three
23 months, we'll have those discrepancies taken care of.

24 Okay.

1 MR. BINGHAM: Do you have a packet that
2 talks about state agencies request for a petition for
3 annual filing with a letter. I just wanted to go over
4 that.

5 Do you have it?

6 ACTING CHAIRMAN RHODES: Yes.

7 MR. BINGHAM: Okay. It just says, "The
8 attached report will just outline every state agency
9 that petitions the Commission for the annual filing
10 based on Section 46(a)-68-74 of the Affirmative Action
11 regulations. The report provides the date the request
12 was made, the Commission's recommendation with a date,
13 and the reason for granting the request."

14 ACTING CHAIRMAN RHODES: Okay.

15 MR. BINGHAM: And agencies that have
16 less than 20 employees are on biannual status -- are
17 granted biannual status.

18 And pursuant to Section 46(a)-68-52 for
19 the Connecticut Affirmative Action Regulations, once
20 the Commission has formally approved the affirmative
21 action plan, an agency may petition to file further
22 affirmative action plans on an annual basis.

23 And then the three factors that
24 determine whether an agency could be granted annual

40

1 filing is, one, timeliness of prior submissions. Two
2 is the degree of which the prior plans are in
3 compliance. And three, whether the agency has
4 demonstrated every good faith effort to achieve the
5 goals of the plan.

6 ACTING CHAIRMAN RHODES: Uh-huh.

7 MR. BINGHAM: So that -- so that has --
8 you have the whole thing.

9 ACTING CHAIRMAN RHODES: Okay.

10 COMMISSIONER NORTON: Can I ask a
11 question about this?

12 MR. BINGHAM: Sure.

13 ACTING CHAIRMAN RHODES: So, I'm sorry,
14 we're talking about this sheet?

15 MR. BINGHAM: Yes.

16 ACTING CHAIRMAN RHODES: So, we got in
17 our records -- for just an example -- that in 1986,
18 July 3rd, Capital Community College asked for annual
19 filing status.

20 MR. BINGHAM: Right.

21 ACTING CHAIRMAN RHODES: And it was
22 granted 19 days later. And we've got those records
23 for all sources.

24 Now, in some agencies . . . like, for

41

1 example, the Office of the State Comptroller, we
2 cannot find their application or a record of the grant
3 of annual filing.

4 MR. BINGHAM: Right.

5 ACTING CHAIRMAN RHODES: So, would they
6 have to sort of come at that -- sort of for the first
7 time if we wanted to start --

8 MR. BINGHAM: No. I believe their on
9 annual filing. We just had to go -- we -- the
10 assignment was just to go back and try to substantiate
11 how things and when things happened.

12 COMMISSIONER NORTON: Okay. And,
13 again, that's through the State University system?

14 MR. BINGHAM: Yes.

15 COMMISSIONER NORTON: We understand --
16 we observe that they've been filing annually and must
17 have been graded it at some point. Right now we just
18 don't have our hands on some of the papers.

19 MR. BINGHAM: Correct.

20 COMMISSIONER NORTON: But by the way,
21 just for other people out here, for most agencies, by
22 far, we have the paperwork.

23 And another agency here I'm not going
24 to mention.

42

1 Now, with -- and then one -- what is
2 the difference -- when I get to the Department of
3 Public Safety I see cannot -- in the right hand column
4 it says cannot find petition for annual filing. But
5 it says granted November 8th of 1989. Does that mean
6 we have like minutes recording --

7 MR. BINGHAM: We probably found a
8 letter of the granting, of them being granted, but we
9 couldn't find the petition letter.

10 COMMISSIONER NORTON: Okay. And then
11 there's one case that jumps out as being different
12 from all the others, is the Department of Veteran's
13 Affairs. We -- they're not an annual basis?

14 ACTING CHAIRMAN RHODES: They are, but
15 we couldn't find the documentation.

16 COMMISSIONER NORTON: No. It says did
17 not grant in this case.

18 MR. BINGHAM: Okay. Then that's --

19 COMMISSIONER NORTON: Does that mean
20 you have record of us refusing their request or no
21 record?

22 MR. BINGHAM: We couldn't find any
23 records for the Department of Veterans.

24 COMMISSIONER NORTON: Have they been

43

1 filing annually?

2 MR. BINGHAM: I believe they have.

3 COMMISSIONER NORTON: Okay.

4 ACTING CHAIRMAN RHODES: That's a
5 little confusing.

6 COMMISSIONER NORTON: Okay. By the
7 way, you've chosen some different words to use here.
8 For Public Works you said we cannot find the
9 paperwork.

10 MR. BINGHAM: Right.

11 COMMISSIONER NORTON: For Veteran's
12 Affairs you write did not grant. If I was reading --
13 not if -- I did read it. In one case I feel you can't
14 find the paperwork, and in the other case I feel like
15 you did find some paperwork, and the paperwork said
16 they were refused. That's how I interpret it. But
17 you're saying I shouldn't interpret it that way?

18 MR. BINGHAM: No. That's probably
19 right. It's just that going through all the files and
20 the --

21 COMMISSIONER NORTON: Okay. Alright.

22 And so are there any agencies -- would
23 it be the interpretation of our agency that once we
24 converted to six month filing, like just happened with

44

1 Special Revenue, that they be on six months until we
2 affirmatively granted them annual status again?

3 MR. BINGHAM: They would petition.

4 COMMISSIONER NORTON: Okay. So,
5 they're not just on six month filing for the next
6 filing, they're now on a six month filing cycle.

7 MR. BINGHAM: Correct.

8 COMMISSIONER NORTON: And that they
9 will not be released from until they petition again?
10 Which they may do three months from now?

11 MR. BINGHAM: Right.

12 COMMISSIONER GRIFFIN: Question. If
13 they petition us, the Commission will vote to approve
14 that or change it?

15 MR. BINGHAM: The commission.

16 COMMISSIONER GRIFFIN: The commission.

17 MR. BINGHAM: Right.

18 COMMISSIONER GRIFFIN: Thank you.

19 ACTING CHAIRMAN RHODES: Okay. Thank
20 you.

21 COMMISSIONER NORTON: Thank you. This
22 is good. Thank you.

23 ACTING CHAIRMAN RHODES: What I want to
24 do at this point, all those who have had their plans

45

1 approved, so we don't drag you through this whole
2 thing, if you choose to leave right now please feel
3 free.

4

5 (Whereupon there was a mass exodus of
6 participants.)

7

8 ACTING CHAIRMAN RHODES: Okay. We can
9 proceed with the fiscal report.

10 MR. INGRAM: Ms. Colon please.

11 MS. COLON: Good afternoon,
12 Commissioners. I'll wait until everyone is ready.

13 For the record, my name is Nandy Colon,
14 and I'm a Business Manager.

15 If everyone has it we can begin.

16 ACTING CHAIRMAN RHODES: Please.

17 MS. COLON: Okay. I'll start with the
18 financial status report. Pretty much everything on
19 that report is the same as last months. So, if you
20 have any questions I'll be free to answer those.

21 ACTING CHAIRMAN RHODES: No. I'm okay.

22 MS. COLON: We still have five
23 vacancies, which I'll discuss as part of the position
24 status report.

46

1 ACTING CHAIRMAN RHODES: Is there five
2 or six?

3 MS. COLON: Five.

4 ACTING CHAIRMAN RHODES: The report
5 says six.

6 MS. COLON: Well, actually, that should
7 have been changed.

8 We had -- when this report -- when the
9 financial report was generated we still had one person
10 on the record, which was William Harnell, who recently
11 left.

12 We still have the adjudicator. The
13 recruitment for that is ongoing. The position -- the
14 vacancy announcement closed as of April 7th.

15 We still have a Sec One position that's
16 going through the channels at OPM.

17 Continuing down, we still have the
18 Human Rights Referee, which as we all know is
19 appointed by the Governor's Office.

20 We have a HRO Rep that's in the Fair
21 Housing Unit. And we have another that's sitting in
22 the Capital Region Office.

23 ACTING CHAIRMAN RHODES: That's six;
24 right?

47

1 MS. COLON: And that should be -- one,
2 two, three, four, five. That should be -- oh, you're
3 right. We do have one more vacancy in the Southwest
4 Region that's a HRO Rep also. So, we're waiting on
5 the list to get generated for that from DAS.

6 ACTING CHAIRMAN RHODES: Alright.

7 MS. COLON: Okay?

8 ACTING CHAIRMAN RHODES: Uh-huh.

9 MS. COLON: Do you have any questions?

10 ACTING CHAIRMAN RHODES: Any questions?

11 (No response.)

12 MS. COLON: No. Hearing none. Thank
13 you.

14 ACTING CHAIRMAN RHODES: Thank you.

15 MS. COLON: You're welcome.

16 ACTING CHAIRMAN RHODES: The operations
17 report.

18 MR. INGRAM: Mr. Newton.

19 MR. NEWTON: Good afternoon.

20 ACTING CHAIRMAN RHODES: How you doing?

21 MR. NEWTON: Good. How are you?

22 The report on the case law statistics
23 is in your packet. It's pretty standard. It's the
24 same format that you've been receiving for the past

48

1 several months. Right now we have 2,265 cases
2 pending. And I'll just give you a few extra updates.

3 Our EEOC contract this year is 1,596
4 cases, and the federal fiscal year runs from October
5 1st through September 30th, and we're -- we've more
6 than met half our goal for that. So, we should have
7 no problem meeting our EEOC contract obligations.

8 And just to give you an update on the
9 status of our Bridgeport office, the court in
10 Bridgeport, Superior Court, has upheld the eviction
11 proceedings that the landlords of the 1057 Broad
12 Street have initiated. There's been no ruling yet as
13 to when we will have to leave. But Public Works is
14 making headway with a new location that should be more
15 than adequate for our staff, and hopefully we'll have
16 everything finalized before we get in a position where
17 a move is imminent.

18 ACTING CHAIRMAN RHODES: Okay.

19 MR. NEWTON: Any questions on anything?

20 ACTING CHAIRMAN RHODES: Commissioners,
21 you're all set? (No response.)

22 Thank you.

23 ACTING CHAIRMAN RHODES: Legislative
24 report. Ms. Ferguson.

1 MS. FERGUSON: Good afternoon.

2 ACTING CHAIRMAN RHODES: Good
3 afternoon.

4 MS. FERGUSON: I have some not so good,
5 good and great news to report to you. The not so good
6 news, and it's not bad, bad news, is that our two
7 bills, 5733 and 5800, did not make it out of the
8 Judiciary Committee by the JF reporting deadline on
9 March 27th. However, we can go back and resubmit
10 those proposals next year.

11 COMMISSIONER NORTON: Are they -- I'm
12 sorry, can you say the numbers again.

13 MS. FERGUSON: 5733 and 5800.

14 COMMISSIONER NORTON: Thank you.

15 MS. FERGUSON: You're welcome.

16 The good news is that one of the bills
17 reported out of the Judiciary Committee that we have a
18 particular interest in is House Bill 5597, an act
19 concerning discrimination, and this is the bill that
20 would add gender identity or expression as a protected
21 class to our statutes, as well as to other statutes.

22 The other piece of good news is that
23 all of the Commissioners that have either been
24 reappointed or appointed this session will have been

50

1 confirmed as of this afternoon by both the House and
2 the Senate.

3 The great news is that the budget that
4 was reported out by the Appropriations Committee
5 provides for five new positions, HRO Representative
6 positions for CHRO. As I reported at the last
7 meeting, we made a pretty good case for the need for
8 additional positions because of the time it currently
9 takes us to assign an investigator to a compliant when
10 it's been retained for full investigation. And at
11 this point we just have to continue to monitor the
12 situation and hope that those five positions stay in
13 the budget that's ultimately passed by the General
14 Assembly.

15 So that is my report for this
16 afternoon.

17 ACTING CHAIRMAN RHODES: Okay. Can I
18 ask you a question?

19 MS. FERGUSON: Certainly.

20 ACTING CHAIRMAN RHODES: So, we've --
21 currently we've established the 98 positions, that's
22 including the six that Nandy was talking about, and
23 now you're telling me there are five more under that.

24 MS. FERGUSON: Which would bring us up

51

1 to 103 authorized positions.

2 ACTING CHAIRMAN RHODES: Okay.

3 Alright. That's the only thing I need to know.

4 Anyone else? Any questions? (No
5 response.)

6 Thank you.

7 Okay. The Managing Director's report.

8 Mr. Brothers please.

9 MR. BROTHERS: Good afternoon,

10 Commissioners,

11 My report actually is very brief, and
12 that's good news. Most things are status quo.

13 I'm happy to announce that the three
14 newest attorneys in the Legal Department have passed
15 their probationary period and have proven to be a
16 great asset to the success of our unit.

17 I'm just curious, we actually have a
18 couple reopenings today. If by a show of hands you
19 can show me -- for the Connecticut Transit. Is there
20 anyone here for the Connecticut Transit reopening?

21 The second one is Berkley Risk
22 Administration.

23 Okay. Other than that, everything is
24 status quo.

1 ACTING CHAIRMAN RHODES: Okay. Thank
2 you.

3 The Clerical Manager's Report.

4 MR. INGRAM: This may or may not be
5 good news, but there won't be a report in that
6 category today.

7 And in closing my report, I would like
8 to bring you up to date on the status of our move from
9 this location, and it appears as of this week that
10 we're not moving any time soon. Under the bill that
11 proposed to transfer the building to the Charter Oak
12 Health Clinic, we had until 2007 to vacate, but in
13 recent conversations it appears that we have no budget
14 to effectuate the move.

15 ACTING CHAIRMAN RHODES: Right.

16 MR. INGRAM: And that there's no
17 possibility currently of us moving before two years
18 time. So, that's where we stand at this point. We'll
19 be here, it seems, for the foreseeable future.

20 And that concludes my report.

21 ACTING CHAIRMAN RHODES: Thank you.

22 COMMISSIONER MAMBRUNO: Could I ask a
23 question?

24 ACTING CHAIRMAN RHODES: Huh?

1 COMMISSIONER MAMBRUNO: Could I ask a
2 question?

3 ACTING CHAIRMAN RHODES: Oh, I'm sorry.

4 COMMISSIONER MAMBRUNO: Mr. Director,
5 does that have to do -- the move have anything to do
6 with the new parking arrangements down stairs? I've
7 noticed a whole block of disabled parking, which was
8 never there before. I just wanted to know whether or
9 not that was something the state did to correct
10 previous ADA violations or was that something that the
11 people that now claim to own the building did?

12 MR. INGRAM: No. The state did it.
13 The people who will own the building, if we ever
14 leave, have no authority to make those decisions, so
15 DPW still makes those decisions.

16 But there has always been a demand for
17 more handicap parking.

18 It was many -- many requests had been
19 made to upgrade the handicap parking, so DPW finally
20 did something about it.

21 COMMISSIONER MAMBRUNO: Okay. Thank
22 you.

23 ACTING CHAIRMAN RHODES: Thank you.

24 Next we have under the new business

54

1 request for contract compliance. Ray. Or exemption,

2 I should say.

3 MR. PECH: Good afternoon,

4 Commissioners.

5 Just for the record, I'm still Ray

6 Pech. I'm still the Assistant Director, and I'm here

7 to talk about contract compliance exemptions, and then

8 another subject under old business.

9 You've got two exemption requests in

10 your packet. The first is a request from Southern

11 Connecticut State University regarding an education

12 affiliation agreement with the Department of Veterans

13 Affairs, the federal Department of Veterans Affairs.

14 You actually ruled on something similar

15 to this a year ago. I think that one was from

16 Central.

17 But basically reducing it to simple

18 terms, the Audiology Department at Southern

19 Connecticut, where people obtain their masters of

20 science in audiology, wants to establish an

21 affiliation with the Department of Veterans Affairs

22 for their graduate students to get clinical experience

23 dealing with ear problems. And the DVA is willing to

24 provide a really supply of veterans, either inpatient

55

1 or outpatient, who have hearing issues as a clinical
2 patients for these folks to gain some experience with.

3 There's no money that changes hands in
4 either direction on this. There's no reason in my
5 mind why you shouldn't grant that exemption.

6 ACTING CHAIRMAN RHODES: Do we have a
7 motion?

8 COMMISSIONER GRIFFIN: I move that your
9 exemption be granted.

10 ACTING CHAIRMAN RHODES: So moved.

11 COMMISSIONER NORTON: Second.

12 ACTING CHAIRMAN RHODES: So moved and
13 properly seconded. Then under new business requests,
14 A be granted. All those in favor?

15 (Whereupon all the Commissioners
16 responded aye.)

17 Opposed? Abstentions?

18 The ayes have it.

19 Next.

20 MR. PECH: Thank you.

21 The second one is something we haven't
22 seen before, at least not from my memory, and that
23 goes back almost 30 years, so I suspect we haven't
24 seen it.

1 The State, particularly the Department
2 of Administrative Services, but acting on behalf of
3 several other agencies in the same situation, has
4 asked for an exemption with respect to certain
5 residential leases that the state enters with -- what
6 happens is a lot of state facilities, particularly the
7 hospitals, CVH, where I used to work another life time
8 ago, had some residents on the campus which were
9 rented to staff members. This is basically a benefit
10 to the agency. They've got somebody on hand if
11 there's an emergency, they need to get somebody there
12 quickly. DOC I think has similar things. DEP has
13 some. There are a number of agencies that own
14 residencies that they rent to employees of the agency
15 where the residence is, or very near.

16 Apparently up until now it's been a
17 hodgepodge of leases negotiated by the various
18 agencies. DAS wants to bring one master lease, one
19 form lease, and they've been working with the AG to
20 get that lease. And during the course of their
21 discussions it came up, hey, do we have to include the
22 language of 4(a)-60, the nondiscrimination stuff.
23 That's what came to me a couple of weeks ago, and
24 that's what resulted in my memo.

1 I don't think this is -- I think this
2 is something for which an exemption should be granted.
3 Again, the state is paying out no money. And to go
4 back to what I've said over and over on these things,
5 the real issue with the language of 4(a)-60 is when
6 the state spends money for goods and services or and
7 contracts, whatever, the goal of the whole provision
8 is when we spend money, to see that that money is
9 disbursed to the diverse community out there and not
10 to a select group of providers all the time.

11 The state is not paying any money on
12 this. We're taking in money in rent. The rent is
13 somewhat reduced as an inducement for an employee to
14 decide to live on campus. But we're not paying out
15 anything. The employee -- the leases contain
16 provisions that they're not going to run a business
17 out of the place, that they're going to use it only
18 for a single family resident for the employee and his
19 or her immediate family. They can't sublet it to
20 anybody. So, there's all kinds of provisions in the
21 lease, and I don't -- again, I don't see anything here
22 that would result somehow in a violation of our laws
23 down the road.

24 So, I recommend also that this one be

58

1 granted.

2 ACTING CHAIRMAN RHODES: Motion?

3 COMMISSIONER NORTON: What -- can I

4 just ask you a hypothetical. You said the lease is

5 with someone who's maybe a doctor at CVH or tends to

6 Devil's Hop Yard Park and they live, you know, in a

7 house or something. What -- why couldn't the language

8 that -- the nondiscrimination language somehow be put

9 into the lease, or is it just going to be irrelevant

10 in a --

11 MR. PECH: Well, I think it's more

12 irrelevant in that the person -- the employee to whom

13 it's being rented is not an employer -- is not in a

14 situation where he or she is going to be in a position

15 to violate any of the discrimination laws. They're

16 single owner family. They can't sublet it, so they're

17 not going to violate the housing laws.

18 COMMISSIONER MAMBRUNO: Is this more to

19 make sure that the state just collects a fair market

20 value for the rents that they do put out for the

21 individuals that lease the houses?

22 MR. PECH: I'm not sure what you mean

23 by is this more --

24 Fair market value, according to this

59

1 form contract that's been devised between the AG and
2 DAS calls for 70 percent of fair market value. As I
3 said, that's as an inducement to get an employee -- I
4 mean, I can envision if I worked at DOC or if I worked
5 at CVH, which I actually did, many, many years ago, I
6 would not want to live there. I would like to get
7 away when I'm off duty. So, this an inducement to get
8 folks to stay there.

9 COMMISSIONER MAMBRUNO: But
10 collectively you want everyone to go under the same
11 regulations or rules for the rent?

12 MR. PECH: Right. They want a form
13 lease for DEP, DOC, Mental Health, whoever owns the
14 property and is renting it to their employers. I
15 guess now -- employees, rather.

16 I guess now there's been -- you know,
17 DEP had it's lease, DAS had it's own, DPW had their's
18 and --

19 COMMISSIONER NORTON: You know, there's
20 some spongy little deals going on there.

21 MR. PECH: There may well be. I've
22 read about some of them in the paper some times.

23 COMMISSIONER NORTON: There's that one
24 cop that got everything for free, except for gas so he

60

1 tried to get the heat converted to electric because he

2 got electric free.

3 ACTING CHAIRMAN RHODES: Okay. Can we

4 move on.

5 MR. PECH: Unless you have more

6 questions, I'm done.

7 ACTING CHAIRMAN RHODES: Are you done?

8 MR. PECH: I'm done.

9 ACTING CHAIRMAN RHODES: Not to cut you

10 short.

11 MR. PECH: I'm always done. You guys

12 are the ones that keep it going.

13 ACTING CHAIRMAN RHODES: Can I get a

14 motion?

15 COMMISSIONER MAMBRUNO: Motion to

16 approve the exemption for the state leases.

17 COMMISSIONER GRIFFIN: Second.

18 ACTING CHAIRMAN RHODES: Moved and

19 properly seconded.

20 Any discussion? Any more discussion?

21 (No response.)

22 All those in favor . . . ?

23 (Whereupon all the Commissioner

24 responded aye.)

61

1 Opposed?

2 The ayes have it. Thank you.

3 Next on old business a discussion of

4 six months filing status.

5 MR. PECH: Let me state -- I'm sorry.

6 Go ahead. I'm sorry.

7 ACTING CHAIRMAN RHODES: No, please.

8 MR. PECH: Let me just state at the

9 beginning I'm not quite sure why my name got attached

10 to this, but since it is, and I'm standing here I will

11 tell you that at your request after the last meeting

12 at which the whole issue -- the way this arose, if you

13 recall, was there were a number of plans disapproved

14 last month, and there was a proposal to put them on

15 six month status because they had been disapproved,

16 and you had some issues with that. You wanted David

17 T. to check with the AG. He's done that. You have

18 that letter --

19 MR. INGRAM: A form of order,

20 Mr. Chairman --

21 ACTING CHAIRMAN RHODES: Yes.

22 MR. INGRAM: The plans were approved by

23 default.

24 MR. PECH: Right.

1 MR. INGRAM: They were not disapproved.

2 MR. PECH: Did I say disapproved. I'm
3 sorry. I meant, approved by default. Sorry. That
4 was my mistake.

5 And as a result of that discussion you
6 asked for an opinion, which is now before you.

7 David is here, if you have specific
8 questions.

9 I want to say just one thing on the
10 whole affirmative action plan thing. I want to
11 publicly acknowledge if you, and obviously did, read
12 the plans that are before you today. There were no
13 approvals by default. And you saw some signatures on
14 those plans that you never saw before. I want to
15 publicly acknowledge both Gloria and Alvin for doing
16 work on these. I want to thank Neva for teaching us
17 how to review, although very briefly, and I would not
18 at any point hold up a plan that I reviewed certainly
19 to the standard that they do, but we did get it done.
20 And I also want to thank Vergie, who was inundated
21 with typing from different sources than she's used to.
22 And I know it was an effort, but it got done.

23 And with that, if you have questions, I
24 think David is probably in a better position to answer

63

1 them.

2 ACTING CHAIRMAN RHODES: Yes. Thank

3 you.

4 Anything can happen, Dave. You know,

5 it's --

6 MR. TEED: I know.

7 ACTING CHAIRMAN RHODES: Alright.

8 Commissioners, I hope that we all have read his

9 recommendation.

10 COMMISSIONER NORTON: Yes.

11 COMMISSIONER MAMBRUNO: David, could

12 you please summarize your brief for us please.

13 MR. TEED: Well, it's an opinion --

14 COMMISSIONER MAMBRUNO: Or your

15 opinion.

16 MR. TEED: Probably the best place to

17 summarize it is on the top of the second page where I

18 wrote, "The Commission, not the Executive Director,

19 makes the decision whether to approve, conditionally

20 approve or disapprove of agency affirmative action

21 plans, whether agencies must file their plans on an

22 annual or semi-annual basis, and whether an annual

23 filing privilege is to be rescinded."

24 That's really the conclusion. So,

64

1 other than that I think it's fairly clear.

2 ACTING CHAIRMAN RHODES: Is it
3 understood to all commissioners? Is it understood?

4 COMMISSIONER NORTON: I have a
5 question, or two.

6 I missed the beginning of the last
7 meeting, so I didn't have benefit of some of the
8 discussion that started out last meeting on this issue
9 of the six month versus twelve month filing. But it
10 seemed from the transcript when I went back and read
11 it that the issue rose up regarding agencies that have
12 been approved by default. As I read -- I think you
13 gave us your opinion, and also I've got a copy of the
14 statute that was included -- I don't know if you did
15 it or the CHRO staff did. And then there's the regs.
16 Default status doesn't seem to me to be an issue and
17 play so much in deciding -- I mean, the fact --

18 MR. TEED: That was the request that
19 came from the Chair.

20 COMMISSIONER NORTON: No, I understand
21 -- yeah. I understand that.

22 But then when I -- now that I have
23 benefit of our legal analysis, of the various factors
24 of whether or not they should get six months or twelve

65

1 months, whether they are approved by default or not
2 isn't at the meat of one of those factors. It's --
3 it's whether or not they failed to be timely
4 submitted. It's whether or not they're in compliance.
5 Whether or not they demonstrate a good faith effort.

6 MR. TEED: Yeah. Those are the
7 standards in the regulations. I quoted that
8 regulation in full in the opinion so that if this
9 issue comes up again as it did today, you'll have that
10 -- those standards in front of you, and then you can
11 make your decision.

12 COMMISSIONER NORTON: Okay. But you
13 would agree with the analysis that you would only give
14 annual status to an agency whose plan was approved?

15 MR. TEED: I don't think you are
16 precluded from giving annual status to an agency that
17 was disapproved.

18 COMMISSIONER NORTON: Okay. And then
19 the other thing that your -- your brief, or opinion,
20 noted is that the -- a number of state agencies have
21 already been granted annual filing status, and a list
22 of these agencies is contained in the regulations.
23 And as it happens, we also have in our packet, maybe
24 by virtue of the Executive Director, I'm not sure, a

1 list of I guess some of these agencies.

2 Now, why would that be in red?

3 MR. TEED: Because back when those regs
4 were passed all those agencies, and you have a listing
5 of them, all requested it, and then those names went
6 in that reg and they -- they -- one of the things
7 that's clear from the regulations is the fact that
8 once they request annual filing and it's granted, they
9 stay on it in perpetuity, unless and until this agency
10 revokes it. In other words, they don't have to come
11 before you every year and ask for it again. Unless
12 you take them off of it, they stay on it.

13 COMMISSIONER NORTON: Being listed in
14 the regs doesn't in any way hinder us from taking them
15 off of it?

16 MR. TEED: No, it does not.

17 COMMISSIONER NORTON: So, if someone
18 working at an agency or working in this agency,
19 reviewing an agency's filing schedule, they might look
20 at this and say, oh, okay, every October 15th. They'd
21 be making a mistake if they didn't go check the most
22 recent year -- well, the past year's minutes to find
23 out whether or not they had been removed?

24 MR. TEED: That's true.

67

1 COMMISSIONER NORTON: Okay.

2 MR. TEED: That's a rare bird though.

3 And in the agency -- this agency hasn't done that very
4 often.

5 COMMISSIONER NORTON: Okay. Well, let
6 me ask this -- Special Revenue -- and we've given --
7 we've done in the past, we've said, oh, you have to
8 come back after six months; right, because we felt --
9 well, we've done that conditional approval.

10 ACTING CHAIRMAN RHODES: Yeah.

11 COMMISSIONER NORTON: Have we not
12 lately told someone to come back after six months
13 instead of a year because we were upset with them.
14 Haven't we done that? Or not?

15 MR. TEED: It's unusual.

16 COMMISSIONER NORTON: Okay.

17 MR. TEED: I mean, there have been
18 plans that have been disapproved and you've kept them
19 on annual status.

20 COMMISSIONER GRIFFIN: That's because
21 we could not officially -- I mean, if we went to the
22 three months -- let's say they did have a change over.
23 In those three months we couldn't capture really what
24 they would have done correctly, you know, in that time

68

1 period. So, you know, that's really -- you got to go
2 case to case. You know, how we're able to capture
3 information, it gives us a snapshot of where they are
4 and what they're doing.

5 COMMISSIONER NORTON: Does that mean
6 then if -- do you think that the Department of Special
7 Revenue, which I use as an example, but they may in
8 fact be the example, now that they have to come back
9 in six months. Would you review -- would you view
10 them as someone who would have to petition to return
11 to annual status?

12 MR. TEED: Yes.

13 COMMISSIONER NORTON: And at this point
14 in time would you view them based on what you might
15 know that they are the only state agency right now in
16 existence that will have to petition to be on annual
17 status?

18 MR. TEED: As far as I know. I haven't
19 gone back to check the records, but I don't know of
20 any others that are in that situation.

21 COMMISSIONER NORTON: Are there others?

22 MR. TEED: The agency would have to
23 check its records in order to --

24 COMMISSIONER NORTON: Sure. Right.

1 MR. TEED: Not to my knowledge. I

2 don't know of any.

3 MR. INGRAM: If I can help you out,

4 Mr. Commissioner, the reason they are the only agency

5 at this time is because we just started following this

6 practice.

7 COMMISSIONER NORTON: Yeah. But I

8 wasn't sure if whether we knew it or not we had it --

9 incidentally followed this practice, which is -- well,

10 and part of this lies on the -- this -- whether or not

11 disapproving a plan means you can or can't be on 12

12 months. And your view would be that disapproval does

13 not necessarily mean falling into the, sort of

14 original statutory description of six monthly.

15 MR. TEED: Correct. I mean, it's clear

16 from the reg that you have to -- you have to look at

17 those factors and make a decision that based on those

18 listed criteria in the reg that they should not --

19 COMMISSIONER NORTON: Yeah.

20 MR. TEED: They should not have it.

21 COMMISSIONER NORTON: And that's what

22 Commissioner Griffin was sort of getting at when we

23 were discussing Special Revenue, and I --

24 COMMISSIONER GRIFFIN: Well, the staff

70

1 can make a recommendation -- you must understand,
2 staff can make a recommendation, and it's up to us to
3 concur or change.

4 COMMISSIONER NORTON: Yeah.

5 COMMISSIONER GRIFFIN: Okay.

6 ACTING CHAIRMAN RHODES: Anything else?

7 COMMISSIONER MAMBRUNO: Mr. Counselor,
8 previously we have had defaulted plans. Now, those
9 defaulted plans -- and probably you're not the person
10 to answer this, because it wouldn't be your -- you
11 wouldn't know, but were those put on six month status
12 because of defaulted status or were they put on
13 annual?

14 MR. TEED: I don't know the answer to
15 that.

16 MR. INGRAM: In the past they always
17 were annual. Always.

18 COMMISSIONER MAMBRUNO: Have we changed
19 any of them to six months?

20 MR. INGRAM: Not to my knowledge.

21 COMMISSIONER MAMBRUNO: Okay.

22 MR. INGRAM: The only default that we
23 would have under a six month status would be those
24 that we discussed last meeting.

71

1 COMMISSIONER MAMBRUNO: Could we have
2 staff present us next meeting with a list if any have
3 gone to six month status?

4 MR. INGRAM: Certainly.

5 COMMISSIONER NORTON: Well, it -- by
6 the way, just -- I wasn't at the beginning of the last
7 meeting, but in some ways I may have a fresh memory
8 that I was rereading the transcript today. My
9 understanding from the transcript was that this
10 meeting we would be determining whether we wanted to
11 put the people who were defaulted -- approved by
12 default at six months or twelve month status. That
13 the Commissioners -- and I wasn't -- I walked in just
14 as you ended this conversation. That the
15 Commissioners said we're going to wait until next
16 meeting before we decide whether --

17 ACTING CHAIRMAN RHODES: That's true.
18 That's true.

19 COMMISSIONER NORTON: I'm just pointing
20 that out because I --

21 ACTING CHAIRMAN RHODES: That's true.

22 COMMISSIONER NORTON: -- just read it.

23 COMMISSIONER GRIFFIN: And I wasn't
24 here at the last meeting, so I wasn't -- to address

72

1 that, from the transcript, that's the impression that

2 I got also.

3 MR. TEED: Were they given notice that

4 they may -- that that may happen. It might be

5 something you want to defer to the next meeting and

6 give the agency -- if you're contemplating putting

7 them on six months, semi annual status, you might want

8 to give them notice of that.

9 COMMISSIONER NORTON: I'm not

10 contemplating that, but . . .

11 COMMISSIONER GRIFFIN: No, we're not.

12 I don't think --

13 COMMISSIONER NORTON: Just to give you

14 a heads up as to whether or not somebody should start

15 typing letters.

16 COMMISSIONER GRIFFIN: I think -- to be

17 honest with you, I think that we've been enlightened

18 over the past month in terms of information. You

19 know, some times you go from -- from not knowing to

20 knowing. I think we've kind of -- we're going to

21 knowing and understanding some of the things you've

22 changed.

23 I don't know. Let me see if you want

24 to --

1 MR. INGRAM: No. The decision was
2 pending the outcome of the discussions being held
3 right now.

4 COMMISSIONER GRIFFIN: Right.

5 MR. INGRAM: But there were, I think,
6 three approvals by default.

7 COMMISSIONER GRIFFIN: Right.

8 MR. INGRAM: And the discussion was
9 delayed until this meeting.

10 So, they're not technically on six
11 months. That was supposed to be decided today.

12 COMMISSIONER GRIFFIN: On the whole
13 issue of default. Default does not give disapproval
14 of -- I mean, it gives approval of disapproval.

15 If it's default it's approve -- it's
16 approval.

17 MR. INGRAM: Yes.

18 COMMISSIONER GRIFFIN: So, therefore
19 the only time that we would have -- even be considered
20 with something like that would be in a disapproval
21 situation; right?

22 COMMISSIONER NORTON: And was that
23 right? Could you give them the six months even if
24 you're approved.

74

1 COMMISSIONER GRIFFIN: Well, that's
2 what we just went through just now.

3 COMMISSIONER NORTON: No. I didn't ask
4 that question.

5 ACTING CHAIRMAN RHODES: There are
6 three plans that are under question, okay, based on
7 our last meeting. And the question was to put them on
8 six or twelve.

9 So, not to muddy the waters, but if we
10 can address those three so we could move on --

11 COMMISSIONER GRIFFIN: That's -- I
12 think the question that I have is that if there hasn't
13 been any action taken on those disapproval -- those
14 plans have been approved. So, they remain on annual
15 filing status automatically.

16 MR. TEED: That's correct.

17 COMMISSIONER GRIFFIN: Because there's
18 no disapproval.

19 MR. TEED: That's correct.

20 COMMISSIONER GRIFFIN: That's what I
21 was saying when we were talking about Special Revenue.

22 MR. TEED: Unless -- yes.

23 COMMISSIONER GRIFFIN: Unless there's a
24 disapproval?

1 MR. INGRAM: No. Unless they don't
2 meet the criteria.

3 MR. TEED: The criteria, yes.

4 COMMISSIONER GRIFFIN: Well, the
5 criteria.

6 MR. INGRAM: Right.

7 COMMISSIONER GRIFFIN: For disapproval.

8 And nobody has lifted the criteria,
9 because normally it would be automatic that they go on
10 an annual filing status if there's no disapproval;
11 right?

12 MR. INGRAM: No. They still have to
13 meet the criteria.

14 MR. TEED: The criteria though is
15 pretty much the same. So it would be kind of hard to
16 give them an approval and then rescind their annual
17 filing.

18 COMMISSIONER NORTON: Yeah. But that
19 was my question.

20 ACTING CHAIRMAN RHODES: And we talked
21 about that last month.

22 So, I guess the question is,
23 Commissioners --

24 MR. INGRAM: Well, but that's not quite

76

1 correct. They could be approved, but they could have
2 been late. It could have been untimely filed. That's
3 what the criteria involved -- and that's why you have
4 those three items as the criteria to make that
5 determination whether they justify an annual or six
6 month filing schedule.

7 ACTING CHAIRMAN RHODES: I'm not sure I
8 can --

9 COMMISSIONER NORTON: Well, but there
10 are times when we've given approval even though we --
11 we've given approval to agencies even when this agency
12 has recommended disapproval.

13 MR. INGRAM: Correct.

14 COMMISSIONER NORTON: We've seen those
15 flaws and we've found them weighing not as heavy as
16 the agency -- this agency thought they were weighing.

17 MR. INGRAM: Correct.

18 ACTING CHAIRMAN RHODES: So, we've
19 given approval to people that we thought have been
20 derelict in some way, and you might decide that that
21 dereliction doesn't require disapproval, but does
22 require more often filing.

23 It doesn't seem kind of the way our --
24 it doesn't seem like the way we'd be leaning

1 generally.

2 MR. INGRAM: No.

3 ACTING CHAIRMAN RHODES: I mean,
4 obviously, there's some administrative burden that
5 converting most agencies to six month would place on
6 this agency. So, just in the way prosecutors don't
7 take on every case in the world, we may not want to.

8 MR. INGRAM: True.

9 ACTING CHAIRMAN RHODES: Okay. What's
10 in question are those three plans; right?

11 MR. INGRAM: Yes.

12 ACTING CHAIRMAN RHODES: Alright.

13 COMMISSIONER NORTON: I don't know
14 whether or not by taking no action we get done what I
15 wanted to get done, but I think it would be distinctly
16 unkind for the moment of approval by default to be
17 viewed as a moment when we start giving them the six
18 month filing, which is more burdensome.

19 I think we should -- those agencies
20 should -- unless there's something else outstanding, I
21 think those agencies --

22 ACTING CHAIRMAN RHODES: Well, that's
23 why I'm asking you for a motion on those three, to --
24 you can give them twelve --

78

1 ACTING CHAIRMAN RHODES: I don't know
2 the names of the three agencies.

3 COMMISSIONER MAMBRUNO: For the record,
4 why don't we vote for them.

5 COMMISSIONER GRIFFIN: Well, that's
6 what the Commissioner is suggesting.

7 ACTING CHAIRMAN RHODES: Yeah. That's
8 what I'm suggesting.

9 And I just want to be very clear that
10 there's no discrepancies going into vote.

11 In other words, there's -- no one's
12 found any discrepancies in he plans that were
13 defaulted.

14 COMMISSIONER NORTON: Yeah. I was
15 going to make a motion if someone told me the three
16 agencies to name in the motion.

17 Unless someone else wants to make a
18 motion, I don't care.

19 What were the three agencies last
20 month?

21 MR. PECH: I'm looking in my minutes.
22 The Department of Insurance was one.

23 MR. TEED: If you're going to take
24 action I want to suggest you amend the agenda to do

79

1 that first.

2 ACTING CHAIRMAN RHODES: We will do

3 that.

4 MR. TEED: Okay.

5 ACTING CHAIRMAN RHODES: I'm going to

6 ask -- could you come to the mike.

7 MS. GILMARTIN: My question is for

8 counselor --

9 ACTING CHAIRMAN RHODES: What's your

10 name?

11 MS. GILMARTIN: My name is Laura

12 Gilmartin and I'm with DAS.

13 Is it legal to put a -- put agencies on

14 six months when they have been approved by default?

15 That's what I wanted to ask.

16 ACTING CHAIRMAN RHODES: I think that

17 question may be moot.

18 MR. INGRAM: That's what the discussion

19 is about.

20 ACTING CHAIRMAN RHODES: Yeah. That's

21 a moot -- yeah.

22 COMMISSIONER NORTON: My -- I'm just

23 going to say it out loud, I mean, because you do that

24 when you have motions, even though the motion hasn't

80

1 been made.

2 I don't plan to put them on six month

3 filings. Is anyone else planning on doing that?

4 COMMISSIONER GRIFFIN: We don't know

5 until the plans are in.

6 Now, what is --

7 COMMISSIONER NORTON: It's a good

8 question.

9 MS. GILMARTIN: I'm just wondering, you

10 know, what you were saying, whether it was -- I mean,

11 certainly it doesn't seem fair if by default --

12 ACTING CHAIRMAN RHODES: The attitude

13 in your question is -- I share that attitude myself.

14 Like you're sitting there, wait a

15 minute, "what?" That's my attitude too.

16 ACTING CHAIRMAN RHODES: Right.

17 COMMISSIONER MAMBRUNO: I believe the

18 opinion written by Attorney Teed agrees with your

19 opinion.

20 ACTING CHAIRMAN RHODES: Yes.

21 MR. PECH: Excuse me. For the record,

22 since the question's been asked, the three agencies in

23 question from the last meeting are Cedar Crest

24 Hospital, Connecticut Mental Health Center and the

81

1 Insurance Department.

2 ACTING CHAIRMAN RHODES: Okay.

3 Do you have those, Commissioner Norton.

4 COMMISSIONER NORTON: I make them -- I

5 move that we amend the agenda to include a motion

6 dealing with the filing schedules of the Insurance

7 Department, Cedar Crest Hospital and Connecticut

8 Mental Health Center.

9 COMMISSIONER GRIFFIN: I second that

10 motion.

11 ACTING CHAIRMAN RHODES: It's been

12 moved and properly seconded.

13 Any discussion? Any discussion? (No

14 response.)

15 All those in favor . . . ?

16 (Whereupon all the Commissioners

17 responded aye.)

18 Ayes have it.

19 COMMISSIONER NORTON: Mr. Chairman, if

20 I may, I'd like to make a motion --

21 ACTING CHAIRMAN RHODES: Please.

22 COMMISSIONER NORTON: -- that the --

23 this Commission maintain annual filing status for the

24 affirmative action plans for the three agencies,

82

1 namely Insurance, Cedar Crest and the Connecticut
2 Mental Health Center.

3 COMMISSIONER GRIFFIN: I second the
4 motion.

5 ACTING CHAIRMAN RHODES: It's been
6 moved, properly seconded.

7 Any discussion? Any discussion on that
8 motion? (No response.)

9 All those in favor . . . ?

10 (Whereupon all the Commissioners
11 responded aye.)

12 The ayes have it.

13 No body opposes.

14 Okay. Very good. I think we're done
15 with that.

16 Discussion of affirmative action filing
17 status. Lena?

18 MS. FERGUSON: You will have in your
19 meeting materials -- I believe it was misfiled under
20 legislative report.

21 ACTING CHAIRMAN RHODES: Yeah.

22 MS. FERGUSON: -- the final draft of
23 our proposed amendments to the affirmative action plan
24 filing schedules.

1 It is essentially what was presented to
2 you back in January. We had a public hearing on the
3 proposed amendment to the regulations on March 21st.
4 No one appeared before us.

5 We did receive one comment from the
6 Department of Mental Health and Addiction Services,
7 and that was just to alert us to the fact that we
8 needed to make a correction to the name of their
9 facility, which has been done in the final draft.

10 So, we just need an order to move
11 forward in submitting these proposals -- this
12 amendment of the regulations to the Attorney General's
13 Office. We need your approval this afternoon.

14 COMMISSIONER NORTON: Where is it?

15 MS. FERGUSON: It should be in your
16 meeting packet under legislative report.

17 ACTING CHAIRMAN RHODES: Do we need a
18 motion?

19 MR. INGRAM: You need a motion, and
20 then once it is accepted you will have to sign it and
21 we have to file it with the Secretary of State.

22 COMMISSIONER GRIFFIN: Alright. I'll
23 make a motion to move on this regulation.

24 ACTING CHAIRMAN RHODES: Motion is --

84

1 can I get a second?

2 COMMISSIONER NORTON: So move as

3 second.

4 ACTING CHAIRMAN RHODES: Moved and

5 properly seconded.

6 Any discussion? (No response.)

7 All those in favor . . . ?

8 (Whereupon all the Commissioners

9 responded aye.)

10 The ayes have it.

11 MS. FERGUSON: Thank you.

12 ACTING CHAIRMAN RHODES: Okay. Motion

13 to go into executive session?

14 COMMISSIONER GRIFFIN: A motion to go

15 into executive session.

16 ACTING CHAIRMAN RHODES: Somebody.

17 COMMISSIONER MAMBRUNO: I make a motion

18 to go into executive session.

19 COMMISSIONER NORTON: Second.

20 ACTING CHAIRMAN RHODES: All those in

21 favor?

22 (Whereupon all the Commissioners

23 responded aye.)

24

85

1 (Whereupon Executive Session took
2 place.)

3

4 ACTING CHAIRMAN RHODES: Okay. I need
5 a motion to come back from Executive Session.

6 Before we take a vote let the record
7 state that we took no votes or discussed any personal
8 matters during executive session.

9 Motion please.

10 COMMISSIONER GRIFFIN: So move.

11 COMMISSIONER NORTON: Second.

12 ACTING CHAIRMAN RHODES: Moved and
13 properly seconded.

14 All those in favor . . .

15 (Whereupon all the Commissioners
16 responded aye.)

17 Very good.

18 And it says we will go to the reopening
19 requests. B1.

20 COMMISSIONER NORTON: I move that we
21 reject the request to reopen the case.

22 Oh, I'm sorry, are we on one or --

23 ACTING CHAIRMAN RHODES: One.

24 COMMISSIONER NORTON: Yeah.

1 Grossomanides versus Connecticut Transit/HNS

2 Management. I move that we do not reopen.

3 ACTING CHAIRMAN RHODES: Okay. That's

4 sufficient.

5 COMMISSIONER MAMBRUNO: Second.

6 ACTING CHAIRMAN RHODES: Moved and

7 properly seconded.

8 Any discussion? (No response.)

9 All those in favor say aye.

10 (Whereupon all the Commissioners

11 responded aye.)

12 Opposed? Abstentions?

13 The ayes have it.

14 COMMISSIONER GRIFFIN: I move that we

15 deny the reopening request for Passanisi versus

16 Berkley Risk Administrators.

17 ACTING CHAIRMAN RHODES: I need a

18 second.

19 COMMISSIONER NORTON: Second.

20 ACTING CHAIRMAN RHODES: It's been

21 moved and properly seconded.

22 Any discussion? Is there any

23 discussion?

24 COMMISSIONER NORTON: I would just like

87

1 to say that it appears to me that there were grounds
2 presented in the investigation for dismissal which
3 didn't necessarily relate to any of the reasons we've
4 made it illegal to dismiss people, which is that you
5 belong to a protected class, which could be age, race,
6 religion, ethnic origin, what-have-you. And that the
7 presumption on the part of the investigators for this
8 agency, that it was a credible defense, and that the
9 case for discrimination ground was not strongly made,
10 seems to me to be correct.

11 And that reopening is done only in
12 extreme circumstances. Reopening isn't a -- well, it
13 looks like maybe you could look at it this way or that
14 way.

15 Reopening is for when something was
16 done really wrong by the agency employee in making the
17 decision. And that doesn't appear to be the case at
18 all that something was done very wrong by this agency
19 in making the decision.

20 ACTING CHAIRMAN RHODES: We have a
21 motion on the floor.

22 Any more discussion? (No response.)

23 Any more discussion? (No response.)

24 All those in favor say aye.

1 (Whereupon all the Commissioners

2 responded aye.)

3 Apposed? Abstained?

4 Next we have the discussion of the Town

5 of Greenwich, and I'm just going to let everyone know

6 that we're not going to have that discussion today due

7 to pending litigation. Okay. We cannot discuss it at

8 this point in time, and we'll move on from there.

9 Okay. I think that's it.

10 Can I get a motion to adjourn.

11 COMMISSIONER GRIFFIN: So moved.

12 COMMISSIONER NORTON: Second.

13 ACTING CHAIRMAN RHODES: Moved and

14 properly seconded. All those in favor.

15 (Whereupon all the Commissioners

16 responded aye.)

17 ACTING CHAIRMAN RHODES: We're

18 adjourned.

19

20 (Whereupon the proceedings concluded

21 for the day.)

22

23

24

1 CERTIFICATION

2

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 April 18, 2006.

21 _____

22 Nancy E. Paretti

23 Notary Public

24 My commission expires February 28, 2007

