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STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

REGULAR COMMISSION MEETING
21 GRAND STREET
HARTFORD, CT 06106

THURSDAY, OCTOBER 12, 2006
2:00 P.M.

COMMISSIONERS PRESENT:

Andrew M. Norton, Chairman
Edward Mambruno
George A. Marshall
Gloria Mengual
Jimmie L. Griffin
Cheryl Lynn Clarke

COMMISSIONERS ABSENT

Larry D. Conaway
Lillian H. Brown
John Lobon

STAFF PRESENT

R. Hamisi Ingram
Robert Brothers

2

. . . . Verbatim transcript of the
Regular Commission meeting of the Commissioners on
Human Rights and Opportunities, Thursday, October 12,

4 2006, at 2:00 p.m. at The Offices of the Commission on
5 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: Good afternoon.

11 My name is Andrew Norton. I'm the
12 Chairman of the Commission on Human Rights and
13 Opportunities, and I'm convening our Thursday, October
14 12th meeting at 2:03.

15 And the first orders of business, Roman
16 Numeral II, is the Secretary's report.

17 Commissioner Mambruno.

18 COMMISSIONER MAMBRUNO: Thank you,
19 Chairman.

20 Could I have a motion to accept the
21 minutes of the special meeting of the Commission dated
22 September 28, 2006 at the Legislative Office Building?

23 COMMISSIONER GRIFFIN: So move.

24 COMMISSIONER MARSHALL: Second.

3

1 CHAIRMAN NORTON: Is there any
2 discussion of those minutes?

3 Hearing no discussion I'll call for a
4 vote. All those in favor of approving the minutes
5 please say aye.

6 COMMISSIONERS MAMBRUNO, MENGUAL,
7 GRIFFIN, CLARKE and MARSHALL: Aye.

8 CHAIRMAN NORTON: Is anyone opposed?

9 Is anyone abstaining?

10 The motion passes.

11 Commissioner Mambruno.

12 COMMISSIONER MAMBRUNO: Yes. On the
13 same vein, can I have a motion to accept the regular
14 meeting of the Commission on Human Rights and
15 Opportunities dated Thursday, September 14th, 2006?

16 CHAIRMAN NORTON: Is there a motion
17 from any Commissioner?

18 COMMISSIONER CLARKE: So moved.

19 COMMISSIONER GRIFFIN: Second.

20 CHAIRMAN NORTON: And there's a second.

21 Is there any discussion of the motion?

22 If not, I'll call for a vote.

23 All those in favor of approving the
24 minutes please say aye.

4

1 COMMISSIONERS MAMBRUNO, MENGUAL,

2 GRIFFIN, CLARKE and MARSHALL: Aye.

3 CHAIRMAN NORTON: Is anyone opposed?

4 Is anyone abstaining?

5 Then motion the carries. The minutes
6 are approved.

7 Moving on to Roman Numeral III.

8 Mr. Executive Director.

9 MR. INGRAM: Thank you.

10 Mr. Bingham.

15 of Special Revenue, or --

16 MR. BINGHAM: It's a different copy.

17 COMMISSIONER GRIFFIN: Oh, you've got a
18 different agenda.

19 COMMISSIONER MAMBRUNO: Oh, I have a
20 different agenda.

21 CHAIRMAN NORTON: I apologize. You all
22 do.

23 MR. BINGHAM: I'll get you another one.

24 CHAIRMAN NORTON: We'll do 1 through 5.

6

1 I'm sorry. I have the benefit of
2 having in front of me, I guess, the latest agenda.
3 And so does Commissioner Griffin.

4 But I will accept the motion to accept
5 staff recommendation for approval for Items 1 through
6 5.

7 Does anyone else need an updated
8 agenda?

9 Do you have one, Commissioner Mambruno?

10 COMMISSIONER MAMBRUNO: Now I do.

11 Thank you.

12 CHAIRMAN NORTON: Would you like to
13 make the motion 1 through 6?

14 COMMISSIONER MAMBRUNO: Yes, I would.
15 I would like to make a motion to accept the Chairman's
16 recommendation to accept staff recommendation for
17 approval on Eastern Connecticut State University,

18 Police Office Standards and Training Council, Office
19 of the Secretary of State, Soldiers', Sailors' and
20 Marines' Fund, Western Connecticut State University,
21 and the Division of Special Revenue.

22 CHAIRMAN NORTON: Is there a second.

23 CHAIRMAN MARSHALL: So we have that
24 motion on the floor for the purposes of discussion.

7

1 Now I'll defer to you, Mr. Bingham.

2 I guess I'll take this moment to say
3 that Lillian Brown called me to say she was quite
4 under the weather. She was apologetic, but imagined
5 she wouldn't be able to get here.

6 Larry Conaway and John Lobon called me
7 to say that business was pressing. That they would
8 try to come a bit late, but they weren't even sure
9 they would be able to do that.

10 So, we have six of us. Easily a
11 quorum, but one of those three is certainly not
12 coming, and two of them are doubtful.

13 Mr. Bingham.

14 MR. BINGHAM: Okay. The first agency
15 is Eastern Connecticut State College, and here
16 representing that university is Dr. Elsa Nunez and
17 Constance Belton Green. First of all Dr. Elsa Nunez
18 is the President. Constance Belton Green the
19 Executive Assistant to the President, and Erangel Zhu,
20 the Coordinator for Affirmative Action. Please stand.

21 Welcome.

22 This plan is recommended for approval
23 based on Section 46a-68-59(b)(1)(b)(2) and b(3) on
24 good faith effort.

8

1 Short term goal achievement 19 out of
2 32, or 59.4 percent. Long term goal achievement 1 out
3 of 12, or 8.3 percent. Total goal achievement 20 out
4 of 44, or 45.5 percent.

5 Total promotion goals achievement 9 out
6 of 9, or 100 percent.

7 The plan was recommended. The five
8 year history, it was approved in 2000, approved in
9 '01, '02, '03, '04, and then it was disapproved in
10 2005.

11 COMMISSIONER MAMBRUNO: Excuse me,
12 Mr. Chair.

13 CHAIRMAN NORTON: Commissioner
14 Mambruno.

15 COMMISSIONER MAMBRUNO: Yes. I have
16 different numbers, unless I have a different plan.

17 This is Eastern Connecticut?

18 MR. BINGHAM: Yes.

19 COMMISSIONER MAMBRUNO: Okay. I have
20 18 out of 25 possible short term goals.

21 MR. BINGHAM: Oh, I see. I'm sorry.

22 Yeah. The person -- let me correct
23 that.

24 COMMISSIONER MAMBRUNO: Thank you.

9

1 MR. BINGHAM: It is 18 out of 25, or 72
2 percent. One out of 7 long term goals, 14.3. And 19
3 out of 32 possible goals, or 59.4 percent.

4 COMMISSIONER MAMBRUNO: That's what I
5 got.

6 MR. BINGHAM: Okay.

7 CHAIRMAN NORTON: Is there any other
8 discussion of the plan submitted by Eastern
9 Connecticut State University?

10 If there aren't any other questions or
11 comments by the Commissioners why don't we move on to
12 the Police Officer Standards and Training Council.

13 MR. BINGHAM: Okay. Here representing
14 the Police Standards Board is Laura Gilmartin, the
15 Affirmative Representative, and Ray Bouchard.

16 Please stand.

17 Welcome.

18 This plan is recommended for approval
19 based on Sections 46a-68-59(a),(b)(2),(b)(3) and
20 (b)(4) standard. There were no hiring activity during
21 the reporting period and no promotional goals were
22 set.

23 The history is approved, approved by
24 default, approved, approved and approved.

10

1 CHAIRMAN NORTON: Are there -- you
2 don't need to stay standing, unless you'd like to.
3 Maybe you have a police background, but . . .

4 (laughter). But at ease.

5 Are there any questions or comments
6 from any Commissioners.

7 And I had one that I left out at the
8 last segment, but to give a pat on the back to Eastern
9 Connecticut State University for coming in with a plan
10 that met satisfactorily with our -- under the
11 scrutinizing eye of our staff. Last year there was a
12 disapproval and this year you're coming forward with
13 an approval, and that upcheck should be pointed out
14 and approved on.

15 But on the Police Standards Council,
16 are there any questions?

17 If there aren't, then why don't we move
18 on to the Office of the Secretary of the State.

19 MR. BINGHAM: Here representing the
20 Secretary of State's Office is Lesley Merit, Deputy
21 Secretary of State and Sue Phillips, the Affirmative
22 Action and Human Resource Director.

23 Please stand.

24 You can be seated.

11

1 The plan is recommended for approval
2 based on Section 46a-68-59(a),(b)(3) and (b)(4) good
3 faith standard.

4 Short term goal achievement 2 out of 5,
5 or 40 percent. Long term goal achievement, 1 out of
6 1, or 100 percent. Total goal achievement, 3 out of

7 6, or 50 percent.

8 The five year history, the plans have
9 been approved for all five years.

10 CHAIRMAN NORTON: Are there any
11 questions or comments from any Commissioners about the
12 Secretary of the State's Office in their plan?

13 If there aren't -- I'm just going to
14 look at a page before I move on.

15 Okay. If there aren't, why don't we
16 move on to the Soldiers', Sailors' and Marines' Fund.

17 MR. BINGHAM: Here representing the
18 Soldiers', Sailors' and Marines' Fund is John D.
19 Monahan. He's the Administrator.

20 Please stand.

21 Welcome, and you could be seated.

22 This plan is recommended for approval
23 based on 46a-68-59(a), (b)(2)(b)(3) and (b)(4)
24 standard.

12

1 There was no hiring during the
2 reporting period. No promotional goals were set. And
3 their history is 2002 and 2004 the plan was approved.

4 CHAIRMAN NORTON: Would you hold on
5 just a second. We have a documentary deficiency.

6 I can share with you mine.

7 And why don't I pause for a minute to
8 let a couple Commissioners take a gander at the
9 submission. (Pause.)

10 Give me a clear sign when you --

11 please, take all the time you would like.

12 COMMISSIONER GRIFFIN: I'm all set.

13 CHAIRMAN NORTON: Are there any
14 questions or comments about this submission from any
15 Commissioners?

16 If there aren't, why don't we move on
17 to West Conn, or Western. Why am I saying West Conn.

18 MR. BINGHAM: Okay. Here representing
19 Western Connecticut State University is Mrs. Barbara
20 Barnwell, Mr. Daryle Dennis and Mr. Charles Spiridon.

21 Please stand.

22 Welcome. You may be seated.

23 This plan is recommended for approval
24 based on Section 46a-68-59(a),(b)(1)(b)(2) and (b)(3)

13

1 standard -- I mean, b(4) standard goal achievement.

2 Short term goal achievement, 15 out of
3 19, or 79 percent. Long term goal achievement, 13 out
4 of 19, or 60 percent. Total goal achievement, 28 out
5 of 38, or 73 percent.

6 Total promotion goal achievement was 9
7 out of 12, or 75 percent.

8 The five year history, the plan had
9 been approved for all five years.

10 CHAIRMAN NORTON: Are there any
11 questions or comments from either our staff or the
12 people representing the agencies or from any
13 Commissioners?

14 You don't have that either?

15 COMMISSIONER GRIFFIN: No.

16 CHAIRMAN NORTON: Okay. Well, let me
17 -- excuse me. Let me cheat here for a second, or
18 delay things. I've got one, and just for the purposes
19 of repeating, it is being recommended for approval.
20 And I'm just going to repeat it so it can be
21 additionally clear. That 19 goals, they met 15, for
22 short term goals at 79 percent. That 19 long term
23 goals possible, they met 13 for 68 percent. So, some
24 robust percentages.

14

1 And out of 38 possible total goals,
2 they reached 28, or 73, which is just averaging the
3 first two, or 74 percent.

4 Promotional goals, there were 12, they
5 met 9. So, 75 percent. And their program goals, they
6 met 8 out of 8, for 100 percent.

7 And while this isn't -- they're in
8 compliance in diversity training. They agency,
9 though, has not yet provided sexual harassment
10 training to all newly hired managers, as required by
11 statute.

12 They have submitted all the required
13 reports regarding contract compliance. Their goals
14 for a small business enterprises, they met by more
15 than 200 percent. They did about 3.7 million and the
16 goal was 1.7 million. In the minority business
17 enterprises, their goal was about 400,000 and they did

18 2.4 million. And so far this year they're at two
19 thirds for small business enterprises, and they exceed
20 the goal for minority business enterprises.

21 And I will just point out that of their
22 workforce of 556 people, 294 are men, 262 are women.
23 437 are white, 47 are black, 39 are Hispanic, and in
24 the category of other there are 33. So, the black

15

1 employment certainly doesn't reach the percentage of
2 our population, but it is as good as many of our
3 agencies.

4 Just with that sort of summarization,
5 are there any other -- are there any questions?

6 And I'm sorry about your being disabled
7 by not having the report. I do apologize.

8 COMMISSIONER MAMBRUNO: Mr. Chair, I
9 wanted to comment that I thought the plan was -- in
10 comparison to other State Universities and colleges
11 that come across our desk, pretty outstanding. And I
12 wanted to compliment them on a complete and thorough
13 plan that I don't often see. And I think the ratio
14 that you speak of is probably better, considering
15 where they are located.

16 And not making excuses for that, I'm
17 sure we would like to see higher, but I think they've
18 done quite a good job, and I would like to commend
19 them for that.

20 CHAIRMAN NORTON: And actually I'll say

21 that in those categories that I've referred to,
22 Eastern is about exactly the same. So, just to put
23 it in context, I would like you to -- as you were
24 doing.

16

1 Are there any questions? Did you want
2 to say something?

3 MS. BARNWELL: Yes, I would.

4 My name is Barbara Barnwell. I'm the
5 former Executive Assistant to the President for
6 Affirmative Action at Western Connecticut State
7 University, just retiring September 1.

8 CHAIRMAN NORTON: Congratulations.

9 MS. BARNWELL: Thank you.

10 The first thing I would like to say is
11 that I would like to thank the Commission reviewers
12 for all that they have done over the years to keep us
13 on our toes.

14 Special thanks to Neva Vigezzi. Neva,
15 you're tough, but you're good. That's what we need.
16 We need that. And I do hope that that continues. So,
17 I would like to thank the Commission Review Staff
18 very, very, very much, because that would be the last
19 plan that I am preparing.

20 Secondly, regarding the sexual
21 harassment. The sexual harassment was reported on in
22 the plan and the training analysis. It's my
23 understanding that a reporting statement is something
24 new that has been added within the Commission that the

17

1 agencies were not notified of. Had we known that, we
2 certainly would have put a statement in as well. But
3 we did report on it.

4 I thank you very much.

5 CHAIRMAN NORTON: Thank you for your
6 time. And again, a happy -- happy retirement.

7 Are there any questions from any other
8 -- any other commissioners?

9 Then why don't we proceed to the
10 Division of Special Revenue.

11 MR. BINGHAM: And representing that
12 agency is Paul Young, the Executive Director, and
13 Leroy Watson, the Affirmative Action Officer.

14 Welcome. Be seated.

15 The plan is recommended for approval
16 based on Section 46a-68-59(a), (b)(1)(b)(2) and (b)(4)
17 good goal achievement.

18 Short term goal achievement was 0 out
19 -- well, there was not short term goal achievement, no
20 long term goal achievement.

21 The plan -- the five year history was
22 approved in 2002, approved in 2003, '04, '05, and it
23 was disapproved in 2006, and therefore they are
24 resubmitting a plan again for their six month filing.

18

1 CHAIRMAN NORTON: That -- so that
2 disapproval was in March -- I'm sorry, April of this

3 year.

4 MR. BINGHAM: Yes.

5 CHAIRMAN NORTON: And it's six months
6 later, and a day, and -- now, that plan was received
7 on -- I'm -- although this chart back here says that
8 the plan was -- the last plan was received on February
9 2nd, 2005. I'm guessing that means February 2, 2006?

10 MR. BINGHAM: Uh-huh.

11 CHAIRMAN NORTON: Are there any
12 questions from Commissioners or comments from any
13 Commissioners?

14 If there aren't, and I'll certainly
15 open it back up to any questions or comments about any
16 of the previous five agencies that we were -- and all
17 together six agencies that we reviewed, does anyone
18 have any questions they may have not thought of asking
19 at the time that they want to revisit, or . . .

20 Then I would entertain a motion to
21 accept the staff's recommendation for approval for
22 Eastern Connecticut State University, the Police
23 Officers Standards and Training Council, the Office of
24 the Secretary of State, Soldiers', Sailors' and

19

1 Marines' Fund, Western Connecticut State University
2 and the Division of Special Revenue. Is there such a
3 motion?

4 COMMISSIONER GRIFFIN: So moved.

5 CHAIRMAN NORTON: Is there a second.

6 COMMISSIONER MARSHALL: Second.

7 CHAIRMAN NORTON: Thank you,
8 Commissioner Marshall.

9 All -- any -- I'm sorry. We already
10 had that motion on the floor. I apologize.

11 I'm sorry. That motion had already
12 been made, and I just put you through that work.

13 Any other discussion on the motion?

14 All those in favor of approving those
15 six agency's plans please say aye.

16 COMMISSIONERS MAMBRUNO, MENGUAL,
17 GRIFFIN, CLARKE and MARSHALL: Aye.

18 CHAIRMAN NORTON: Is there anyone
19 opposed? Is there anyone abstaining?

20 Then all six plans are approved per
21 staff recommendation.

22 Why don't we go to the Division -- the
23 Department of Public Health.

24 MR. BINGHAM: Here representing the

20

1 Department of Public Health is Norma Gyle, the
2 Commissioner, Kathy Kennedy, Chief Fiscal Officer and
3 Joseph Teal, the Affirmative Action Program Manager.

4 Welcome, and you can be seated.

5 This plan is recommended for
6 disapproval based on noncompliance with
7 46a-68-59(b)(3) standard.

8 Short term goal achievement 21 out of
9 29, or 72.4 percent. Long term goal achievement, 9

10 out of 25, or 36 percent. Total goal achievement, 30
11 out of 54, or 55.6 percent. And total promotional
12 goal achievement, 8 out of 18, or 55.6 percent.

13 The history is approved in 2001, '02,
14 '03, '04, '05, and recommended for disapproval in
15 2006.

16 CHAIRMAN NORTON: Could you summarize
17 the argument for disapproval. That being, of course,
18 our most serious -- our more serious action we might
19 take.

20 And certainly defer to anyone you'd
21 like to to take that on.

22 MR. BINGHAM: Well, the summary of
23 deficiencies and weaknesses are on page 5, on 7. I
24 mean, it's all laid out. The following sections are

21

1 deficient in the proposed affirmative action plan.
2 Section 46a-60-39, the availability analysis. Hiring
3 and promotional goals and time tables. Employment
4 analysis. Goal analysis. Utilization analysis.
5 Upward mobility. Grievance procedure.

6 And then I believe the reviewer also
7 wrote a recommendation -- and has not -- promotion
8 goals have not been addressed as required, except for
9 upward mobility. Program goals have not been
10 addressed as required.

11 The section doesn't meet the regulatory
12 requirements of Sections -- Subsection A, B, and
13 therefore it's deficient. And the agency has not

14 demonstrated good faith efforts.

15 CHAIRMAN NORTON: I'm sorry. What was
16 the last thing you said.

17 MR. BINGHAM: The agency has not
18 demonstrated every good faith effort.

19 CHAIRMAN NORTON: Okay.

20 MR. BINGHAM: And then it goes on to
21 say the agency has failed to demonstrate in every good
22 effort hiring, promotion and program goals, with much
23 of the information in Section 46a-68-40, goal analysis
24 acceptable. Many inconsistencies across sections of

22

1 the plan have -- leave actual goal achievement
2 questionable.

3 The Department of Public Health and the
4 Commission on Human Rights and Opportunities are
5 better served by the correction of the errors in this
6 critical information in the plan than imposing a six
7 month filing.

8 Technical assistance combined --

9 CHAIRMAN NORTON: I'm sorry, could you
10 repeat the last thing you said?

11 MR. BINGHAM: She says that the
12 Department of Public Health and the Commission on
13 Human Rights and Opportunities are better served by
14 the correcting of the errors in the critical
15 information in this plan, than by imposing a six month
16 filing.

17 CHAIRMAN NORTON: Where are you
18 reading, by the way?

19 MR. BINGHAM: It's page 5.

20 CHAIRMAN NORTON: Page 5. The biggest
21 paragraph. Gotcha. Thank you.

22 Please go on.

23 MR. BINGHAM: Technical assistance
24 combined with the plan corrections would serve as a

23

1 positive action to avoid a repetition of these errors
2 in the future submissions.

3 And she says that a semi-annual filing
4 can be perceived as punitive.

5 Those are the recommendations of the
6 analyst.

7 CHAIRMAN NORTON: Are there any
8 questions from -- so, we -- we have -- I think the
9 most serious action this Commission can take is to
10 disapprove a plan and put someone on a six months
11 filing. Then I guess we can go -- the highest thing
12 we can do is tell them to stop hiring people until
13 they're comporting with all our -- in the law's
14 requirements.

15 But, nonetheless, we are taking a
16 rather significant action, just short of that, by a
17 disapproval, and also recommending a semi-annual
18 filing status.

19 And so, I -- well, are there any
20 questions from Commissioners?

21 COMMISSIONER MAMBRUNO: Yes.

22 CHAIRMAN NORTON: Commissioner

23 Mambruno.

24 COMMISSIONER MAMBRUNO: Could we have

24

1 the representatives from Public Health please speak to

2 the Commission.

3 Thank you.

4 MS. GYLE: Good afternoon,

5 Commissioners. I am Norma Gyle, the Deputy

6 Commissioner of Public Health.

7 And I understand the Department's plan

8 is recommended for disapproval and we accept that.

9 However, we do so knowing the Department has had its

10 present Affirmative Action Officer for less than half

11 of the plan year. And this was his first year being

12 responsible for compiling, analyzing and submitting an

13 entire plan.

14 We do understand we will be offered

15 technical assistance, which we are very pleased to

16 accept so that we can correct our inconsistencies and

17 demonstrate that we have indeed made every good faith

18 effort in hiring promotion and program goals. And I

19 also request that we remain on an annual filing basis.

20 We feel that the assistance that will be offered will

21 be a constructed effort, and that the result will be

22 the ability to make the necessary corrections in

23 preparation for a filing next -- a filing of a plan

24 next year that won't have the technical errors and

25

1 will be acceptable.

2 This is the first time we have been
3 disapproved in many years, and we are committed to
4 having it approved in the next time frame. And we
5 thank you for your consideration.

6 CHAIRMAN NORTON: Thank you, Deputy
7 Commissioner.

8 Sir.

9 MR. TEAL: Hello, Commissioners.

10 My name is Joseph Teal. I'm the
11 Program Manager for the Department of Public Health.

12 A couple of days ago after I received
13 the fax that indicated our plan was disapproved I was
14 very upset. I came over here with the idea of telling
15 CHRO how I felt about them and felt about a
16 disapproval. However, when I got here and I sat down
17 and I listened to the reviewers I agreed with them.
18 There were things that we missed. There were things
19 that I did not know how to do.

20 I've been with the agency in this -- in
21 my capacity -- I came in in November, and when I came
22 in there was no staff. I had to start up an
23 Affirmative Action Office all over again. I was out
24 -- was without a secretary until January of 2006. The

26

1 plan was -- the plan cutoff was March 31st. So, I had
2 that short period of time to do everything else that I

3 had to do, plus to put a plan together from the
4 beginning.

5 Now, there was some residual
6 information that was left over from the previous
7 Affirmative Action Program Manager, but I didn't
8 understand it. So I had to start all my spreadsheets
9 and everything from the beginning. I'm not saying
10 that as an excuse, but it was a lot of work.

11 Once I met the other day with the
12 reviewers, they indicated some of the things that we
13 missed. And I agreed with it. I know what those
14 things are now, and I think we'll be better next year.

15 And I also disapprove of the
16 semi-annual review. The agency has had a long history
17 of an approved plan. This year it was not approved,
18 but that was based upon the office being vacant, my
19 being a new person in the agency, learning the data,
20 learning the people, putting all that information
21 together again. So, that said, I believe that some
22 more time spent with the reviewer will put us in a
23 better situation. And I strongly recommend going back
24 to the annual review. Plus we don't have the manpower

27

1 for that. There's just two of us in the office.

2 Any questions.

3 CHAIRMAN NORTON: I don't have any
4 questions right now, although I want to reserve my
5 right to throw one at you later.

6 But are there any questions from other
7 Commissioners?

8 COMMISSIONER CLARKE: How long was your
9 position opened before you filled it?

10 MR. TEAL: I think she finished her --
11 finished the plan. I think she left in July. She
12 left in July. And there was no one there from July
13 until I came in in November. So, the information that
14 was being compiled and collected was being stored, and
15 once I got in there I had to open up the files, open
16 up all of that stuff. Actually data entered most of
17 that stuff so I could capture that information.

18 CHAIRMAN NORTON: I don't believe we
19 have a motion on the floor. Is my memory good?

20 COMMISSIONER GRIFFIN: No. There's no
21 motion on it. Well, no motion at this point, but I
22 was going to make a motion that we extend the one year
23 filing for the agency.

24 CHAIRMAN NORTON: Just to be -- just

28
1 to flush it out. Is your motion to accept staff
2 recommendation for disapproval of the plan?

3 COMMISSIONER GRIFFIN: Yeah.
4 Disapproval of the plan, with the modification that we
5 give them an annual filing status.

6 CHAIRMAN NORTON: Does anyone second
7 that motion.

8 COMMISSIONER MARSHALL: I second.

9 COMMISSIONER MENGUAL: Second.

10 CHAIRMAN NORTON: Commissioner Marshall
11 and Commissioner Mengual both chimed in with a second.

12 I -- well, is there any other
13 discussion of the motion? Does anyone want to chime
14 in?

15 COMMISSIONER MAMBRUNO: Yes.

16 CHAIRMAN NORTON: Commissioner
17 Mambruno.

18 COMMISSIONER MAMBRUNO: Can I continue
19 the discussion?

20 CHAIRMAN NORTON: Oh, please do.

21 COMMISSIONER MAMBRUNO: You state that
22 there are two people in your staff?

23 MR. TEAL: Yes.

24 COMMISSIONER MAMBRUNO: That would make

29

1 yourself and your secretary?

2 MR. TEAL: Well, up until last month
3 she was a Secretary II, but I was successful in
4 upgrading her into an Affirmative Action Assistant.

5 COMMISSIONER MAMBRUNO: Do you foresee
6 in the future the ability to hire more individuals to
7 your staff?

8 MR. TEAL: Well, our staff, just like
9 other staff in the agency, we're all working for less.
10 The budget restricts us right now from putting on
11 extra people, so we just have to work harder.

12 COMMISSIONER MAMBRUNO: At what point

13 was the -- in the past how many people were in the
14 Affirmative Action Division?

15 MR. TEAL: I believe at one time there
16 were three people. There was an Affirmative Action
17 Administrator program. Affirmative Action Officer and
18 a Secretary.

19 COMMISSIONER MAMBRUNO: Do you believe
20 you can get the job done with two individuals in your
21 division?

22 MR. TEAL: I believe we can. It will
23 take more time, but I believe we can. But I love my
24 job, so . . .

30

1 COMMISSIONER MAMBRUNO: Well, it's
2 refreshing to hear that you did not know how to do
3 certain things. We hear a lot of excuses, and when
4 someone comes in here and owns up to they didn't know
5 how to do something, that states a lot about the man
6 and I appreciate your honesty.

7 MR. TEAL: Thank you.

8 COMMISSIONER MAMBRUNO: And I think
9 that we can hopefully work with you guys to see an
10 approved plan in the future.

11 MR. TEAL: You will.

12 COMMISSIONER MAMBRUNO: Thank you.

13 CHAIRMAN NORTON: Any more questions?

14 Is there any more discussion? Is there
15 anyone from staff who would like to chime in with
16 informing us in our debate?

17 MR. BINGHAM: The only thing I would
18 like to say again, Commissioners, is also when Joseph
19 Teal called his reviewer was out for three and a half
20 months. So, we had Neva handling her own, 40
21 something plus plans, giving technical assistance, and
22 also trying to help Joe. So, it really -- I just want
23 it for the record. His reviewer was not here to
24 really work with him at a time that he requested

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1 because she was out on whatever you want to call it,
2 sabbatical or suspension, whatever.

3 CHAIRMAN NORTON: Okay. I just want to
4 disclose the potential apparent conflict of interest.
5 I sat next to Deputy Commissioner Gyle in my first
6 term in the General Assembly, but I never liked her,
7 so -- (laughter) so, I won't be biased in her behalf.

8 In any case, we have a motion on the
9 floor. Is there any other discussion?

10 Then the motion is to accept staff
11 recommendation for disapproval of the plan, but to
12 retain a 12 month or annual filing regime.

13 All those in favor?

14 COMMISSIONERS MAMBRUNO, MENGUAL,
15 GRIFFIN, CLARKE and MARSHALL: Aye.

16 CHAIRMAN NORTON: Is there anyone
17 opposed? Is there anyone abstaining?

18 Then that motion carries.

19 And on to the Office of the Attorney

20 General.

21 MR. BINGHAM: From the Attorney
22 General's Office we have Carolyn Querijero, Deputy,
23 Attorney General Richard Campbell, Chief
24 Administrative Officer, and Nancy Swanson, Personnel

32
1 Officer.

2 Welcome, and you can be seated.

3 This plan is recommended for
4 conditional approval based on noncompliance with
5 Section 46a-68-59(b)(2) and (b)(4) standard.

6 The short term goal achievement was 6
7 out of 7, or 85.7 percent goals. Total goal
8 achievement was 6 out of 17, or 35.3 percent.

9 The history, the plan had been approved
10 for the last five years. And I believe the Deputy
11 Attorney General wants to address the Commission.

12 CHAIRMAN NORTON: Please do. Welcome.

13 MS. QUERIJERO: Good afternoon. My
14 name is Carolyn Querijero. I'm the Deputy Attorney
15 General, and I want to thank the Commission for
16 allowing me to speak this afternoon.

17 I want to just address a couple of the
18 points in the -- in the plan and in the
19 recommendation, and actually ask in the end for full
20 approval of our plan for several reasons, which I'll
21 go into.

22 The first is, we do have a long history
23 of approval and commitment to diversity in our

24 workforce. We did meet six of the seven goals, short

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1 term goals, and we've addressed all of the goal
2 candidates.

3 The main reason that we failed to get a
4 higher achievement in goals frankly is that our goals
5 that are specified for -- especially for hiring of the
6 attorneys is almost entirely white male. 19 out of 21
7 of our goals are white males. We certainly have
8 nothing against hiring white males, but to hire all
9 white males, virtually all white males, seems to be
10 contrary to the intent of the whole purpose of this
11 affirmative action plan.

12 I can tell you that in the attorneys
13 that we've hired in the past fiscal year, we've hired
14 six white males, one black male, one Hispanic male,
15 one Hispanic female, three white females. The six
16 white males, you know, met certain goals. And I think
17 one of the white females was one of the other goals.
18 All the others that we hired end up in this report as
19 failure to meet goals, but I don't really know how,
20 frankly, in good conscious we could just essentially
21 say we're only hiring white male attorneys.

22 We came out of -- you know, 30 years
23 ago when the legal profession was almost entirely
24 male, and almost entirely white male our staff was

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1 almost entirely white male. Over the years, with a

2 commitment of the various attorney generals in
3 between, we've hired quite a few females. We've hired
4 -- and make an effort to recruit minority candidates,
5 female candidates, and we have some outstanding
6 candidates who come to us who are not white males, but
7 somehow because of the pool, and I think also because
8 in the last early retirement, most of the people who
9 retired were white males, because they were the ones
10 who came 30 years ago. So, somehow when they're
11 calculating the goals we end up with these goals of 19
12 out of 21 being for white males.

13 So, that's really the primary reasons.
14 And it just seems to me that we're trying to make a
15 good faith effort for a diverse work force, and this
16 is what we have come to.

17 There's one other factor that comes in,
18 and that is we hire -- we have categories for
19 Assistant Attorney Generals -- Attorneys General 1, 2,
20 3 and 4. We only hire for the 1 and 2 levels, but
21 they're almost interchangeable. Between a 1 and a 2
22 is just a matter of whether you've been in the
23 practice of law for three years. Once you hit three
24 years you go into the 2. So, I have frequently had a

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1 situation where I am interviewing somebody who is a 1
2 candidate because they're a little under 3 years. By
3 the time I hire them, they've gone over and now
4 they're a 2 candidate. For example, I hired -- we
5 hired a white female who was a 2, but we didn't have

6 any white female goals in 2 because they're all white
7 male. We had one white female goal who was a 1, but
8 she had become a 2 by the time we hired her, so she
9 didn't fit in, so now that shows up as we didn't meet
10 the goal.

11 CHAIRMAN NORTON: You could have
12 disbarred her for a period of time.

13 (Laughter.)

14 MS. QUERIJERO: I thought about it
15 actually, but it's not in my power, so I was --

16 So, anyway, that -- two of the things,
17 one is somehow I guess I just would like to get some
18 understanding on a -- so, you know, the white male
19 goals.

20 And the second is if we can -- I
21 believe in the past they had considered the 1 and 2 --
22 AG 1 and 2 positions as one. You know, they'd have
23 goals for one, and whether you hired them as a 1 or 2,
24 it all fit in there, because essentially that's really

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1 how they're coming in. And that might help it a
2 little. Although, I know we're facing in this current
3 fiscal year the same kind of overwhelmingly white male
4 goals. So . . .

5 And then we also -- on our -- on the
6 contract, on the Small Business and the Minority
7 Business Enterprise Contracts for this past fiscal
8 year we greatly surpassed the goals. We have 219.2

9 percent of the small business, 123.3 percent of the
10 minority business. And so I feel that we're making
11 every effort to live up to the purpose of the
12 affirmative action plans and filings, and so, you
13 know, I ask for full approval based on that. And I
14 don't know if there's a suggestion on what we do with
15 all the -- nothing -- you know, again, we've hired
16 some good white males, but it shouldn't be all white
17 males.

18 CHAIRMAN NORTON: Are there questions
19 for the Deputy Attorney General of any Commissioner --
20 by any Commissioner?

21 Is there anyone on staff who would like
22 to -- if you don't mind, I'll break from you --

23 MS. QUERIJERO: Okay.

24 CHAIRMAN NORTON: Unless required

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1 later. Thank you.

2 And, Val, I guess you want to --

3 MS. KENNEDY: Yes. I'm Valerie
4 Kennedy, and I'm -- since Mrs. Ross is not here I will
5 explain the review.

6 The reason that it was recommended for
7 conditional approval is because they failed to comply
8 with Section 46a-68-59(b)(4), and one of the problems
9 was the goal analysis in the previous plan was
10 deficient, and it was not -- it was not raised to an
11 approved level this time around, and that's one of the
12 conditions to meet that standard. So, the goal

13 analysis is still deficient in this.

14 And secondly, part of the deficiency is
15 that in their good faith effort they did not discuss
16 their recruiting information, the total applicant pool
17 was not discussed. So, again, we have a problem where
18 we need to know who the goal candidates are and what
19 happened to them, and that was not supplied. And that
20 was -- it had nothing to do with whether they met the
21 goals. They had substantial goal achievement, which
22 is why they were recommended for conditional approval.
23 But they failed to meet those two standards.

24 As far as determining what the goals

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1 are, that's based on the statistical analysis of the
2 availability. And, again, that has -- we have no
3 control over what the availability is. It's based on
4 the census data.

5 And secondly, the reason that they're
6 asked to explain both Attorney 1's and Attorney 2's is
7 because once you reach 25 in a category you must
8 discuss that category as a separate category. It
9 cannot be lumped together. You'll see in a number of
10 plans we have professionals broken down into different
11 positions, and then you'll find a residual category of
12 professionals. That's all of the other professional
13 positions that do not have 25 or more. But, again, by
14 regulation, once a position has 25 or more in that
15 position it must be discussed separately and you must

16 provide a separate availability analysis for that
17 position.

18 And the other thing, just -- and I
19 would also like to point out is the errors in the
20 initial report that Alvin gave. A clerical error.
21 And again, for those of you who are not familiar with
22 this situation, we've been without -- we lost our
23 administrative assistant 16 months ago and we still
24 have no one to replace her, so we've been functioning

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1 with one secretary for the last 16 months to get all
2 of this work out. And so we do have problems with --
3 in fact, this time around we had to have a temporary
4 employee to help with the typing. So, we do have
5 those errors still until we replace that person.

6 Thank you.

7 CHAIRMAN NORTON: Before you -- are
8 there any questions from any commissioners?

9 Okay. Thank you.

10 Are there any questions from any
11 commissioners for anyone else?

12 Commissioner -- I'm sorry, please, if
13 you'd like to --

14 MS. QUERIJERO: Well, I was just going
15 to say that --

16 CHAIRMAN NORTON: Why don't you stand
17 back in front of the mike. Sorry to be --

18 MS. QUERIJERO: Several of the points
19 raised, I don't know if you want us to address them,

20 but I would ask --

21 CHAIRMAN NORTON: If you'd like to,
22 please do.

23 MS. QUERIJERO: Our Chief
24 Administrative Officer, Richard Campbell, he can speak

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1 to a couple of those.

2 MR. CAMPBELL: Good afternoon,
3 Commissioners. I'm Richard Campbell, I'm Chief
4 administrative Officer for the Attorney General. I
5 authored the plan.

6 On the goals analysis we only had seven
7 goal candidates that we did not hire. We described
8 them all in great detail in our goals analysis, so I'm
9 a little unclear. There's also a section in the
10 summary that says something about transferring a
11 profession into a category that I don't understand.
12 We did make several calls to our analyst, who I
13 understand is on vacation, so I don't know how to
14 address that. But we did go into detail about the
15 seven candidates that we did not hire. It was four
16 Assistant Attorney General 1's that were white
17 females. Two Assistant Attorney General 2's that were
18 white males. And one other female clerical candidate
19 who was offered a job and declined. But other than
20 that I think that we've met our responsibility by
21 going into great detail about our goal candidates and
22 our goals analysis. So, I'm unclear about what might

23 have brought that to light.

24 CHAIRMAN NORTON: Okay. Are there any

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1 comments from anybody? Does anybody have anything
2 they want to say from any direction?

3 Is -- I guess we're operating without a
4 motion at this point. Is -- there can be a motion to
5 either accept or -- I guess the easiest thing to do is
6 to have a motion to accept staff recommendations,
7 recommend staff's recommendation, or we can make a
8 motion any way you want.

9 Are there any motions from the
10 Commission? Does anyone have a particular mind?

11 Well, let me ask for a motion to accept
12 staff's recommendation for conditional approval.
13 Would someone make that motion?

14 COMMISSIONER CLARKE: So moved.

15 CHAIRMAN NORTON: Would someone second
16 it?

17 COMMISSIONER MARSHALL: Second.

18 CHAIRMAN NORTON: Now, let me just
19 investigate people's minds. Are you inclined to take
20 on the conditional approval, or are you inclined to
21 move them on up to approval or --

22 COMMISSIONER GRIFFIN: Mr. Chair, I'm
23 just a little --

24 COMMISSIONER MAMBRUNO: Go ahead.

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1 CHAIRMAN NORTON: Commissioner Griffin.

2 COMMISSIONER GRIFFIN: I guess I'm a
3 little confused, you know, with the conversation that
4 went on. And, you know, maybe a little more
5 clarification on what everybody was saying, you know,
6 as to who the least goal candidates -- and the staff
7 -- the staff -- could we hear the staff again in a
8 little bit more detail?

9 CHAIRMAN NORTON: Sure. If that's --
10 if there's further explanation possible, or . . .

11 MS. KENNEDY: Well, first of all, we
12 have a (b)(4) standard, which is the one that asks --

13 CHAIRMAN NORTON: Which is, I think,
14 near the top of page 3. I think it's --

15 MS. KENNEDY: Yes.

16 CHAIRMAN NORTON: For anyone who wants
17 to --

18 MS. KENNEDY: And again, it's required
19 that any elements contained in the previous plan that
20 were deficient need to be corrected, and in this case
21 the goals analysis was not. So, that standard was not
22 met.

23 And then the other standard was the
24 (b)(2). And again, as I mentioned before, good faith

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1 effort requires that all goal candidates in the
2 applicant pool must be addressed. And in some cases
3 we did not have the applicant pool provided. They
4 discussed the interview pool, but not the applicant

5 pool. And so, again, we need to have information
6 about the entire pool. And I think that's the major
7 question.

8 COMMISSIONER MAMBRUNO: When --
9 Mr. Chair.

10 CHAIRMAN NORTON: Please, Commissioner
11 Mambruno.

12 COMMISSIONER MAMBRUNO: When a call is
13 made to an analyst and an analyst is on vacation does
14 she usually leave a number to call to contact anyone
15 regarding --

16 MS. KENNEDY: If she was called it was
17 after the disapproval -- the conditional approval was
18 recommended, but before voting. And generally we do
19 not meet -- yeah. We do not meet with the agencies
20 until after you've voted, and then we set up technical
21 support. And she was here up until it was
22 conditionally approved.

23 COMMISSIONER GRIFFIN: So, you're
24 saying that there was no discussion about the

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1 applicant pool.

2 MS. KENNEDY: Correct.

3 CHAIRMAN NORTON: Are there any other
4 questions from any Commissioner for anyone? Or
5 Mr. Bingham, do you have --

6 MR. BINGHAM: No. The only thing I
7 would say is that when the plan is submitted, we
8 review it based on what is present. There is no

9 discussion. We just don't have -- with 86 or close to
10 over 90 plans and two people reviewing them, you know,
11 we take what is given and we review it from that.

12 Only after the recommendation, after it
13 was done, and when they found out last week they made
14 the call to Paula's office, but Paula was not here.
15 But at that time there would be no time to redress
16 this, because the exam is in, it's been corrected, and
17 it's been graded at that point.

18 CHAIRMAN NORTON: Is there a mood among
19 Commissioners to -- the motion is for accepting the
20 staff's recommendation of conditional approval.
21 Obviously I can move right to a vote, but I was
22 wondering whether anyone wants to discuss their
23 leanings or not, or . . .

24 COMMISSIONER MAMBRUNO: Through you,

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1 Mr. Chair.

2 CHAIRMAN NORTON: Commissioner
3 Mambruno.

4 COMMISSIONER MAMBRUNO: It seems that
5 if the prior plan's elements were not corrected, and
6 that is what I get from the analyst, that until those
7 elements are corrected we should stick with staff's
8 approval of the conditional.

9 While I appreciate the Attorney
10 General's intent on hiring outside of the goal
11 candidates, being 19 white males, I understand -- I

12 mean, I applaud that. You know, you feel that is
13 somehow a reversal of what we're trying to do here.
14 We do have to mull through all the technical menusha
15 of getting these plans, and appreciate how much work
16 staff has done to do their work without a secretary,
17 and I think with a little technical assistance it's
18 been all worked out, and in everyone's favor.

19 On the issue of hiring nine white male
20 attorney's, well, that's something I can't help you
21 with.

22 And I really, I don't know what we can
23 do to reverse that. And, Mr. Chair, I know this is an
24 issue close to your -- to you, and you were someone in

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1 the past who always brings that up as to why we have
2 to follow these regulations, so . . . I side with you
3 on that end.

4 But on the end of elements not being
5 reviewed or submitted, I have to side with the staff.

6 So, to get to the bottom line, I would
7 -- I do side with the staff's conditional approval.

8 CHAIRMAN NORTON: Are there other
9 thoughts?

10 COMMISSIONER CLARKE: Well, I guess the
11 only question I have is in previous years you met all
12 of the essential elements that were necessary for the
13 plan. What I didn't hear was if there was some
14 staffing issues or some other reason that you didn't
15 do what was necessary to provide us with the

16 recruiting information, the total applicant pools. Is
17 there something that occurred in your agency that you
18 could not provide us with this information?

19 I'm just curious, because they were
20 able to get approvals in years past, and given that
21 -- you know, all things being equal, if your staffing
22 levels are fine, if everything is fine, and if your
23 only objection is the number of white males that you
24 were being asked to hire, that's your only objection,

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1 then I still can't understand why your plan was
2 deficient in these areas. Not providing the
3 information. Because it seems like just data that
4 that's all we're being asked for.

5 MR. BINGHAM: Well, like I said
6 earlier, Commissioner, we review what is presented.

7 COMMISSIONER CLARKE: Right.

8 MR. BINGHAM: We can't go on any
9 perception. What was meant.

10 COMMISSIONER CLARKE: Right. And I'm
11 not questioning that. And I recognize that you can
12 only review what you actually have in front of you.
13 But in year's past they have provided --

14 MR. BINGHAM: Yes.

15 COMMISSIONER CLARKE: -- all of the
16 elements they needed to. And given that there were no
17 -- you know, someone was out sick, someone, you know,
18 won the lottery and ran off, whatever the situation

19 was, if the staffing levels were the same as they were
20 in previous years, I'm trying to understand the
21 absence of the information for this plan. I'm just
22 trying to understand that.

23 MR. BINGHAM: Well, you can speak to
24 that?

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1 COMMISSIONER CLARKE: And maybe I'm
2 missing something.

3 MR. CAMPBELL: Again, Rich Campbell,
4 I'm Chief Administrative Officer.

5 I'll see if I can address that.

6 COMMISSIONER CLARKE: Okay.

7 MR. CAMPBELL: We had no staffing
8 changes.

9 COMMISSIONER CLARKE: Alright.

10 MR. CAMPBELL: We've always been able
11 to manage with what we have, and I think we've tried
12 to be as complete and thorough as we possibly can be.

13 COMMISSIONER CLARKE: Okay.

14 MR. CAMPBELL: I'm not sure what the
15 confusion is about candidates and applicants, because
16 our applicant pool and our candidate pool are the
17 same. We address every one the same way.

18 The other clarification I would like to
19 make is on the goals analysis in the last plan that
20 was deemed deficient, it was actually corrected prior
21 to the time that the final recommendation was made.
22 Our last call list discussed what our issue was. We

23 changed it prior to the time. So, after the plan was
24 approved, we took technical assistance, but were

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1 basically reassured that with the correction that we
2 made, that was fine. That we didn't need to do more.

3 So, I am somewhat confused about --

4 CHAIRMAN NORTON: Alright. But it
5 appears to be the report that the correction didn't
6 sustain through this year's plan.

7 COMMISSIONER CLARKE: Yes.

8 MR. CAMPBELL: It would appear from the
9 summary that a different element has emerged, and not
10 the same. Not the same issue, so I'm unclear about
11 what that is actually.

12 We actually called Paula about three or
13 four days before the plan recommendation came out,
14 which was probably the early part of last week. We
15 left three or four messages. So, I don't know -- you
16 know, I honestly can't address what it was that came
17 up as a result of that.

18 CHAIRMAN NORTON: Are there any other
19 questions?

20 COMMISSIONER MARSHALL: I would like to
21 ask a question.

22 CHAIRMAN NORTON: Commissioner
23 Marshall.

24 COMMISSIONER MARSHALL: What about your

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1 sexual harassment training information and regarding
2 the diversity training requirements of the statute.
3 Why is that?

4 MR. CAMPBELL: We have one manager that
5 requires sexual harassment training. That is
6 scheduled, and we will have that dispatched quickly.

7 And we have diversity training
8 scheduled for the first week of December that will
9 bring us up to -- up to date on all of our training
10 requirements for staff.

11 COMMISSIONER MARSHALL: Thank you.

12 MR. CAMPBELL: Okay.

13 Can I address that.

14 COMMISSIONER CLARKE: Just let me --
15 let me make sure I'm clear now.

16 The plan was reviewed during the first
17 12 days in September, and at that time you didn't have
18 all of the necessary elements for the goal analysis.

19 You may have received them since that
20 time, but what you had in front of you during those
21 first 12 days in September wasn't sufficient --

22 MR. BINGHAM: Correct.

23 COMMISSIONER CLARKE: -- to meet the
24 elements of the plan?

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1 MR. BINGHAM: Correct.

2 COMMISSIONER CLARKE: Gotcha.

3 COMMISSIONER MARSHALL: So, you didn't
4 receive anything after that date?

5 MR. BINGHAM: Right.

6 CHAIRMAN NORTON: You wouldn't have
7 taken it?

8 MR. BINGHAM: No.

9 CHAIRMAN NORTON: I just wanted that to
10 be clear that there would have been a futile --

11 Well, is there any other discussion?

12 All those in favor of accepting the
13 recommendation for a conditional approval, please say
14 aye.

15 COMMISSIONER CLARKE: Aye.

16 COMMISSIONER MARSHALL: Aye.

17 COMMISSIONER MAMBRUNO: Aye.

18 COMMISSIONER MENGUAL: Aye.

19 COMMISSIONER GRIFFIN: Abstain.

20 CHAIRMAN NORTON: Is there anyone
21 opposed? Is there any one abstaining?

22 COMMISSIONER GRIFFIN: I abstain.

23 CHAIRMAN NORTON: Then the vote is four
24 to zero to one. The staff recommendation for

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1 conditional approval is carried.

2 At this point in time, and as we say in
3 the past, although we are somewhat depleted in staff
4 right now, we often invite people to meet with staff
5 again and see if they can't sort everything out. If
6 in one case you had sorted something out, yet it was
7 something else, I don't know what to tell you. I

8 don't have a good piece of advice on that.

9 MR. BINGHAM: One other thing --

10 CHAIRMAN NORTON: But -- sorry.

11 MR. BINGHAM: I'm sorry.

12 One other thing about the sexual
13 harassment that was talked about, it is not required.

14 CHAIRMAN NORTON: Okay.

15 MR. BINGHAM: So, that's not a required
16 thing.

17 MS. KENNEDY: And I'm not -- some of us
18 are reporting it, some of us are not, and I think part
19 of the problem is that it is not mandated. It was
20 added by, I believe, Gloria Sparveri onto this form,
21 and nothing has been sent out to the agencies, so no
22 one is aware that they're supposed to report it, if
23 they are.

24 CHAIRMAN NORTON: On the sexual

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1 harassment.

2 MS. KENNEDY: Yeah.

3 MR. BINGHAM: So, we'll remove it.

4 CHAIRMAN NORTON: Is that different
5 with diversity training or --

6 MS. KENNEDY: Diversity training is
7 reported.

8 CHAIRMAN NORTON: Okay. I would chime
9 in very briefly. As Commissioner Mambruno referred --
10 thank you, Commissioner Marshall.

11 That I do sympathize with the struggle

12 of trying to do what you think is right in coming up
13 against a law which doesn't seem quite right regarding
14 being told you should hire this many white men, and it
15 doesn't feel like the track you should be on. I'm
16 very sympathetic to that.

17 I guess I don't know whether or not we
18 can't change those regulations, so . . . you might
19 want to get an attorney general's opinion on this.
20 (Laughter.) But it is an issue for me as to whether
21 or not if we don't treat white males mathematically
22 the same as we treat every other category, because as
23 a matter of policy we don't feel that that's the dire
24 circumstance that needs to be addressed in our

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1 society, does the whole regime self destruct
2 constitutionally.

3 And maybe we should be trying some case
4 in that matter and telling -- adopting new regulations
5 or laws which says hiring white men ain't ever going
6 to be a goal. I would prefer that myself, but . . .
7 but in any case.

8 I guess this is the time when we invite
9 people who visit us from the agencies that we can take
10 a pause. If you'd like to get up and go back to your
11 places of employment.

12 Oh, I guess there is a question.

13 MR. MONAHAN: John Monahan, Soldiers',
14 Sailors' and Marines' Fund. Good afternoon, all.

19 pause and let people head wherever they'd like to
20 head.

21 (Pause.)

22 CHAIRMAN NORTON: Mr. Executive
23 Director, I guess we're on to Item III B.

24 MR. INGRAM: Nandi Colon.

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1 MS. COLON: Good afternoon,
2 Commissioners.

3 COMMISSIONER GRIFFIN: Good afternoon.

4 MS. COLON: My name for the record is
5 Nandi Colon, Fiscal Administrative Supervisor.

6 I have -- in addition to the report
7 that you all received -- hopefully you have it in your
8 packet, as a result of a request that you made earlier
9 to me, I'm going to pass out some information that
10 will agree with the -- or somewhat agree with the
11 position, the vacant positions. One thing though, I
12 need these back, only because they have confidential
13 salary information.

14 Okay. And prior to getting into the
15 -- unless we want to go right into the positions and
16 skip --

17 CHAIRMAN NORTON: Why don't you start
18 as you normally would.

19 MS. COLON: Okay. We'll start at --
20 with the financial status report, and that's the --
21 well, they're all now 8 1/2 by 14.

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1 report, and you'll notice that I changed the format a
2 little based on the questions that came up last month.

3 CHAIRMAN NORTON: Now we're on the red
4 ink 10/4/06?

5 MS. COLON: Right. Well, mine is in
6 black and white. Yup. Okay.

7 You have a summary, and then behind the
8 summary you'll have a separate sheet by unit. It says
9 on the top, title of position vacancy located, and
10 then it gives you some salaries. That's the summary
11 report.

12 And I did it in this format because
13 some times the salary issue comes up. We want to know
14 how much money we're actually paying for a position,
15 where the vacancies exist. So, this is a quick
16 snapshot of where the vacancies are now.

17 And if you open those sheets of papers
18 that I just handed out, okay, we'll follow along.
19 Starting with the third position, Fair Housing. If I
20 missed anyone let me know. I'm not sure Mr. Marshall
21 got a set. You did not, okay.

22 (Pause.)

23 CHAIRMAN NORTON: And you want to be on
24 this page here in these documents.

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1 MS. COLON: Right.

2 CHAIRMAN NORTON: And then this is part
3 of that I guess.

4 MS. COLON: Right. Okay.

5 We'll start with the -- in Executive
6 Director's Office. I didn't print the sheet out
7 because we know that the curricula manager, which was
8 Mr. Fryer, recently left. No one else was in that
9 position, so I didn't print out one of these.

10 Same thing with the Secretary 2
11 position which was mentioned earlier. That position,
12 as Valerie did state, has been vacant for quite a
13 while. There are a number of issues with that
14 position.

15 It started out as an Administrative
16 Assistant. Gayle Hetrick, who was the incumbent in
17 that position left out on sick leave some time in June
18 of a year and a half ago. She didn't retire
19 officially until sometime in December. Around the
20 winter time.

21 The position went through a series of
22 downgrades and then back to where it is now. It went
23 down to the level of Step 1. There were some issues
24 with the Department of Administrative Services. It

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1 came back up to a Sec 2 position. And it went through
2 the entire process. Every time --

3 CHAIRMAN NORTON: Sec 2 is better than
4 Sec 1?

5 MS. COLON: Absolutely.

6 CHAIRMAN NORTON: Okay. Sorry.

7 MS. COLON: It's a higher level.

8 CHAIRMAN NORTON: Gotcha.

9 MS. COLON: So, it went through the
10 series of approvals every time this happened.

11 The last that I heard after speaking
12 with Alvin, I believe it was just this morning --
13 we've had now four candidates who have applied and
14 have gone through the background check process. The
15 last candidate actually -- she physically came into
16 the office to meet the staff and there was a comment
17 made by one of the existing staff members here and the
18 person went back to her agency and decided she wasn't
19 going to take the position.

20 CHAIRMAN NORTON: Because this person
21 sensed they'd be butting heads in some way or --

22 MS. COLON: Absolutely. This person
23 was be a supervisor -- a Sec 2 would be a supervisor,
24 and so that was one of the reasons why she decided no.

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1 I don't need the grief to go along with it, and she
2 just recently turned it down.

3 Now I understand we're going through
4 the process again of doing the background check on
5 number five. The fifth candidate.

6 CHAIRMAN NORTON: What does a
7 background check entail in such a circumstance.

8 MS. COLON: Basically -- well, coming
9 from a Correctional background, our background checks
10 were really detailed --

11 CHAIRMAN NORTON: Yeah.

12 MS. COLON: But coming from this agency
13 what I see here is that they basically go to your
14 references and kind of get an idea of what your
15 background is like. Your attendance, performance and
16 those things. And so I believe that's where we are
17 now with candidate number five. Hopefully we will get
18 someone, because that unit is in desperate need.

19 Same thing happened previously with a
20 temporary. We're now up to temporary number three.

21 So, you can see that we do have some
22 issues.

23 The Referee position is an appointed
24 position, as I've stated in the past, so that position

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1 -- I didn't run a sheet.

2 But where we start with the HRO reps,
3 and since there have been some questions as to what
4 position is vacant, who was there before, that's why I
5 ran these sheets.

6 We start with the Fair Housing
7 position. That position is -- was previously filled
8 by the incumbent. On these sheets, and I'll explain
9 this. When you see one name on there, that means that
10 was the incumbent in that position, and it's now
11 vacant because the person has either transferred out
12 or terminated. So, that position was Dan Seduski.
13 That has been advertised.

14 And I did run the announcement. But

15 again, I'm not sure what the status is on that
16 position there, whether it has been -- a candidate has
17 been selected or not.

18 CHAIRMAN NORTON: I'm just going to
19 back up because I want to make a note.

20 So, the Secretary 2 in the Affirmative
21 Action -- the AACC unit, that job has been advertised
22 and they're interviewing people and the last candidate
23 backed out on their own accord, and so the interviews
24 continue.

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1 MS. COLON: Right. So now they're
2 doing the reference check on the fifth candidate.

3 CHAIRMAN NORTON: And then in the case
4 of Central Office, that's just up to the governor.

5 MS. COLON: Right.

6 CHAIRMAN NORTON: In the case of Fair
7 Housing, that's been advertised?

8 MS. COLON: That's been advertised.
9 The closing on that position, according to the add,
10 was October 3rd.

11 CHAIRMAN NORTON: Okay.

12 MS. COLON: I don't know -- I guess
13 John Newton can elaborate a little bit more on the
14 candidate selection process there.

15 Okay. Going down to the next one,
16 11001, which should be the second one in your packet.

17 You see from the incumbent history --

18 again, I base my information on the Core records. The
19 People Soft Core Program. That position is actually a
20 vacant position. It's been advertised, but you see
21 that Susan Haum is actually sitting in that position.
22 Okay. I just spoke to Tony --
23 CHAIRMAN NORTON: Okay. Wait -- sorry,
24 sorry, sorry, sorry . . . I got it.

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1 Yeah. Susan Haum is still in Bill
2 Callahan's position.

3 MS. COLON: Exactly. Okay. Now, I
4 just spoke to Tony on the way up here and I indicated
5 that she had filled that position with Susan Haum and
6 then turned around and announced it. This was in
7 error. Susan Haum shouldn't have been put into that
8 position. That's a Hartford position, Susan is
9 sitting right here. She was right here.

10 CHAIRMAN NORTON: Okay. Hold on a
11 second.

12 Mr. Callahan left Waterbury --

13 MS. COLON: Right.

14 CHAIRMAN NORTON: -- and came to
15 Hartford.

16 MS. COLON: Exactly.

17 CHAIRMAN NORTON: Didn't that create a
18 vacancy?

19 MS. COLON: It did create a vacancy,
20 but what happened with Mr. Callahan, he moved from
21 that position 11001 -- he was in a Waterbury position,

22 which if you go back some pages. Go back -- go back
23 to the second to the last page --

24 CHAIRMAN NORTON: Of?

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1 MS. COLON: Of that packet that I just
2 gave. Okay.

3 Bill Callahan is actually sitting in
4 Position No. 10965, which was a Hartford position.

5 CHAIRMAN NORTON: In Waterbury he was?

6 MS. COLON: He was -- exactly. He
7 moved from Waterbury, with Central Works, into
8 Hartford. But he moved into an existing position that
9 was left open in Hartford.

10 This position --

11 CHAIRMAN NORTON: That he vacated in
12 Waterbury --

13 MS. COLON: Exactly. This was --

14 CHAIRMAN NORTON: -- was in fact a
15 Hartford position?

16 MS. COLON: What was the question
17 again.

18 CHAIRMAN NORTON: Actually, no. I'm
19 actually having to consider whether or not the time
20 involved in this is well spent right now.

21 MS. COLON: Okay.

22 CHAIRMAN NORTON: Tell me,
23 Commissioners, whether you think that this is the
24 level of detail that you want to be engaged in or not.

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1 COMMISSIONER MAMBRUNO: I do, but we do
2 have pressing issues that I'd like to hear resolved in
3 this session, and I would like to come back to this.

4 MS. COLON: Okay.

5 CHAIRMAN NORTON: I think this is
6 actually important, but painstaking.

7 MS. COLON: Right. Well, this is why I
8 questioned when you asked -- the information is here.
9 Please feel free to review it. If you have questions,
10 you can always call me, email me.

11 CHAIRMAN NORTON: Okay.

12 MS. COLON: But the thing is that I
13 just want to make sure that everybody is on the same
14 page, and we realize that what's recorded is accurate.

15 CHAIRMAN NORTON: Yeah.

16 MS. COLON: Based on the information
17 that's on the system.

18 Right now what I'm reporting is
19 actually what we have available.

20 CHAIRMAN NORTON: Someone has -- but
21 let me just get back to Waterbury. Someone has been
22 hired in Waterbury as an HRO rep recently?

23 MS. COLON: Has been hired in the
24 position that as targeted for Waterbury by mistake.

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1 Was placed in that position by mistake.

2 CHAIRMAN NORTON: And what number was
3 that again?

4 MS. COLON: That's 11001. That's the
5 one you're looking at right there.

6 CHAIRMAN NORTON: Okay.

7 MS. COLON: So, once it gets corrected,
8 by Tony in HR, then you'll see that everything will
9 flow. And that's one of the things that I did mention
10 to her. We need to sit and reconcile positions,
11 because what I'm reporting obviously is not what she's
12 telling you.

13 CHAIRMAN NORTON: That's right.

14 But I'm afraid one of the things that
15 I'm dealing with right now is psychological.

16 I have been -- I'll let the
17 Commissioners know -- been working my best in
18 understanding all of these positions and their
19 vacancies and how they're being filled with greater
20 intensity, especially in the last couple of days,
21 and this has thrown me, because I didn't even know
22 someone was hired, and the name of the person again
23 is Susan --

24 MS. COLON: Susan Haum.

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1 CHAIRMAN NORTON: And when was she
2 hired.

3 MS. COLON: She came in on September
4 29th. But she was placed in the wrong position, so
5 that has to be corrected.

6 CHAIRMAN NORTON: She should have been

7 in Hartford?

8 MS. COLON: She should have been placed
9 into Rebecca Johnson's position, which was actually
10 vacant, around the same time in the AACC Unit.

11 COMMISSIONER GRIFFIN: So, that's the
12 Affirmative Action position?

13 MS. COLON: Exactly.

14 CHAIRMAN NORTON: She should have been
15 -- why should she have been placed there?

16 MS. COLON: Because she replaced the
17 person who vacated from that unit.

18 CHAIRMAN NORTON: Okay.

19 MS. COLON: So, what I would do right
20 now is just analyze this on your own time. Refer to
21 this. This will give you an exact picture of who was
22 sitting where that we discussed.

23 CHAIRMAN NORTON: Okay. But let me ask
24 you this. It's my sense that with the exception of

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1 Susan Haum, which is a significant exception -- excuse
2 me for a moment. I'm trying to digest this.

3 My understanding is that we have people
4 working in the title of -- or in the capacity of HRO
5 reps in the regions. Seven people in Hartford, six in
6 Waterbury, six in Bridgeport and seven in Norwich.

7 MS. COLON: Right.

8 CHAIRMAN NORTON: Susan Haum would make
9 that seven in Waterbury.

10 MS. COLON: If that were correct, but

11 it's not correct.

12 CHAIRMAN NORTON: It's not --

13 MS. COLON: It's not correct because
14 she was placed in the wrong position. Once it gets
15 straightened out in the HR --

16 CHAIRMAN NORTON: Where is her car
17 parked right now?

18 MS. COLON: Right in this building.

19 CHAIRMAN NORTON: Okay. Because she's
20 working here --

21 MS. COLON: She's working here.

22 CHAIRMAN NORTON: In the AACC unit?

23 MS. COLON: Exactly.

24 CHAIRMAN NORTON: You have a new person

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1 in the AACC unit.

2 MS. COLON: Right.

3 CHAIRMAN NORTON: Okay. Didn't know
4 that.

5 MS. COLON: I didn't know it until I
6 went back to check every single position and realized
7 that --

8 CHAIRMAN NORTON: And when was she
9 placed there?

10 MS. COLON: She was placed in the
11 Waterbury position.

12 CHAIRMAN NORTON: When was she hired?

13 MS. COLON: September 29th she came

14 back.

15 CHAIRMAN NORTON: And she's now working
16 in the AACC Unit?

17 MS. COLON: Exactly.

18 CHAIRMAN NORTON: You said she came
19 back.

20 MS. COLON: She came back. She left
21 here. She was an employee of our's. Transferred to
22 UConn. Apparently that didn't work out for her.

23 CHAIRMAN NORTON: Okay.

24 MS. COLON: So, she returned back to us

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1 on September 29th.

2 CHAIRMAN NORTON: Okay. Having been
3 offered a position earlier than that, she started her
4 work day then.

5 MS. COLON: Her work date was September
6 29th.

7 CHAIRMAN NORTON: Okay.

8 MS. COLON: Originally Susan Haum was
9 in Waterbury, and then she left and went to UConn.

10 CHAIRMAN NORTON: Okay. Alright.
11 Thank you. Thank you for the indulgence of the
12 Commissioners. I have not yet obtained understanding,
13 and I believe the time that it will take me to do that
14 is not appropriately spent right now.

15 MS. COLON: Uh-huh.

16 CHAIRMAN NORTON: But I appreciate this
17 paperwork.

18 MS. COLON: Absolutely.

19 CHAIRMAN NORTON: And I appreciate you
20 bringing this to our attention.

21 Is there any other such circumstance
22 arising where there's something filled or moved or --

23 MS. COLON: No. Not that I'm aware of.

24 CHAIRMAN NORTON: Okay.

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1 MS. COLON: And like I said, I would
2 have provided a more in depth report, but when I tried
3 to run it it was over 6,000 pages. I don't think
4 you'd appreciate it.

5 CHAIRMAN NORTON: No, no. no. But each
6 one of these pages is a new type of thing you've
7 handed out to us.

8 MS. COLON: Right.

9 CHAIRMAN NORTON: This tells us the
10 position number at the top and who held it and who
11 held it before.

12 MS. COLON: Exactly.

13 CHAIRMAN NORTON: Okay.

14 MS. COLON: And if there are any
15 questions when you review everything, I --

16 COMMISSIONER CLARKE: You didn't want
17 us to keep this, did you?

18 CHAIRMAN NORTON: You wanted this back;
19 right?

20 MS. COLON: If you'd like to keep it,

21 but then shred it, only because -- even though public
22 -- our salaries are public knowledge, they have a
23 person's name to them.

24 CHAIRMAN NORTON: Alright. Are people

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1 willing to hand this back or do people feel that they
2 sort of need to hold on to it.

3 COMMISSIONER MAMBRUNO: No.

4 CHAIRMAN NORTON: I'm going to hand
5 mine back.

6 MS. COLON: Okay.

7 CHAIRMAN NORTON: If you think that
8 those should walk away and then shred it, I think you
9 ought to just -- we ought to just hand them back.
10 Unless people think -- by the way though, this salary
11 information is perfectly public?

12 MS. COLON: Exactly.

13 CHAIRMAN NORTON: Where I work, people
14 publish our salaries all the time.

15 MS. COLON: Yeah. I mean, it's up to
16 you.

17 COMMISSIONER GRIFFIN: Would this be
18 helpful to us in any way?

19 CHAIRMAN NORTON: Alright. Keep it. I
20 don't care.

21 So, why don't we move on to the next --

22 MS. COLON: Okay. So, that would be
23 the end. Right now -- like I said before, we have ten
24 vacancies. And if you go to the summary sheet, which

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1 is the one we were showing, this is exactly where I
2 have the vacancies, until such time as I am told that
3 they're moving elsewhere.

4 And we have the one that I mentioned in
5 Fair Housing. We have two sitting in Waterbury. One
6 in Bridgeport. Three in Capitol Region, and that
7 makes up the ten.

8 CHAIRMAN NORTON: Okay. So -- okay.

9 So at this point in time where we're
10 headed is that if we fill all our vacancies there will
11 be six people in Waterbury -- eight. Eight. Eight in
12 Bridgeport, seven in Norwich and ten in Hartford?

13 MS. COLON: Come back again. You're
14 going based on the regional? Is that where you're
15 going?

16 CHAIRMAN NORTON: I'm going -- I'm
17 working off a -- I see up here that I've been working
18 off for a long time not --

19 By the way, I just wanted to tell
20 people, and the Commissioners, if you go to the last
21 page she has, which runs across Capitol Region, West
22 Central, Southwest Norwich, one of the things for the
23 purposes of my best analysis in figuring out how our
24 staffing in these agencies is -- this is what I'm told

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1 -- that there's an Assistant Commission Counsel II --
2 if you look at the third line down, Regional Manager

3 Administrative Assistant, there's an Assistant
4 Commission Counsel II in Hartford and in Bridgeport.

5 MS. COLON: One. A Commission Counsel
6 I.

7 CHAIRMAN NORTON: Oh, I'm sorry. I
8 apologize. One. Thank you.

9 Those people are currently doing a --
10 much of the work that HRO reps do. And in fact, those
11 positions have been red circled. If those people ever
12 depart the position will in fact convert officially to
13 an HRO rep person. But what they're doing is getting
14 -- being done by some other people or the other
15 divisions, where there -- regions where there is none.

16 Now, also in Waterbury there's a
17 Complaint Intake Officer. You can see that there
18 isn't one in the other regions. At least not on this
19 sheet.

20 MS. COLON: Right.

21 CHAIRMAN NORTON: That person is also
22 doing what is getting done by other HRO reps in the
23 other regions. They're doing the intake work. So,
24 I'm counting those people when I'm adding -- figuring

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1 out who's what in which region.

2 So, I count that Yvonne Duncan, and
3 then I count six HRO reps in Hartford. Or seven.

4 MS. COLON: Uh-huh.

5 CHAIRMAN NORTON: Three vacancies means
6 we'll have ten?

7 MS. COLON: Uh-huh.

8 CHAIRMAN NORTON: In Waterbury I count
9 Yvonne, and then I have five people working as HRO
10 reps. So, that's six. And then your two vacancies,
11 you get to eight.

12 MS. COLON: Right.

13 CHAIRMAN NORTON: So, I'm just writing
14 down these numbers. Ten. And eight in Waterbury.

15 Bridgeport there's a Commission
16 Counsel, and then six people working, and then a
17 vacancy. That's eight. By the way, there's been
18 another resignation. So, we're actually down to six
19 there.

20 MS. COLON: Uh-huh.

21 CHAIRMAN NORTON: But there could be
22 eight. And in Norwich there are seven. No vacancies.
23 So, there will be seven.

24 And the issue that I was discussing in

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1 email with some of the Commissioners is does -- do we
2 think the numbers make sense to have seven Norwich,
3 eight Bridgeport, eight Waterbury and ten in Hartford.
4 And that's -- and that's why -- that issue -- there's
5 plenty of other issues involved here. That's one of
6 the bigger issues out there now that I -- why I've
7 asked Nandi to supply us with some of this
8 information.

9 COMMISSIONER GRIFFIN: Did you mention

10 something like equivalent positions for HRO rep as a
11 complaint intake officer?

12 CHAIRMAN NORTON: It's not the same
13 position. I don't think they're -- I think it's a
14 different pay and it's a different title, certainly.
15 But that person -- whatever work that person's doing
16 is being done by HRO reps in the other areas.

17 MS. COLON: Right. The intake work is
18 being done in the other regions by HRO reps, because
19 they don't have an intake officer.

20 COMMISSIONER GRIFFIN: Okay. So --

21 MS. COLON: But Don could elaborate
22 more on that.

23 CHAIRMAN NORTON: Yeah. I mean,
24 because the intake aspect of --

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1 MS. COLON: The intake aspect, because
2 they do beyond --

3 COMMISSIONER GRIFFIN: A combined
4 responsibility.

5 MS. COLON: Right.

6 COMMISSIONER GRIFFIN: They do the
7 intake and whatever else they do?

8 MS. COLON: Exactly.

9 CHAIRMAN NORTON: But it's part of the
10 work that's done -- it's part of the whole effort
11 that's being performed in other regions without a
12 specific intake officer.

13 MS. COLON: Right.

14 COMMISSIONER GRIFFIN: Yeah. But now
15 this person would not do anything that the HRO reps
16 are doing. The intake officers --

17 CHAIRMAN NORTON: That's right.

18 MS. COLON: Right. Let me have Don
19 answer that question because he's more familiar with
20 that.

21 CHAIRMAN NORTON: Okay.

22 MS. COLON: Don.

23 CHAIRMAN NORTON: Well, why don't --
24 who's next on our agenda? Is it Don?

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1 MS. COLON: It is Don.

2 CHAIRMAN NORTON: Okay. So, you want
3 to turn it over now to him, or do you want to just --

4 MS. COLON: I guess. Yes.

5 CHAIRMAN NORTON: Thank you very much.

6 MS. COLON: You're very welcome. Thank
7 you.

8 CHAIRMAN NORTON: I appreciate the
9 extra work.

10 MS. COLON: No problem.

11 CHAIRMAN NORTON: I'm giving you back
12 my sheets.

13 MS. COLON: Okay. I'll pick it up.

14 MR. NEWTON: Good afternoon.

15 Don Newton, Chief of Field Operations.

16 My usual report, and based on some of

17 the things that Nandi discussed with you, maybe I can,
18 you know, help flush out a few of the issues.

19 In the regional offices there's
20 basically three functions that our professional staff
21 do. One is the intake process, which is the filing of
22 complaints and talking to people who contact the
23 office to determine whether or not they have grounds
24 to file a complaint.

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1 In Waterbury there's a Complaint Intake
2 Officer which that's his sole function, is to do
3 intake work. We obviously have to have an intake
4 function in all of the regional offices, but in the
5 other three offices that function is performed by an
6 HRO representative, which is generically referred to
7 as an investigator.

8 In two of the regional offices we also
9 have Assistant Commission Counsel I positions. These
10 people are attorneys, but they do not function as
11 attorneys. They basically function as investigators,
12 which is the same as an HRO representative.

13 The other function -- and they all do
14 full investigations too.

15 The other function as performed in the
16 office is the merit assessment review, which is a
17 review of the complaint, answer to the complaint,
18 along with any supplemental information, and comments
19 that a complainant may file in response to the answer
20 submitted by the Respondent.

21 The Merit Assessment Review Unit makes
22 a recommendation to the regional manager as to whether
23 or not a complaint should be retained for a full
24 investigation. If it is retained then it gets passed

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1 to the full investigation unit.

2 So, just in summary, the three
3 functions are in chronological order. The Intake
4 function, the Merit Assessment Review function, and
5 the full investigation function. In some offices
6 those three functions are all performed by HRO
7 representatives. In one office we have an intake
8 officer, and then the remaining two functions are
9 performed by HRO representatives.

10 The office with the largest pending
11 case load, and that's on page 3 of my report. I
12 summarized the case loads for the four regional
13 offices and the housing unit, you can see that Capitol
14 currently has 416 pending complaints. Now, the
15 pending complaints are complaints that are active and
16 not suspended. If somebody opts to file a civil
17 action in court we don't close the case. It gets on
18 the suspension list and basically becomes inactive.
19 Some offices have complaints where somebody has filed
20 with the Equal Employment Opportunity Commission,
21 which is a federal sister agency to us. If they file
22 with EEOC first, then EEOC will do an investigation.
23 But if they also file with us we suspend our

24 processing until EEOC completes there's. Those are

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1 also netted out of this number. So, that the number
2 that I report as pending are cases that -- that the
3 regional office is working on.

4 The next region is the Bridgeport, or
5 Southwest Region, that has 593 pending complaints.

6 Waterbury has 679. Now, Waterbury's
7 case load has dropped slightly -- actually more than
8 slightly. It's dropped significantly because the
9 staff has been making a concerted effort to work on
10 their cases, plus the two people, Bill Callahan and
11 Sancha Works, who transferred to the Hartford Office
12 also took along some cases that they had almost
13 finished the investigation, and it certainly made more
14 sense for them to bring their cases with them and
15 finish those few cases rather than leave them behind.
16 So, that increased the Capitol Region case load for
17 the time being. But I suspect that the Capitol Region
18 will drop slightly once the two transfer, or central
19 investigators finish the cases that they brought with
20 them.

21 And then finally, the Norwich Office
22 has 442 pending complaints.

23 Our Housing Unit has -- the number of
24 filings have increased. We have 82 complaints that

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1 are active in the Housing Unit. The -- one big
2 distinction between the Housing Unit and the Regional

3 Office is that the Housing complaints have a much
4 shorter time frame to work under. 100 days is the
5 target date to do a housing investigation, and the
6 regional offices have -- basically we should finish
7 the complaint well within a two year time frame. We
8 certainly try not to let a complaint go that long, but
9 two years is the farthest out that we would want to
10 see a non -- a nonhousing case be pending with the
11 agency.

12 The cases we define as the backlog has
13 decreased slightly from the prior month, as has the
14 total overall case load decreased slightly.

15 CHAIRMAN NORTON: The -- I wanted to
16 ask -- I'm sorry.

17 MR. NEWTON: Go ahead.

18 CHAIRMAN NORTON: On page 3 where you
19 talk about backlog, it's 22 percent, 27 percent, 1.1
20 percent, .45 percent. What do you need to do to be in
21 backlog?

22 MR. NEWTON: Well, again, as I said
23 above, I said backlogs an artificial term, which it
24 is. It's not a legal term. It's not a precise term.

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1 CHAIRMAN NORTON: The law doesn't have
2 a --

3 MR. NEWTON: Right.

4 CHAIRMAN NORTON: -- a deadline for
5 getting this stuff done.

6 MR. NEWTON: I mean, we could attribute
7 any definition we want to backlog.

8 CHAIRMAN NORTON: Right.

9 MR. NEWTON: But the definition that
10 has been attributed are cases that should be worked
11 on, but for whatever reason haven't been worked on.
12 Those are cases that we're counting as backlog.

13 CHAIRMAN NORTON: But they're being --
14 they're an active file with an HRO rep. That wouldn't
15 be in the backlog?

16 MR. NEWTON: No. Not so long as
17 they're worked on.

18 CHAIRMAN NORTON: But they might not be
19 effectively moving it forward with any speed?

20 MR. NEWTON: No. The primary cases
21 that get counted in there are cases that are not
22 served in a regional office within 20 days of filing,
23 or cases that don't have the merit assessment review
24 performed within 90 days of receipt of the answer.

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1 Those are -- are time frames that should be met.
2 There are really -- other than lack of sufficient
3 staffing, those cases -- those cases should not go
4 beyond those particular time frames, because we have
5 more control over those than we do, obviously, of
6 complaints that are in full investigation.

7 CHAIRMAN NORTON: Complaints in a full
8 investigation, could they go on forever and never be
9 considered a backlog statistic?

10 MR. NEWTON: Well, by our definition
11 they probably could.

12 CHAIRMAN NORTON: Could they be two or
13 three years old?

14 MR. NEWTON: Yes.

15 CHAIRMAN NORTON: Are there any that
16 are two or three years old?

17 MR. NEWTON: There's a couple.

18 CHAIRMAN NORTON: See, I call that a
19 backlog.

20 MR. NEWTON: Those cases probably would
21 more precisely be called cases that exceeded the time
22 frame.

23 CHAIRMAN NORTON: Okay. Well, I call
24 it really long.

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1 MR. NEWTON: Yeah.

2 CHAIRMAN NORTON: And unfortunately
3 long.

4 MR. NEWTON: A negative term you've got
5 to apply to those.

6 CHAIRMAN NORTON: I'm just trying to
7 figure out whether we need to get the -- it's been my
8 experience though, Commissioners, over the years that
9 people at times have worried about how long it takes
10 to get a case through the CHRO. Especially since CHRO
11 is a place to some extent built to help people out who
12 aren't in superior court, who aren't hiring a bunch of

13 lawyers. I mean, they may be. They certainly may be
14 hiring lawyers, but it's supposed to be kind of a
15 simple place to get your justice, I think, and -- but
16 if it's really long, that feels like, you know, the
17 charge isn't being fully met. And so that's something
18 I'm always, you know, keen on, as you've heard me say
19 before. But I'm trying to get a good handle as to how
20 to call something too long.

21 MR. NEWTON: One thing we also have to
22 take into account. Some cases that have been filed
23 literally a number of years ago are complaints that
24 are, you know, recycled. Cases that there has been a

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1 prior decision made on them. They may have been -- a
2 person may have requested reconsideration and that was
3 granted and they had to go through another
4 investigation.

5 A complaint that may have been appealed
6 in superior court, the court remanded it back to us.
7 We -- occasionally we get a case that is certified to
8 public hearing after a finding of reasonable cause has
9 been made, and that gets decertified, meaning that the
10 -- our legal staff after thoroughly reviewing it did
11 not feel it met the standards to proceed at a public
12 hearing. So, that may go back for more processing.

13 So, there are some cases that
14 legitimately can extend into a longer period of time
15 than we would want to see.

16 CHAIRMAN NORTON: Commissioner Griffin.

20 had more filings and therefore a larger case load than
21 the other regions.

22 Bridgeport, I think their case load has
23 crept up because they've had a lot of recent
24 attrition. And when you lose people or have people

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1 out for extended sick leave or something, then you're
2 obviously going to build up. Bridgeport has had those
3 circumstances happen.

4 COMMISSIONER GRIFFIN: You mentioned
5 something earlier in relationship to having some cases
6 that were taken from Waterbury to Hartford and
7 completed in Hartford. Based on the fact that
8 apparently in the past or from a staffing restriction,
9 as I understand it, you can't fill certain positions
10 unless they're vacant in certain areas. But is there
11 any way that there could be a staff transfer or a
12 staff pick up of cases from other regions to balance
13 the -- the intake in those regions?

14 MR. NEWTON: In the past we've done
15 that. We've transferred some unassigned cases from
16 one region to another. But, you know, it's -- among
17 all of the regional managers and myself, we prefer not
18 to do that, but we understand that sometimes it's
19 necessary.

20 CHAIRMAN NORTON: By the way, is my
21 assessment right with looking at these vacancies and
22 stuff that what we're looking at is if we full all our
23 vacancies, seven Norwich, eight in Bridgeport, eight

24 in Waterbury and ten in Hartford. Do you think I got

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1 that right?

2 MR. NEWTON: Based on the way it was
3 presented, yes. It would put -- Capitol Region would
4 have a decidedly higher number of cases than the other
5 regions.

6 CHAIRMAN NORTON: Okay. Are there any
7 other questions from Commissioners?

8 Then I guess we should thank you very
9 much.

10 MR. NEWTON: Oh, let me make one more
11 comment. There was a mention that our Curriculum
12 Manager position has been vacated because of a
13 resignation. We aren't without training though.
14 Besides the inservice training that's offered through
15 the Department of Administration Services, that staff
16 avails itself of, the Equal Employment Opportunity
17 Commission has offered training for investigators. We
18 will be sending six people to Dallas, Texas at the end
19 of this month to go to a -- what's called a New
20 Investigator Training, and these are people who have
21 been hired basically within the last year or so. And
22 this would be on EEOC's time, not our's. So, they'll
23 be training people in Texas, six people.

24 They're also going to do a training

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1 session, they call it Advanced Investigator Training.

2 They're going to come to us. They're going to come to
3 Hartford, Connecticut and do a training that will last
4 four days. And it's anticipated that will be some
5 time in November. And that will -- there will also be
6 a couple of people from other New England states
7 sending people here. But they're doing the training
8 here basically to accommodate us. So, we are able to
9 get some training for the staff.

10 CHAIRMAN NORTON: Are there any
11 questions?

12 Okay. I guess we have a Legislative
13 Report.

14 MR. INGRAM: Ms. Ferguson.

15 MS. FERGUSON: Hello.

16 You should have in your packets three
17 legislative proposals. We have a new list -- you
18 should have three. Deprivation of Rights,
19 Streamlining of the Hearing Process and Affirmative
20 Action Investigation.

21 CHAIRMAN NORTON: Um -- the --

22 COMMISSIONER GRIFFIN: I don't think
23 they've put them in here.

24 CHAIRMAN NORTON: Well, I've got -- I'm

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1 lucky, I've got them, but . . .

2 What's the -- I don't get the sexual
3 orientation thing. That's been a loss for a while.
4 What's that about?

5 MS. FERGUSON: That is a proposal that

6 would amend the Deprivation of Rights statute to add
7 sexual orientation as a protected class. This would
8 allow us to take complaints from a student who believe
9 that he or she was discriminated against on the basis
10 of sexual orientation by a public school.

11 CHAIRMAN NORTON: Oh, it's about
12 students. It's in the category of students.

13 MS. FERGUSON: This is something that
14 we submitted for the first time a couple of years ago
15 because of the same sex marriage issue and other
16 issues. It was never taken up, so we would like to go
17 ahead and resubmit that for the Judiciary Committee's
18 consideration.

19 The second proposal is an act
20 considering the hearing process for noncompliant
21 contractors, and this would simply allow us to when
22 our contract compliance staff uncovers evidence that a
23 contractor or subcontractor has failed to live up to
24 its contract compliance obligations to issue a

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1 complaint and immediately bring the complaint to a
2 public hearing rather than to have the contract
3 compliance staff uncover evidence, bring it to you and
4 then have to go through an investigation, because it
5 would have to be a Commission initiated complaint,
6 then it would have to be investigated. It just takes
7 too long. This would simple allow us to streamline
8 the process.

9 The third proposal is an act concerning
10 affirmative action investigations, and this actually
11 came out of the May Labor Committee hearing about our
12 own issues here. It would require the Department of
13 Administrative Services to investigate an affirmative
14 action complaint when a complaint is filed against an
15 agency head or a member of a state agency board or
16 commission.

17 CHAIRMAN NORTON: Do we mean any
18 discrimination complaint?

19 MS. FERGUSON: An internal affirmative
20 action complaint.

21 CHAIRMAN NORTON: Affirmative Action
22 meaning any kind of discrimination complaint?

23 MS. FERGUSON: There -- the regulations
24 allow for -- first of all the statutes require an

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1 affirmative action officer to investigate any
2 discriminatory conduct.

3 CHAIRMAN NORTON: Okay.

4 MS. FERGUSON: The regulations require
5 the affirmative action officer to go ahead and conduct
6 an investigation.

7 Because of the issue that came up in
8 May before the Labor Committee we felt it was a
9 conflict of interest for the Affirmative Action
10 Officer to go ahead and investigate an internal
11 complaint when the complaint is made against the
12 agency head. And we expanded that to include a member

13 of a state board or commission. And we want to do
14 that to avoid any appearance of a perceived or actual
15 conflict of interest.

16 CHAIRMAN NORTON: And that's any kind
17 of -- I guess the language here says an affirmative
18 action complaint.

19 MS. FERGUSON: In a term --

20 CHAIRMAN NORTON: And I want to read
21 that as saying or discrimination, because it just made
22 it so much clearer. Is it any discrimination
23 complaint?

24 MS. FERGUSON: I think if you take a

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1 look at the actual language of the proposal, which is
2 found on page 3, you will see that that is there. All
3 complaints of discrimination made against the agency,
4 department.

5 CHAIRMAN NORTON: Okay. Okay. Thank
6 you. Beautiful. Just what I wanted to hear. Thank
7 you.

8 MS. FERGUSON: We are contemplating a
9 fourth legislative proposal which has not yet been
10 presented to the legislative committee. That proposal
11 would amend the definition of physical disability to
12 address the issue of reasonable accommodation and
13 perceived disability.

14 We do have a meeting scheduled with
15 advocates on October 25th, and we hope to be able to

16 come to some sort of resolution and bring that to the
17 Legislative Committee and then to the full Commission
18 in November.

19 This, again, is something that we had
20 submitted in the past, but we want to meet with
21 advocates to see what strategy -- what's the best
22 course of action.

23 CHAIRMAN NORTON: What kind of
24 disabilities are we talking about?

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1 MS. FERGUSON: Physical disability.
2 Physical disability.

3 CHAIRMAN NORTON: They aren't in the
4 statute?

5 MS. FERGUSON: They are in the statute,
6 but there was a second circuit court of appeals
7 decision a couple of years ago that said that because
8 these -- that perceived disability was not explicitly
9 in our language we had no right --

10 CHAIRMAN NORTON: Oh, okay.

11 MS. FERGUSON: -- to take a complaint.
12 And we think it might be just a matter of time,
13 because reasonable accommodation is not explicitly
14 spelled out in the statute, that someone might also
15 make that claim. So, this is something that we were
16 trying to address.

17 We did meet with Commissioner Mambruno,
18 who is a member of the legislative committee. We
19 shared information with Commission Conaway, the other

20 member of the committee, via email. I received his
21 comments just today, and they have approved all three
22 of the proposals that are in your packet. And as soon
23 as we meet with the advocate group, or groups, we will
24 go ahead and bring that fourth proposal to you.

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1 CHAIRMAN NORTON: Okay. Any questions?

2 Thank you very much.

3 MS. FERGUSON: Thank you.

4 MR. INGRAM: Mr. Brothers.

5 MR. BROTHERS: Good afternoon,

6 Commissioners.

7 My report is brief. Everything is okay
8 with the Legal Department. The declaratory ruling
9 that we're working on is on track, and expected to be
10 done on or before the December Commission meeting.

11 There is one reopening today. There's
12 another one pending that will probably be done for
13 review by next Commission meeting.

14 Assistant Director Ray Pech is on
15 vacation, and the next issue that's coming up, the
16 Contract Compliance, I can present those to you guys.

17 CHAIRMAN NORTON: Okay.

18 MR. BROTHERS: That's it.

19 MR. INGRAM: That concludes my report.

20 CHAIRMAN NORTON: So then we want to go
21 to Item IV, New Business.

22 MR. BROTHERS: If you can let me know

23 what your pleasure is. Do you want to do all three at
24 once or do you want to do them individually?

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1 COMMISSIONER MAMBRUNO: Do all three at
2 once.

3 CHAIRMAN NORTON: Yeah. Let's do it
4 that way.

5 MR. BROTHERS: Okay. All three have
6 been analyzed and reviewed by Ray Pech, and then I in
7 turn reviewed them and reviewed Ray's analysis, and I
8 concur with his.

9 All three are recommended for contract
10 exemption. The first one deals with Southern
11 Connecticut State University and the United States
12 Army Reserve. It's actually a reverse contract. The
13 State actually pays -- receives \$16,200.00 for
14 actually leasing out parking spaces. Obviously the
15 United States Army is sovereign and we have no control
16 over that, so it's in the parameters of a contract
17 exemption.

18 The second one is from Central
19 Connecticut State University and it involves two
20 university in Brazil. Obviously it's an exchange type
21 of a program. It's outside of not only Connecticut,
22 but the U.S. It falls within the parameters of a
23 contract exemption.

24 And the final one has to deal with

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1 Capital Community College who is now contracting with

2 Disney to be able to have some management instruction
3 through the Disney Keys of Excellence. Obviously
4 Disney is the only one that can provide that, so it's
5 a sole source provider and falls within the
6 parameters.

7 All three are recommended for contract
8 exemption, as requested.

9 CHAIRMAN NORTON: Is there a motion
10 from a Commissioner to accept the recommendation of
11 granting these contract compliance exemptions?

12 COMMISSIONER MAMBRUNO: So moved.

13 CHAIRMAN NORTON: Is there a second?

14 COMMISSIONER GRIFFIN: Second.

15 CHAIRMAN NORTON: Any discussion?

16 All those in favor of granting these
17 contract compliance exemptions say aye.

18 COMMISSIONERS MAMBRUNO, MENGUAL,
19 GRIFFIN, CLARKE and MARSHALL: Aye.

20 CHAIRMAN NORTON: Any opposed? Any
21 abstentions?

22 The motion carries.

23 All three are approved.

24 I guess at this point in time I would

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1 like to invite into executive session Mr. Ingram,
2 Mr. Brothers and Mr. Tead. Yes. I guess that's -- by
3 the way, please advise me whether specially someone
4 else needs to be -- okay.

5 Is there a motion to go into executive
6 session?

7 COMMISSIONER MAMBRUNO: I make a motion
8 to go into executive session.

9 CHAIRMAN NORTON: Second.

10 COMMISSIONER GRIFFIN: So moved.

11 CHAIRMAN NORTON: All those in favor.

12 COMMISSIONERS MAMBRUNO, MENGUAL,
13 GRIFFIN, CLARKE and MARSHALL: Aye.

14 CHAIRMAN NORTON: The necessary two
15 thirds having been achieved, we will go into executive
16 session with the expressed invitation of Mr. Ingram,
17 Mr. Brothers and Mr. Tead.

18
19 (Whereupon executive session took place
20 from 3:50 until 4:50 p.m.)

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22 CHAIRMAN NORTON: Do I have a motion to
23 return to executive session.

24 COMMISSIONER MAMBRUNO: I make a motion

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1 to return.

2 CHAIRMAN NORTON: Is there a second?

3 COMMISSIONER MENGUAL: Second.

4 CHAIRMAN NORTON: All those in favor.

5 COMMISSIONERS MAMBRUNO, MENGUAL,
6 GRIFFIN, CLARKE and MARSHALL: Aye.

7 CHAIRMAN NORTON: All those opposed?

8 All those abstained.

9 The motion passes.

10 Where's George?

11 COMMISSIONER CLARKE: He stepped out
12 for a second.

13 COMMISSIONER GRIFFIN: I think he went
14 to the bathroom.

15 CHAIRMAN NORTON: Okay. I think I
16 should wait for him, because I think our first order
17 of business is a vote.

18 MR. BROTHERS: I'll go find him.

19 CHAIRMAN NORTON: Okay.

20 (Pause.)

21 We have -- a vote was passed to return
22 us into executive -- out of executive session, but we
23 just wanted to wait for George.

24 So, being out of executive session, we

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1 have no -- by the way, no votes were taken during the
2 executive session. We didn't even consider it.

3 But we have no business to take up
4 regarding any pending litigation, no actions to be
5 taken.

6 On the reopening request between
7 Coley-Lupe versus St. Vincent's, do I have a motion to
8 accept staff recommendation to deny the reopening
9 request.

10 COMMISSIONER GRIFFIN: So moved.

11 CHAIRMAN NORTON: Commissioner Griffin

12 makes the motion. Is there a second?

13 COMMISSIONER MARSHALL: Second.

14 CHAIRMAN NORTON: All those --

15 Commissioner Marshall.

16 All those in favor say aye.

17 COMMISSIONERS MAMBRUNO, MENGUAL,

18 GRIFFIN, CLARKE and MARSHALL: Aye.

19 CHAIRMAN NORTON: Is there any

20 opposition? Any abstention?

21 So, the motion passes.

22 Staff recommendation is accepted.

23 We have no business to take up on

24 personnel matters, except to announce that we plan to

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1 hold a Special Commission meeting at 2:00 in the
2 afternoon Wednesday, October 25th, and we're going to
3 hold it at the LOB. Since -- for the purposes of this
4 meeting there isn't a large requirement of any CHRO
5 staff. I'll be talking with anyone who I think is
6 required to be present.

7 I would say that on the agenda should
8 be any pending claims or litigation. In case there's
9 a fresh update we want to hear. And also the annual
10 evaluation of the Executive Director, and any other
11 personnel matters as they may arise. They will be one
12 item -- one of those with two parts.

13 2:00, the LOB. I'll get back to you
14 with a room.

15 By the way, just to let you know, some

16 people say, oh, the LOB is so convenient. It is, but
17 we could get dependent on it in such a way that come
18 session, we'd never -- they've never give us a room
19 during session. So, we'd be lerching back here. But
20 in the Special Commission meeting where we're not
21 asking all these staff to come, we're going to be in
22 executive session most of the time, then I think we
23 really can just indulge our convenience. And it's a
24 little bit easier building to move around, easier

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1 parking.

2 But is there a motion to adjourn?

3 COMMISSIONER MAMBRUNO: Make a motion
4 to adjourn.

5 COMMISSIONER MARSHALL: Second.

6 CHAIRMAN NORTON: Seconded by
7 Commissioner Marshal.

8 All those in favor?

9 COMMISSIONERS MAMBRUNO, MENGUAL,
10 GRIFFIN, CLARKE and MARSHALL: Aye.

11 CHAIRMAN NORTON: Any opposed? Any
12 abstentions?

13 We are adjourned.

14

15 (Whereupon the proceedings concluded
16 for the day at 4:55 o'clock p.m.)

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1 C E R T I F I C A T I O N

2

3 STATE OF CONNECTICUT)
4) ss.
5 COUNTY OF HARTFORD)

6

7 I, Nancy E. Paretti, a Notary Public in
8 and for the State of Connecticut, do hereby certify
9 that the foregoing record is a correct and verbatim
10 computer-aided transcription of the proceeding
11 hereinbefore set forth.

12 I further certify that I am neither
13 counsel for, nor related to, nor employed by any of
14 the parties to the action in which this proceeding is
15 taken and further certify that I am not related to,
16 nor an employee of any attorney or representative
17 employed by the parties thereto, nor am I financially
18 interested in this action.

19 In witness whereof I have hereunto set
20 my hand and affixed my notarial seal this date,
21 September 26th, 1997.

22

Nancy E. Paretti

23

Notary Public

24 My commission expires February 28, 2007