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STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

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REGULAR COMMISSION MEETING
21 GRAND STREET
HARTFORD, CT 06106

THURSDAY, NOVEMBER 9, 2006
2:00 P.M.

COMMISSIONERS PRESENT:

Andrew M. Norton, Chairman
Edward Mambruno, Secretary
George A. Marshall
Jimmie L. Griffin
Cheryl Lynn Clarke
Larry D. Conaway
Lillian H. Brown
John Lobon

COMMISSIONERS ABSENT:

Gloria Mengual

STAFF PRESENT

R. Hamisi Ingram
Robert Brothers
Raymond P. Pech
Donald Newton
Nandi Colon
Lena Ferguson
Alvin Bingham

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1 Verbatim transcript of the
2 Regular Commission meeting of the Commissioners on
3 Human Rights and Opportunities, Thursday, November 9,

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 NORTON: I would like to call
11 this meeting, November 9th meeting, of the Connecticut
12 Commission on Human Rights and Opportunities to order
13 at 2:10. And immediately turn it over to Commissioner
14 Mambruno, the Secretary.

15 COMMISSIONER MAMBRUNO: Thank you.

16 The minutes last month were taken by a
17 reporting service, so it is a transcript. Upon
18 reading the transcript it was noted that some names
19 were misspelled. And I guess what I'm looking for is
20 a motion to accept Ray Pech's, who is the Assistant
21 Director, change to the amended, and let him explain.

22 MR. PECH: Good afternoon, everybody.

23 I don't want to belabor a minor point,
24 but there were a number of names that were really

3

1 butchered, and I just think for clarity of the record
2 -- and by the time these were presented to me and
3 reviewed it was too late to send them back to the
4 reporting service to get a certified corrected copy,
5 so . . . my thought is I'll read you the corrected
6 names and you can then vote to accept the minutes as
7 amended.

8 The first is on page 2. The Chairman
9 is misidentified as Chairman Lobon. It should
10 obviously be Chairman Norton at this point.

11 Page -- the one I didn't tell you
12 throughout, because the name appears several times,
13 there's a reference to Susan Hom, H-O-M, who is one of
14 our employees. It shows up repeatedly as, I think
15 it's H-A-U-M. So, anywhere you see that name it
16 should be H-O-M.

17 On page 62, at line 12, there's a
18 reference to a position that was held by -- what it
19 says is Dan Seduski. I believe that's supposed to be
20 Jim Jedrzewski, who was a former employee. I don't
21 know of anybody named Dan Seduski that ever worked
22 here.

23 CHAIRMAN NORTON: Have you asked him if
24 he preferred that new name?

4

1 MR. PECH: I don't know. Is Jim here.

2 No. He doesn't work here any more.

3 CHAIRMAN NORTON: He's at Yale.

4 MR. PECH: He's at Yale.

5 Page 63, line -- line 13. There's a
6 reference to John Newton. It should be Don.

7 And on page 65, line 7 there's -- there
8 was -- what was stated by Nandi was, she referred to a
9 position occupied by Sancha Works, it came out as
10 Central Works.

11 CHAIRMAN MARSHALL: Sandra Works?

12 MR. PECH: Sancha S-A-N-C-H-A.

13 And one more I think. Well, this isn't
14 a name, but on page 90, line 22, Don Newton is
15 speaking about some training and what I believe he
16 said was that it would be on EEOC's "dime", as in
17 they're paying for it, and it came out "time".

18 And the last is on page 100. This
19 isn't a name, but this probably somewhat critical.
20 Line 23 Chairman Norton asked for a motion to come out
21 of executive session, and it came out as "Do I have a
22 motion to return to executive session," and I believe
23 it should probably read from executive session.

24 And I believe that's it.

5

1 CHAIRMAN NORTON: Is there a motion to
2 accept those minutes as amended by Mr. Pech.

3 COMMISSION MARHSALL: So moved.

4 COMMISSIONER GRIFFIN: Second.

5 CHAIRMAN NORTON: All in favor.

6 COMMISSIONERS MARSHALL, CONAWAY,

7 CLARKE, GRIFFIN, BROWN, and MAMBRUNO: Aye.

8 CHAIRMAN NORTON: Any opposed?

9 Any abstentions?

10 COMMISSIONER LOBON: Abstention.

11 CHAIRMAN NORTON: An abstention from
12 Commissioner Lobon.

13 Is there a motion on the minutes for
14 the October 25th Special Commission meeting?

18 based on compliance of the following, 46a-68-59. The
19 plan contains all elements required by Section 46a-68
20 to 31, and 46a-68 to 59b(1). The workforce considered
21 as a whole, and by occupation categories, is not
22 imperative of the relevant labor market.

23 And 46a-68-59(b)2, the agency has not
24 met all or substantially all the hiring and

7

1 promotional goals. All program goals were met.

2 46a-68-59(b)3, this agency has
3 demonstrated every good faith effort to achieve such
4 goals, and despite their efforts they've been unable
5 to do so.

6 And 46a-68-59(b)4, the agency has
7 substantially addressed deficiencies noted in the
8 Commission's prior plan reviews in accordance with
9 Section 46a-68-62(c).

10 Goal achievement. Short term goal
11 achievement, 4 out of 7, or 58 -- 57.1 percent. Total
12 goal achievement 4 out of 7, or 57.1 percent.

13 Promotional goal achievement 31 out of 45, or 69
14 percent. Five year history in 2001, the plan was
15 approved, of '02 approved, '03 approved, '04
16 conditionally approved, and '05 was a disapproval.

17 CHAIRMAN NORTON: Is there a motion to
18 accept the staff recommendation for approval and the
19 recommendation to begin to retain its annual filing
20 status. Is there a motion?

21 COMMISSIONER GRIFFIN: So moved.

22 COMMISSIONER BROWN: Excuse me,
23 Mr. Chair, but this was conditionally approved.

24 CHAIRMAN NORTON: I'm sorry. I

8
1 apologize.

2 COMMISSIONER MAMBRUNO: No. It's
3 approved.

4 COMMISSIONER BROWN: Which one am I
5 looking at?

6 CHAIRMAN NORTON: You're looking at the
7 wrong one.

8 MR. PECH: Southern has the recommended
9 conditional approval.

10 COMMISSIONER BROWN: Sorry. I take
11 back that I --

12 CHAIRMAN NORTON: No, no. Keep your
13 eyes open.

14 COMMISSIONER BROWN: Yes. I will.

15 CHAIRMAN NORTON: That's an easy
16 mistake.

17 COMMISSIONER MAMBRUNO: I make a motion
18 to accept staff recommendation to approve the
19 Department of Labor's Affirmative Action plan.

20 COMMISSIONER GRIFFIN: Second.

21 CHAIRMAN NORTON: It's seconded.

22 Is there any discussion from
23 Commissioners or any questions from Commissioners of
24 either our staff or the agency?

9

1 (No response.)

2 If there isn't, I'll ask for all those
3 in favor of the recommendation for approval and the
4 retention of annual filing status to say aye?

5 COMMISSIONERS MARSHALL, CONAWAY,
6 CLARKE, GRIFFIN, BROWN, LOBON and MAMBRUNO: Aye.

7 CHAIRMAN NORTON: Is there any
8 opposition?

9 Is there -- are there any abstentions?

10 (No response.)

11 Hearing none, the approval is granted.

12 And Mr. Bingham.

13 MR. BINGHAM: The next agency is
14 Worker's Compensation. And here is Sandra Cunningham,
15 the Principal and Human Resource Specialist, and Peter
16 Miecznikowski, Associated Research Analyst. If you
17 could please stand.

18 Thank you. You may be seated.

19 This plan is recommended on approval
20 based on 46a-68 -- 68-59a. The plan contains all
21 elements required by Section 46a-68-31. And
22 46a-68-59(b)1, the workforce considered as a whole and
23 by occupational category is not in parity with the
24 relevant labor market area.

10

1 46a-68-59(b)2, the agency has met all
2 substantial -- has met all or substantially all of its
3 hiring promotional program goals.

4 And 46a-68-59(b)4, the agency has
5 substantially addressed deficiencies noted by the
6 Commission in prior plans reviewed in accordance with
7 Section 46a-68-62(c).

8 Goal achievement. Short term goal
9 achievement, 3 out of 3, or 100 percent. Long term
10 goal achievement was 1 out of 2, or 50 percent. Total
11 goal achievement, 4 out of 5, or 80 percent.

12 The five year history. The plan has
13 been approved for all five years.

14 CHAIRMAN NORTON: Is there a motion
15 from any of the Commissioners to accept staff
16 recommendation that we approve the Affirmative Action
17 Plan for Workers' Compensation Commission.

18 COMMISSIONER MARSHALL: I'll make a
19 motion that we approve the Workers' Compensation
20 Commission plan as recommended by staff.

21 CHAIRMAN NORTON: And would your
22 motion --

23 COMMISSIONER GRIFFIN: Second.

24 CHAIRMAN NORTON: And seconded.

11

1 Would your motion of second include the
2 retention of annual filing status, which is also
3 recommended?

4 COMMISSIONER GRIFFIN: Yes.

5 CHAIRMAN NORTON: Beautiful.

6 Is there any discussion from any

7 Commissioners, or any questions any Commissioners
8 would like to ask of our agency or Workers'
9 Compensation Commission?

10 (No response.)

11 If there isn't, all those in favor of
12 approval of retention of annual filing status please
13 say aye.

14 COMMISSIONERS MARSHALL, CONAWAY,
15 CLARKE, GRIFFIN, BROWN, LOBON and MAMBRUNO: Aye.

16 CHAIRMAN NORTON: Is anyone opposed?

17 Is anyone abstaining?

18 (No response.)

19 The approval is granted, and so is
20 retention of annual filing status.

21 Mr. Bingham.

22 MR. BINGHAM: And Southern Connecticut
23 State University. We have here Dr. Cheryl Norton,
24 President, Marcia Smith Glasper, Director of Office

12

1 Diversity and Equity, and Paula Rice, Associate
2 Director of Diversity and Equity. Please stand.

3 Thank you. You may be seated.

4 This plan is recommended for approval
5 -- I mean, recommended for conditional approval based
6 on 46a-68-59a. The plan contains all elements
7 required by Section 46a-68 to 31 through 46a-68-50 to
8 74.

9 And 46a-68-59(b)3, the agency has
10 demonstrated every good faith effort to achieve such

11 goals, and despite its effort has been unable to do
12 so.

13 And 46a-68-59(b)4, the agency has
14 substantially addressed deficiencies noted by the
15 Commission in the prior plan reviews in accordance
16 with Section 46a-68-62(c).

17 Goal achievement. Short term, 15 out
18 of 29, or 51.7 percent. Total goal achievement, 15
19 out of 29, or 51.7 percent. Promotional goal
20 achievement, 12 out of 16, or 75 percent.

21 The five year history. In 2001 the
22 plan was disapproved. 2002 was approved. 2003
23 approved. 2004 approved. 2005 conditionally
24 approved.

13

1 CHAIRMAN NORTON: Is there a motion to
2 accept staff's recommendation for conditional approval
3 and retention of annual filing status?

4 For the purposes of discussion would
5 any commissioner make a motion? You can make a
6 different motion if you'd like.

7 COMMISSIONER MAMBRUNO: I would like to
8 make a motion to accept staff's recommendation for
9 conditional approval to Southern Connecticut State
10 University.

11 CHAIRMAN NORTON: Is there a second.

12 COMMISSIONER BROWN: Second.

13 CHAIRMAN NORTON: Thank you very much.

14 Now, are there any questions of
15 Commissioners?

16 COMMISSIONER GRIFFIN: Just one.
17 There's an addendum to that? I guess there's -- is
18 this a recommendation that you change the approval, or
19 something, or just --

20 MR. PECH: No. There's a handout from
21 them.

22 COMMISSIONER BROWN: Well, this was
23 just passed to us --

24 CHAIRMAN NORTON: You may not have --

14

1 MR. BINGHAM: Well, this -- this is
2 Southern Connecticut State University's -- they're
3 going to address our recommendation, but that's not
4 coming from us. That's the University.

5 COMMISSIONER GRIFFIN: No. That's what
6 I was asking. If there's something here that they're
7 going to adjust these recommendations.

8 MR. BINGHAM: Right.

9 COMMISSIONER GRIFFIN: And in that, it
10 looks like they're asking for either a change from a
11 conditional to -- to approval.

12 MR. BINGHAM: That's their -- yeah,
13 that's they're request, and we'll respond back to
14 them.

15 COMMISSIONER GRIFFIN: Okay.

16 COMMISSIONER BROWN: So, it shouldn't
17 have come to us? That's what you're saying?

18 MR. BINGHAM: No. But I -- it didn't
19 come from me.

20 COMMISSIONER BROWN: Okay. Alright.
21 Gotcha.

22 MR. BINGHAM: So . . .

23 CHAIRMAN NORTON: Well, would the
24 people from -- I take it the Commissioners are

15

1 interested in hearing from the people from Southern.

2 COMMISSIONER BROWN: Yes.

3 COMMISSIONER GRIFFIN: Yes.

4 CHAIRMAN NORTON: Would you like to
5 take the mike, introduce yourselves, and then -- and
6 then persuade.

7 MS. NORTON: Chairperson Norton,
8 Commissioners. Thank you for the opportunity to speak
9 to you today. And we were asked if we had a handout
10 would be please provide it prior to the meeting so it
11 could be distributed. Sorry if there was some
12 confusion about that.

13 What I would like to do is first of all
14 reemphasize the value of affirmative action, policies,
15 procedures and opportunities at our campus. And
16 recognize the work that you do in promoting that in
17 the State.

18 I would like to read this letter into
19 the record so it is so noted.

20 The following information is provided

21 for your consideration as you review the conditionally
22 approved recommendation suggested by the evaluator of
23 Southern Connecticut State University's Affirmative
24 Action plan submitted this year.

16

1 In light of this information -- and I
2 should add in at this point, when we received our
3 conditional approval we did take advantage of the
4 require -- the offer to call and find out more
5 information about this conditional approval. At that
6 time, when the call was made, we were told that it was
7 really inappropriate to talk about it before this
8 Commission meeting. So, I am purely giving you the
9 information that we have -- that you have in response
10 to the written evaluation.

11 I would like you to please consider the
12 following. As stated in the Executive Summary of
13 Review and Recommendations, to receive approval a plan
14 must comply with Sections 46a-68-59, the Standard of
15 Review. Specifically, and I quote, "A plan must
16 contain all elements required by Sections 46a-68-31
17 through 46a-68-74 inclusive."

18 The reviewer actually states on page 3
19 of our review that, quote, "The proposed affirmative
20 action plan does contain all elements required by
21 Sections 46a-68-31 through 46a-68-74 inclusive." And
22 I believe the presentation that was just made also
23 references that fact.

24 Second part. In addition, a plan must

17

1 be approved if Section 46a-68-59(b)3 and Section
2 46a-68-59(b)4 are met.

3 In regards to 46a-68-59(b)3, this
4 requires that the agency has demonstrated every good
5 faith effort to achieve such goals. Indeed the
6 reviewer's statement on page 4 states, and I quote,
7 "Southern Connecticut State University has
8 demonstrated good faith efforts to achieve its goals."

9 Second 46a-68-59(b)4 requires the
10 agency has substantially addressed deficiencies noted
11 by the Commission in prior plan reviews. And indeed
12 the reviewer's statement on page 3 states, and I
13 quote, "Southern Connecticut State University has
14 substantially addressed deficiencies noted by the
15 Commission in the prior plan review."

16 The Southern Connecticut State
17 University Affirmative Action plan was evaluated by
18 the reviewer as having met the requirements for
19 approval, as indicated in the Standards of Review.

20 In addition, there were no deficiencies
21 in the plan noted. There were, however, six
22 weaknesses cited. Three of the weaknesses, and I cite
23 for you the sections, involve goal setting. And in
24 particular the comment was made that, quote, "There

18

1 are errors in goal setting."

2 However, in a day -- in a letter dated

3 November 1st, 2006, sent by Mr. Ingram, the Executive
4 Director, he states in the letter, and I quote again,
5 "Finally, your attention is called to something that
6 has been noticed in recent Commission meetings. Often
7 Agency heads describe their affirmative action goals
8 as the goals that you have set for us, or words to
9 that effect. This is to remind you that agency hiring
10 and promotional goals are set by the agency itself,
11 not by this Commission or any other agency."

12 As an agency head I am pleased that the
13 Executive Director has validated my understanding of
14 the Agency's responsibility to set hiring and
15 promotional goals. As a result, it's difficult to
16 understand the reviewer's statement since it
17 contradicts the Executive Director's reminder to
18 agency heads of their responsibility to set their own
19 goals.

20 Finally, the remaining three cited
21 weaknesses have never been identified in previous
22 plans. They were not commented on during the planning
23 process, despite receiving technical assistance from
24 the reviewer, at least twice, prior to submission of

19

1 the plan. And are not clearly articulated why these
2 are weaknesses now when they have never been
3 identified as such in previous plans.

4 I want to assure you, the
5 administration of Southern Connecticut State
6 University supports the work of the Commission of

7 Human Rights and Opportunities, and is appreciative of
8 the efforts done by the Commission on behalf of the
9 citizens of Connecticut.

10 The University is indeed a strong
11 advocate of affirmative action and will continue to
12 promote equal employment opportunity for employees.

13 More importantly, Southern's plan is
14 sound and has demonstrated that the evaluator's
15 recommendation that the proposed affirmative action
16 plan for Southern Connecticut State University filed
17 on August 1st, 2006 be conditionally approved based on
18 compliance with Sections 46a-68-59(a), (b)3 and (b)4
19 of the Regulations. It's not supported by the
20 evaluator's own comments referenced in the report.

21 This fact, in addition to the lack of
22 noted deficiencies in the plan, suggest that the
23 conditional approval is not only inappropriate, but
24 fails to acknowledge the positive substance of the

20
1 plan.

2 I'd respectively request that the
3 Commission of Human Rights and Opportunity approve
4 this plan.

5 Cheryl Norton, President.

6 And I would ask that Dr. Marcia Smith
7 Glasper, who is Assistant to the President and
8 Director of the Office of Diversity and Equity, please
9 make a few more comments about our desire to be in

10 compliance with the direction that CHRO is giving us.

11 CHAIRMAN NORTON: Could I jump in and
12 ask you a couple of questions?

13 MS. NORTON: Certainly.

14 CHAIRMAN NORTON: That speak to the
15 substance of your letter before you go.

16 By the way, as far as I know, we are in
17 no way related.

18 MS. NORTON: No. We are not.

19 Although, I know how to spell your
20 name.

21 CHAIRMAN NORTON: Well, that's not too
22 bad.

23 A couple of questions.

24 One, you point out that the reviewer

21

1 wrote, "There are errors in goal setting," but then
2 point out, you feel in contradiction of that, that
3 that's up to the agency to set goals. Is it your or
4 feeling that not only is it up to the agency to set
5 goals, but it's not up to anyone else to correct you
6 if you set them incorrectly.

7 MS. NORTON: What's difficult to
8 comment on this, Commissioner, is our -- this was one
9 of the reasons that we were calling to try and get
10 some clarification of what this statement truly meant.

11 An error in goal setting could be that
12 you took three plus four and you added it and came out
13 with five instead of seven, versus the process by

14 which you develop the pool upon which the goals are
15 determined. Because of the conflict in the letter it
16 was -- it's hard for me to make a determination what
17 those errors were.

18 I need to tell you, of course, we need
19 to work together to find the best process to maintain
20 diversity, opportunity, tolerance in the State of
21 Connecticut and the workforce.

22 CHAIRMAN NORTON: But I --

23 MS. NORTON: I couldn't tell you what
24 those errors are.

22

1 CHAIRMAN NORTON: Okay. But in any
2 case though that's not quite the point that's made in
3 your letter. Your letter seems to say that the arena
4 of goal setting is your province.

5 MS. NORTON: I really --

6 CHAIRMAN NORTON: But I'm not sure --
7 which is what -- you know, on this page -- the second
8 page of your letter, the paragraph "as an agency
9 head," and then your quotation of the Executive
10 Director. It seems to say you are the ones who set
11 goals. I'm not sure that that -- that could be true.
12 It doesn't necessarily mean though that you might not
13 have made errors in so doing.

14 MS. NORTON: And I'm -- we are eager to
15 find out what those --

16 CHAIRMAN NORTON: Okay.

17 MS. NORTON: I'm simply citing from the
18 letter that was sent to me.

19 CHAIRMAN NORTON: Okay.

20 MS. NORTON: And the statement, "This
21 is to remind you that agency hiring and promotional
22 goals were set by the agency itself."

23 CHAIRMAN NORTON: Okay. And then the
24 second question I had -- and of course, Commissioners

23

1 can jump in with questions, or if you want to move on
2 to your -- to your assistant.

3 You say in the second to the last
4 paragraph on the second page, "The remaining three
5 cited weaknesses have never been identified in
6 previous plans." What weaknesses are those that
7 you're referring to? Do you know?

8 MS. NORTON: And if I may, sir, I would
9 like to defer to --

10 CHAIRMAN NORTON: Okay. Beautiful.
11 Sure.

12 MS. NORTON: -- Dr. Smith Glasper.

13 CHAIRMAN NORTON: Okay. Thank you.

14 MS. SMITH GLASPER: Good afternoon. My
15 name is Marcia Smith Glasper, and I'm the Executive
16 Assistant to the President responsible for the Office
17 of Diversity and Equity. I've been with Southern
18 Connecticut State University for about 11 months, but
19 I've been working with the development of affirmative
20 action plans for the past 12 years.

21 So, what our surprise was is that by
22 the comments noted by the evaluator, or the reviewer
23 for this plan, they were very criptive, and so we
24 could not determine what the qualitative or

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1 quantitative areas were for the recommendation of a
2 conditional approval. So, therefore, we cited a
3 couple of areas that we thought, based on the past
4 performance in the University over the past year,
5 would best set the broadest range of goals for our
6 University in order for us to meet the parity that we
7 should meet. And so, we can only speculate, but we do
8 have several questions of the reviewer that we were
9 unable to get answer when we made the phone call
10 shortly after receipt of that recommendation.

11 We have looked internally at our plans
12 over the five year period to find out what changed
13 over night, and suddenly, that there would be these
14 requirements for us to meet, and they would be cited
15 as weak, but were not cited in prior plans with our
16 predecessors. So, that's sort of the bewilderment
17 that we have, is that there are no answers here in
18 this review.

19 And we felt that we were trying to do
20 some proactive work, when we, in fact, talked to the
21 reviewer back in August, one of the reviewers back in
22 August, to make sure that, you know, we were up to
23 date with some of the things that we were doing in the

24 plan.

25

1 So, you know, there's some questions
2 that can be answered for us, and I think we can
3 address them very specifically.

4 CHAIRMAN NORTON: Could I -- the
5 question I was asking earlier, what are -- it says the
6 remaining three cited weaknesses have never been
7 identified in previous plans. What are those three
8 weaknesses.

9 MS. SMITH GLASPER: Alright. One of
10 the areas that was cited in the plan was the issue of
11 organizational analysis under Section 46a-68-37. It
12 is not clear -- according to the reviewer, it is not
13 clear where career ladders exist or which positions
14 have no promotion opportunities. Titles should be
15 grouped by categories.

16 I looked at this document. In fact,
17 went back to 1999, over a six year period, and this is
18 the same document that was submitted in every plan.
19 The model that was used is used throughout the system.
20 The system being the four universities. No one was
21 cited on this in earlier reviews. No recommendations
22 were made that this document be changed. So, to us
23 then that's something sudden. That's something
24 overnight that the reviewer's requesting that it

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1 should include.

2 But if you look at the document it's

3 set up so you can tell what the lines of progression
4 are by the fact that there are titles and then there
5 are indentations in those titles. And where there is
6 -- where there is opportunity for promotion, then by
7 the virtue of the indentation, that denotes there are
8 opportunities.

9 Where there are no opportunities for
10 promotion, then there's no line of progression. This
11 document was accepted in the previous year. It was
12 not noted in the recommendations for any improvement.
13 So, we felt that, like, how do we then ascertain a
14 weakness value from the reviewer.

15 The other area was that of the section
16 called Internal Communication. Section 46a-68-34.
17 Over the five year period -- I did the internal
18 review. There have never been any comments noted in
19 the internal section about receipt of comments for
20 employees. This year, the first year, we did note
21 that there was a comment. One comment received from
22 an employee that commended the Associate, Paula Rice,
23 for the job well done. He had reviewed the plan that
24 was on file at the library. So, we were trying to

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1 figure out why then is it this comment did not provide
2 summary of all comments about the plan and the
3 responses to those comments noted in this
4 recommendation. It has never been noted as weak or
5 deficient. It's always been denoted in compliance

6 without comments. The first year we include a
7 comment, we get this statement.

8 The third area that we felt we needed
9 some clarification on, and I believe it was under the
10 Goals Analysis section. There are a few analyses that
11 do not adequately discuss goal candidates. In the
12 document that's been faxed over to the president's
13 office and to my office there are two notations from
14 the reviewer in the Goals Analysis section that did
15 not meet the reviewer's satisfaction. However, what
16 you received, I believe, is an abstract of the goals
17 analysis.

18 If you read the goals analysis in its
19 entire context you will find that there are
20 explanations in that goals analysis.

21 In fact, again, when we spoke to the
22 reviewer -- the reviewer that had the plan in previous
23 years, on August 16th, that was one of the areas we
24 were very concerned about. And so we took into

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1 consideration the explanation that was given to us and
2 we followed that process with our notation of the
3 hires that took place during that plan period for a
4 particular category. But it doesn't look that way --
5 it doesn't look that way when you received, I think,
6 the excerpted version of it.

7 So, if we get -- if we have an
8 opportunity to communicate with each other, I think
9 then you have a better product. In fact, I believe

10 that this product is sound. I believe it's
11 technically sound and it's structurally sound.

12 The other thing I wanted to note is the
13 -- the president. I've worked for a number of
14 agencies throughout the state and I must commend the
15 president and the vice presidents for their commitment
16 to affirmative action. It's not just by word. It's
17 also by action and the resources that are dedicated to
18 it. It's an integral part in our strategic planning
19 that we're working on, and I see it trickling down
20 from not only my office, all the way down to the
21 faculty, down to Human Resources. So, there are a
22 number of stakeholders involved in the success of our
23 affirmative action plan.

24 Now, the other issue that I have is

29

1 that we've made efforts to talk to the Commission.
2 And any time you receive a performance evaluation, in
3 any business practice, I think the best business
4 practices, you outline what those standards are as
5 communicated. And then if you don't reach those
6 standards, then I can see there being a penalty. And
7 I think this will address -- answer your question. I
8 don't mind being reviewed, but if there are lines that
9 are moving and they're not the same across the board,
10 then I mind.

11 CHAIRMAN NORTON: Thank you very much.

12 MS. SMITH GLASPER: Your welcome.

13 Mr. Bingham, would you like to respond?

14 MR. BINGHAM: I'll let Dr. Valerie
15 Kennedy respond.

16 MS. KENNEDY: Good afternoon.

17 First of all, I want to note that on
18 page 11 of your summary, and that would have been your
19 summary, it says, "The following sections are weak in
20 the proposed Affirmative Action Plan." As you know,
21 that's always the section that talks about
22 deficiencies.

23 Again, as I mentioned in the previous
24 meetings, we do not have our support staff, so this

30

1 was typed by temporary staff, and they didn't
2 understand, apparently, the structure, that this is
3 the deficient section, and you'll notice that under
4 that "the following sections are weak." So, we have
5 the following sections are weak. The following
6 sections are weak. Obviously the first one is
7 deficient.

8 So, Section 39, the Availability
9 Analysis and Hiring Promotion Goals and Timetables
10 were deficient in this plan. That was a typo that
11 said they were weak.

12 Okay.

13 CHAIRMAN NORTON: I'm sorry. I just
14 want to get clear again, or clearer.

15 In this page 11 --

16 MS. KENNEDY: Yeah.

17 CHAIRMAN NORTON: -- where it says
18 Section 46a-68-41.

19 MS. KENNEDY: No. 39. Up above that.

20 CHAIRMAN NORTON: 39.

21 MS. KENNEDY: Uh-huh. And Section
22 46a-68-41. Those two sections are under the category
23 of deficient. It says weak. Again, it was a typo by
24 our temporary staff.

31

1 And then under that you'll see that it
2 says the following sections are weak in the proposed
3 affirmative action plan.

4 This is a -- this is a format that we
5 use consistently, and the staff occasion -- when we
6 have temporary staff sometimes they don't understand
7 that the format should be consistent.

8 So, we have two sections that are
9 deficient, four sections that are weak.

10 The plan was recommended for
11 conditional approval. Not disapproval.

12 Again, last year when it was
13 recommended for disapproval we had a significant
14 amount of time discussing whether it should be
15 conditionally approved or not, and it was. So, to
16 avoid that discussion I recommended it for conditional
17 approval. And under the Goals Analysis, which is
18 where we determine if every good faith effort is met,
19 I noted that it was weak and stated that there were

20 sections where the goal candidates were not adequately
21 discussed. There were several instances of that. I
22 included some of them.

23 Ordinarily it might have been
24 sufficient for me to have said that this was a

32

1 deficient section, and therefore they did not meet
2 that standard at all, but I chose to give them the
3 benefit of the doubt, and that's why it is recommended
4 for conditional approval rather than disapproval.

5 Other questions that were raised. For
6 example, they said that they did review this.
7 Comments were made in the previous plan that the
8 internal communication section, that all of the
9 comments should be reported in the plan and the
10 response to those comments should be reported. That
11 was mentioned in the previous plan. It was mentioned
12 again in this plan.

13 COMMISSIONER GRIFFIN: There was
14 communication between -- the way I understand it
15 there's been communication. Were those points that
16 you're talking about discussed during that
17 communication period?

18 MS. KENNEDY: I would assume so. They
19 did not contact me. They contacted one of the other
20 reviewers.

21 COMMISSIONER GRIFFIN: Well, the other
22 reviewer had the same plan that you got in your hand;
23 right?

24 MS. KENNEDY: Exactly.

33

1 COMMISSIONER GRIFFIN: Are they
2 familiar with those changes?

3 MS. KENNEDY: Yes. What changes?

4 COMMISSIONER GRIFFIN: No, the ones
5 that you just mentioned. The way you explained it
6 just now.

7 MS. KENNEDY: The fact that there were
8 problems with internal communication?

9 COMMISSIONER GRIFFIN: Yeah. And the
10 typos and --

11 MS. KENNEDY: Yes. They would have the
12 previous plan's review. Yes.

13 Now, in the previous plan one of the
14 things that we went into a great deal of detail about
15 was the problem with the promotable pool and the way
16 it was presented in the previous plan. Now, it was
17 addressed in the section of Goal -- Goals Analysis
18 where it was a significant problem in the previous
19 plan. However, in this plan, in the Availability
20 Analysis, instead of using the actual pool of
21 candidates eligible for promotion, it simply used all
22 -- for example, in Professor. Professor is a position
23 that is substantially -- is basically promotions.
24 Associate Professors are promoted to Professor. Not

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1 all Associate Professors are eligible for promotion,

2 but in their Availability Analysis they use the entire
3 -- the 156 Associate Professors as their pool. Now,
4 156 Professors are not eligible -- Associate
5 Professors are not eligible for promotion in this
6 year, this coming year.

7 So, what we are saying -- when we said
8 that other areas were not a problem last year, because
9 they didn't make these mistakes last year. They
10 actually used the pool of associate professors who,
11 according to contract, would be eligible for
12 promotion. This year they used the total number of
13 Associate Professors to determine availability for
14 Professor. They used the total number of Assistant
15 Professors to determine the promotability for
16 Associate Professor. So, that makes the availability
17 analysis incorrect.

18 Now, to the extent that those numbers
19 are incorrect, that will affect the goals. So, we
20 don't -- I don't even know the extent to which the
21 goal setting is incorrect, because I don't know what
22 the correct availability is.

23 CHAIRMAN NORTON: Okay. I just wanted
24 to back up on a question that I didn't jump in and

35

1 pose.

2 You said that it was noted last year
3 that there was a deficiency -- or maybe that's a term
4 of art I shouldn't use, but a problem with internal
5 communication. It was reported to us earlier by them

6 that they did have one comment and that they included
7 it in the report.

8 MS. KENNEDY: They mention that. There
9 is actually a paragraph in the internal communication.
10 And part of the reason why it sticks in my mind is
11 because it was exactly the same paragraph in previous
12 plans. It basically said, there were comments made
13 about the plan on these areas. And it was hiring and
14 how hiring will go, and that was exactly the same
15 comment, that was the same paragraph that was included
16 this time around, but there was no additional
17 explanation.

18 So, it's the paragraph I commented on
19 the last time. It's the same paragraph this time that
20 I commented on. This time I noted it as a weakness.

21 CHAIRMAN NORTON: So, basically -- so,
22 you're saying it's not -- there wasn't some
23 information included this time different from last
24 time. You're saying it was the same as last time.

36

1 MS. KENNEDY: Yes. In that particular
2 section. There was a paragraph that was identical.

3 I'm trying to think -- and that
4 basically is the issue, that the availability analysis
5 had some significant problems because the promotion
6 pools are incorrect. And so, availability in turn
7 determines what the goals will be.

8 And we're not -- we don't set goals.

9 What sets the goals is the formula that all the
10 agencies use based on their calculations of
11 availability, and what their workforce looks like.
12 And those calculations are determined -- are used to
13 determine how goals should be set for the coming year.
14 So, when availability is incorrect, that upsets the
15 utilization analysis, and the utilization analysis is
16 really what determines what goals need to be set for
17 next -- or this coming year.

18 So, those areas were noted as
19 deficient, and need to be corrected right away.

20 Again, the plan was recommended for
21 conditional approval. And partially because they did
22 make some -- they did correct the errors in the
23 previous plan. There were new errors that arose in
24 this plan. But we felt that at this point we could be

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1 comfortable with a conditional approval rather than a
2 disapproval.

3 CHAIRMAN NORTON: And I'm just going to
4 do one last question and then turn it over to any
5 commissioners who have any questions.

6 To -- in response to the statement they
7 make that errors are being pointed out that are
8 exactly the same in previous reports --

9 MS. KENNEDY: Okay. And the area --
10 the area that she's talking about is the
11 organizational analysis. The regulations require that
12 you not only explain all of the job titles that you

13 have in your agency, but you're supposed to show where
14 the career ladders are, so in other words, you get a
15 sense of what areas are promotable into what areas.

16 This was exactly the same in the
17 previous plan. I noted it this time because when I
18 went through the promotion areas to determine what
19 positions they were referring to that were eligible
20 for promotion in the different divisions, I realized
21 that it was not clear. Clerical was difficult to
22 follow. The skilled crafts was not clear. That there
23 were categories there that were not promotable at all.
24 They were basically dead end positions. And the way

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1 they've listed it, it's difficult to follow.

2 CHAIRMAN NORTON: Are there
3 Commissioner questions?

4 COMMISSIONER BROWN: Yes. I have one,
5 Commissioner Norton.

6 It seems to me all of this conversation
7 should have taken place between you and the
8 University.

9 MS. KENNEDY: Whenever the problems
10 arise we would address them in our review. So, this
11 time -- after this review, we will meet with them for
12 technical support. And they get a substantial
13 document that basically outlines every single section
14 that's wrong. What's wrong in that section and how to
15 fix it. And they get that after every -- every year

16 when we do this they receive a document that goes
17 through every single section of the plan, explains
18 whether it's in compliance or not, and then if there
19 are any things that need to be -- whether it's in
20 compliance or not, there may be errors, or an error,
21 in that section that need to be corrected, and we will
22 list all of that. And that is then sent to them,
23 along with the notice of your decision. And they get
24 this substantial packet that really explains what's

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1 wrong with the plan and how to fix it. And then they
2 will make an appointment to meet with the reviewers
3 for technical support wherever they have questions.

4 COMMISSIONER BROWN: But it just seems
5 like all of this information happened prior to this
6 report, because from the two people who reported from
7 Southern seemed to have been trying to find out where
8 is the problem.

9 MS. KENNEDY: They are talking about --
10 they just received this notifying them that it was
11 going to be voted on today. When they submit a plan
12 they've already had technical support for the previous
13 plan. And if they had any questions we are always
14 available.

15 One of the problems that we have run
16 into is that we have on average 8 or 9 plans a month
17 to go through. So, once the plan is submitted to us
18 and the review has begun, we do not contact agencies.
19 We do not talk with them about anything, any errors

20 that have been submitted. And I know we've come
21 before you were agencies say, well, they forgot to
22 send something in. We can't call you.

23 COMMISSIONER BROWN: Yeah. I
24 understand that.

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1 MS. KENNEDY: Again, we don't have the
2 time to do that.

3 So, we correct after the fact, and we
4 try to anticipate if there's going to be problems in
5 areas. But basically any time an error occurs we
6 provide technical support to help correct that so it
7 doesn't occur in the next plan.

8 The problem with this plan was that
9 there were errors that didn't occur in the previous
10 plan.

11 As I said, the promotional pools were
12 fine. In fact, I went through them this morning again
13 to see had they made those errors last time and they
14 hadn't. So, this is a new error.

15 CHAIRMAN NORTON: Another question from
16 any Commissioner?

17 COMMISSIONER BROWN: No. That answered
18 my questions.

19 CHAIRMAN NORTON: It appears that you
20 guys are interested in saying something else again.

21 MS. SMITH GLASPER: If we may?

22 CHAIRMAN NORTON: Please.

23 MS. SMITH GLASPER: Thank you.

24 Thank you. We really were concerned

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1 about what the deficiencies were, so now that we know
2 we can address it specifically.

3 The University system is sort of unique
4 in that the criteria that individuals use to seek out
5 professors are very specific. PhD, publications,
6 scholarly research, and that's what's put in the ad,
7 however, we do not hire at the full professor level.
8 That's accurate. We hire at the Assistant Associate
9 level, and those are bargaining unit positions with
10 the AAUP. And if you look at the contract, the
11 language in the contract, you can apply for promotion
12 at any time after your probationary period. But we
13 are unable at this moment to determine if an
14 individual comes into the University whether they have
15 prior years experience, and then whether they will
16 decide to go up for promotion early. So, they have to
17 have the number of years experience. They must have a
18 terminal degree, and then they can apply, by their
19 contract for promotion.

20 This year we did change our promotable
21 transferable to pool to reflect 100 percent for
22 Associate -- from the Associate category to the full
23 professor, and from the Assistant level to the
24 Associate level because it's based on past practice

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1 within the University. That's the activity, the

2 increased activity, that's occurring in our University
3 at 100 percent. We do not hire at the full professor
4 level. So, therefore it made sense. That's the
5 methodology that not only my University used, but the
6 other three Universities use as well. I'll say the
7 other two. There is one other University that does
8 something a little different. So, we are
9 collaborating with our colleagues. It is specific --
10 the industry is specific to the academy, and so that
11 pool is the pool that we're using for our full
12 professor. Okay.

13 CHAIRMAN NORTON: So, you're saying
14 that every Associate Professor is eligible for
15 promotion to Professor?

16 MS. SMITH GLASPER: They have the
17 potential to apply for promotion.

18 CHAIRMAN NORTON: Okay.

19 MS. SMITH GLASPER: Oh, and I also
20 wanted to note for your record that 05 Internal
21 Communication and the Internal Communication submitted
22 for 06, they do have different languages in them.

23 CHAIRMAN NORTON: And that difference
24 includes, that you mentioned, you specifically

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1 referenced comments that were made on this last page?

2 MS. SMITH GLASPER: Yes. I starred it
3 for you.

4 MS. KENNEDY: May I?

5 CHAIRMAN NORTON: Sure. Go ahead.

6 MS. KENNEDY: Just one other thing. We
7 did go back and look at -- since Eastern and Western
8 have already been reviewed last month, we did go back
9 and they did not use 100 percent of the Associate
10 Professor as the promotable pool. They do not use 100
11 percent of Assistant Professor as the promotable pool.

12 COMMISSIONER BROWN: Are you saying
13 Southern is wrong?

14 MS. RICE: Are you talking about
15 valuate or are you talking about the pool itself?

16 MS. KENNEDY: The valuate is fine.
17 That's not the issue. It's the number of people in
18 the pool. And it's not 100 percent of their staff.

19 MS. RICE: Central and Western --

20 CHAIRMAN NORTON: Actually you should
21 probably grab -- stand by the mike.

22 MS. RICE: Paula Rice, Associate
23 Director, Office of Diversity and Equity.

24 CHAIRMAN NORTON: We have a dispute

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1 here that's --

2 MS. RICE: We did not come up with
3 this. We spoke with our colleagues. We contacted the
4 director at Western. We spoke to Central. They use
5 -- the only agency that doesn't is Eastern. Eastern
6 takes two years. All the other three agencies take
7 the full 100 percent. Their plans were approved. It
8 was never commented on. So, we collaborated. We

9 wanted to see what other people were doing. We don't
10 want to submit the same information every year.

11 So, we did -- I contacted Central and
12 saw they use 100 percent of their -- because they have
13 the potential to go up for promotion. We don't know
14 exactly who is going to go up. It's no different than
15 saying we're taking the whole availability pool for
16 our workforce. Not everyone in the workforce is going
17 to go up for your job, but yet, still we use the
18 entire workforce out there in these professions. So,
19 I mean, it's similar for our promotable pool within
20 our Associate -- Assistant to Associate and Associate
21 to full Professors.

22 And again, we didn't -- I think we
23 should get credit for the fact that we went to our
24 colleagues and asked what they were doing. And the

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1 only agency that did it any different was Eastern, and
2 yet those three agencies got approved based on the
3 same thing. But yet our plan is found deficient based
4 on that same analogy.

5 CHAIRMAN NORTON: Is there a response
6 to that.

7 Let me see if I can phrase this dispute
8 correctly, and please correct me if I'm wrong.

9 They are listing every Assistant
10 Professor as being in the pool, available for
11 promotion to Associate, and they're listing every

12 associate professor. And is it the claim of you all
13 -- but you probably should grab the mike again.
14 Sorry. Is it your claim that in fact that is not
15 true, that not every Assistant Professor can be
16 promoted to Associate Professor?

17 MS. KENNEDY: Yeah. And again, we did
18 check --

19 CHAIRMAN NORTON: Why is that? Why
20 can't they?

21 MS. KENNEDY: We did check the prev --
22 the other -- we did check Western and Eastern to see
23 if they were using 100 percent. And one of the things
24 -- again, these plans are filed every year. 100

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1 percent of the Assistant Professors, even if they are
2 not eligible to apply for promotion this year, 100
3 percent of the Associate Professors are not eligible
4 to apply for promotion. There are years and rank
5 under their contract that requires that they have a
6 certain number of years and rank before they can
7 apply. 100 percent of the Associate Professors are
8 not going to meet that criteria this year. Nor are
9 100 percent of the Assistant Professors.

10 So, it's inappropriate to use that
11 total pool for promotions for this year.

12 CHAIRMAN NORTON: I'll just throw out
13 another question, because I have the benefit of being
14 handed these sheets. I -- this is a photostat, I'm
15 sure, of Internal Communication Sections 46a-68-34.

16 There does seem -- there is a difference between the
17 one from 06, and it does add the sentence during this
18 reporting period there was one comment regarding the
19 Affirmative Action plan from a Professor -- the
20 professor reviewed the plan and the file, and filed a
21 (inaudible) what a complimentary job Ms. Rice did.

22 MS. KENNEDY: In the following
23 paragraph.

24 CHAIRMAN NORTON: Members of the

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1 University -- so, you acknowledge that difference in
2 the writing or --

3 COMMISSIONER CLARKE: I'm not sure what
4 the question is.

5 CHAIRMAN NORTON: What was inadequate?

6 MS. KENNEDY: The following paragraph
7 talks about members of the college community.

8 CHAIRMAN NORTON: Uh-huh. Responding
9 to the Affirmative Action plan on placement of
10 advertising.

11 MS. KENNEDY: Uh-huh. Do you see where
12 I'm saying?

13 CHAIRMAN NORTON: No, actually I don't.
14 I'm sorry. I'm not done asking it.

15 MS. KENNEDY: Okay. They're --
16 basically they said that there were comments made on
17 that.

18 CHAIRMAN NORTON: Okay.

19 MS. KENNEDY: Okay. There was no
20 response reported.

21 CHAIRMAN NORTON: Okay.

22 MS. KENNEDY: If you are telling me
23 that there are comments made about the Affirmative
24 Action plan, you also need to report to us what your

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1 responses were to those comments. That's required by
2 the regulations.

3 CHAIRMAN NORTON: Okay.

4 MS. KENNEDY: Okay.

5 CHAIRMAN NORTON: Okay.

6 Are there any other questions from any
7 Commissioners? Or comments, or debate or discussion?

8 Or, Mr. Bingham, would you like to --

9 MR. BINGHAM: No. We stand by our
10 recommendation.

11 CHAIRMAN NORTON: Is that it?

12 COMMISSIONER LOBON: Mr. Chairman.

13 CHAIRMAN NORTON: Yes, sir. I'm sorry.
14 Commissioner Lobon.

15 COMMISSIONER LOBON: There seems to be
16 a lot of confusion up here in relationship to what has
17 transpired here. I'm a little confused myself. When
18 you talk about a conditional approval last year, and
19 it seems as though they're going to be given a favor
20 this year on the conditional approval based on
21 differences that -- that were not there last year, but
22 somehow reoccurred -- raised themselves today.

23 I'm also confused in a sense of the
24 University trying to get some clarity, and yet when

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1 they tried to make contact someone else was involved.
2 But I guess you can't respond to a particular
3 recommendation made by staff to get some clarity based
4 on that conditional approval.

5 I'm just wondering, you know, if it's
6 not a plan that should be approved, then it should be
7 disapproved. Don't be giving them conditional
8 approval for the past year and then all of a sudden
9 you're trying to avoid conflict and give them
10 conditional approval today.

11 MR. BINGHAM: Commissioner, last year
12 the plan was recommended for disapproval, and it was
13 this body who made a compromise and made it
14 conditionally approved.

15 COMMISSIONER LOBON: Okay.

16 MR. BINGHAM: For the record.

17 CHAIRMAN NORTON: Ms. Ross, would you
18 like to say something at the podium?

19 MS. ROSS: Paula Ross. I reviewed the
20 plan for a number of years prior to Valerie doing it,
21 and this summer I did communicate with the staff on a
22 conference call, but to the best of my recollection we
23 focused in on the Goals Analysis Section, which
24 details the good faith effort.

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1 I don't remember going over other
2 sections at that time. That doesn't mean they didn't
3 have them. It just means that during that particular
4 conversation with me, we focused primarily on the
5 Goals Analysis Section of the plan.

6 And that was a fairly lengthy phone
7 call, and we talked in great detail over it. And
8 apparently they've made substantial strides in
9 addressing that, but . . . that's why there was a
10 difference.

11 Valerie was not here at the time the
12 phone call came in. I spoke to them. Somebody's got
13 to answer them when someone's not here. And we're
14 pretty consistent with our directions.

15 MS. RICE: We addressed the issues that
16 were brought forward last year in this year's plan.
17 The stuff that came in this year, again, they're new
18 to us. We would have no -- it's like, we would have
19 no way of knowing that these things needed to be
20 changed, when we in fact called colleagues -- we
21 called -- you know, these year after year have been
22 approved. Now they're not. And then they're approved
23 for other agencies. So, of course, we're going to be
24 a little confused as to exactly what the agency is

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1 requiring of us. And if they tell us exactly what
2 they're requiring, it is easy enough for us to make
3 sure that the information they need is provided. But
4 if we don't know it how are we going to be able to

5 incorporate it.

6 CHAIRMAN NORTON: Commissioner Conaway.

7 COMMISSIONER CONAWAY: I want to
8 question the -- did you speak to commission staff
9 about -- you said you called a colleague. Did you
10 also speak to our staff --

11 MS. RICE: Right.

12 COMMISSIONER CONAWAY: -- regarding
13 those -- those issues.

14 MS. RICE: All the issues that were
15 noted that we needed to fix this year, we spoke to --
16 I had technical assistance. I came after the plan, I
17 had technical assistance. And then also while we were
18 putting together the plan, these same areas I spoke
19 with Paula Ross on. And that's when they said we made
20 substantial effort -- you know, that this year's plan
21 sees that we address those issues.

22 Now, these new issues, some of which we
23 disagree with. The issues that she's finding
24 deficient are promotable pools. She's saying it's

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1 deficient, and we're saying, well, that area, we --
2 that's where we talked to other colleagues to see how
3 they were doing it. And I do not have the document in
4 front of me, but I have a copy of the other people's
5 plans. We had a specific conversation with the
6 Director at Western and she stated that she uses 100
7 percent of the pool promotable because you do not know

8 who is going to go up for promotion, and we cannot
9 guess. So, she encouraged us to do that.

10 We looked at Central's. They did the
11 same thing. The only agency that did something
12 different was Eastern. So, if they don't want us to
13 use that technique for next year's plan, then we will,
14 you know, we will adjust it based on what we feel is
15 appropriate, and, you know, after having a
16 conversation with them.

17 But, again, we didn't -- I don't find
18 that to be an error when our colleagues are doing it
19 and we had no knowledge ahead of time that this would
20 be an area that would be deficient.

21 CHAIRMAN NORTON: Commissioner Conaway,
22 do you have another question.

23 COMMISSIONER CONAWAY: No.

24 CHAIRMAN NORTON: Thank you.

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1 Commissioner Griffin.

2 COMMISSIONER GRIFFIN: Just one. I'm
3 confused I guess.

4 The part of, what do you call,
5 promotional --

6 MS. RICE: Promotable pool.

7 COMMISSIONER GRIFFIN: Yeah.
8 Promotable pool.

9 MS. RICE: Uh-huh.

10 COMMISSIONER GRIFFIN: Everyone in that
11 area was able to be promoted under State -- under

12 employment regulations.

13 MS. RICE: The contract.

14 COMMISSIONER GRIFFIN: In other words,
15 they could actually be promoted, those people that you
16 had in that pool?

17 MS. RICE: They're eligible. They can
18 apply. They are eligible for promotion.

19 COMMISSIONER GRIFFIN: I mean, could --
20 is there any requirement -- any requirement that would
21 preclude that? Is there a year experience required?
22 Is there any other prerequisite to that? Is there any
23 of those things involved that would handicap one of
24 those individuals from making application?

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1 MS. RICE: To make an application, no.

2 CHAIRMAN NORTON: What about getting
3 the job?

4 COMMISSIONER GRIFFIN: Getting the job?

5 MS. RICE: For getting the job it could
6 be -- if they didn't meet the certain criteria, and I
7 think the president can talk to exactly the criteria.
8 It's not that --

9 COMMISSIONER GRIFFIN: No. Would they
10 be promoted -- could they be promotable if there is a
11 stipulation within that saying that they had to have
12 one year experience, or something to that effect?

13 So, they wouldn't be promotable within
14 that pool?

15 MS. NORTON: If I may try and help.
16 First of all, I would like to say we are all focused
17 on the same goal. We have the same target. We have
18 the same desire. It seems to me that what we're
19 talking about is a process that if we just understood
20 what the boundaries were and how some of these things
21 should be identified. We are more than happy to make
22 sure that all the plans are consistently identified.
23 In terms of promotion, we accept any faculty member to
24 -- who wishes to be promoted to put in a resume.

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1 In order to have a successful
2 promotion, that is an approved promotion, they have to
3 demonstrate either a required number of years of
4 experience in a very specific type of University
5 setting. That is one that is accredited. Or
6 comparable experience in the workforce. That means
7 the only people that really determine whether that
8 person can be promoted based upon either years of
9 employment at an accredited institution, at a specific
10 rank or comparable experience, frankly comes down to
11 me.

12 COMMISSIONER GRIFFIN: But, you know,
13 the question I think I had is if you come with 100
14 people, okay, and there's only 50 people that are
15 going to meet those requirements that you just said,
16 then that would be the promotable pool; right?

17 MS. NORTON: If that's what you wished
18 us to do, yes.

19 COMMISSIONER GRIFFIN: No. But that's
20 what I'm confused about, and that's what I want to get
21 clear.

22 MS. NORTON: And I'm sorry,
23 Commissioner, that the answer is not always that
24 simple, because I've had people who wish to be

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1 promoted based upon previous workforce experience
2 outside of higher education. I have had discussions
3 between Chairs, Deans, P&T Committee does this person
4 actually have the experience noted that would be
5 comparable to years of experience in the University.

6 I have individuals who when they are
7 first hired in the institution request of me one, two,
8 or three years of experience to be applied to any
9 promotion that they may request.

10 I have individuals who have been at the
11 institution for 20 years and not apply for promotion.

12 I have individuals who have been there
13 for the minimum number of years and service to an
14 institution who have their terminal degree and
15 educational requirements who are not promoted because
16 they have not shown a quality of professional activity
17 that would warrant promotion to that specific area.

18 So, the eligibility for requirement is
19 based very much on quality, rather than necessarily
20 defined absolutely.

21 CHAIRMAN NORTON: Thank you. Thank you

22 very much.

23 Are there any other questions from

24 Commissioners?

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1 COMMISSIONER BROWN: No, but

2 Commissioner Norton, how can we resolve this?

3 CHAIRMAN NORTON: Well, I was going to

4 offer up --

5 MS. KENNEDY: May I just say one more

6 thing.

7 CHAIRMAN NORTON: Please.

8 MS. KENNEDY: Last year we didn't have

9 this problem. They did not use 100 percent of the

10 Associate Professors for promotable pool, and last

11 year they did not use 100 percent of the Assistant

12 Professors for promotable pool. So, before we made a

13 decision about the problem with this promotable pool,

14 we did go back and check what they did last year. And

15 like the other Universities, Eastern and Western, they

16 did not use 100 percent. They did it this year. So,

17 we didn't see any differences. They didn't send us

18 information from the contract that says you don't have

19 to serve any years and rank to be eligible. So, we

20 assumed the criteria hadn't changed, and it didn't

21 make sense to use 100 percent.

22 CHAIRMAN NORTON: Okay.

23 COMMISSIONER BROWN: Commissioner, I

24 think there's a conflict then in their understanding.

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1 CHAIRMAN NORTON: I was going to make a
2 recommendation that Mr. Bingham undertake two things,
3 if you could, and report back to us a couple meetings
4 hence. But tell me if that's rushed. To report back
5 to us briefly, if that's possible, your best
6 understanding of exactly how these misunderstandings
7 occurred and to actually describe those
8 misunderstandings or, you know, just sort of some
9 walls of miscommunication or -- that's not really a
10 good phrase, but obviously some understanding isn't at
11 100 percent here.

12 And also, if you could review all four
13 of the state university systems to make sure that
14 there is both a consistent and an appropriate agreed
15 use of, in this case, Promotional Goals, but there may
16 be other situations. I don't think we're going to
17 undertake today an investigation of whether all the
18 colleges have got it right, or whether all the
19 colleges are doing it the same, but if you could
20 review that to make sure that they're all on board
21 together and doing it right. Does that interest
22 Commissioners?

23 COMMISSIONER BROWN: Yes, that does.

24 COMMISSIONER GRIFFIN: So, we table

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1 this until we get a report back.

2 CHAIRMAN NORTON: I just don't imagine
3 we can take action on this plan. So, putting aside

4 the action we're going to take today, it seems to me
5 that we'd be helped and the university, and
6 universities, would be helped if you could do a sketch
7 survey of exactly what were the misunderstandings
8 today, and a review of any inconsistencies among the
9 four universities and between them and us in
10 perspective on -- there's an example here, promotable
11 goals for Assistant and Associate Professors, but any
12 other areas in which the universities aren't all on
13 the same page.

14 Is that -- does that seem like a
15 sensible request?

16 COMMISSIONER BROWN: Yes.

17 CHAIRMAN NORTON: Is that a workable
18 request?

19 MR. BINGHAM: I work for you.

20 CHAIRMAN NORTON: Okay. And -- but at
21 this point in time we have a motion to accept staff
22 recommendation for conditional approval and retention
23 of annual filing status. Does any other Commissioner
24 want to say their feelings on that.

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1 (No response.)

2 Then I will call for a vote. All those
3 in favor of conditional approval say aye.

4 COMMISSIONERS MARSHALL, CONAWAY,
5 CLARKE, GRIFFIN, and MAMBRUNO: Aye.

6 CHAIRMAN NORTON: All those opposed?

7 COMMISSIONER BROWN: I.

8 CHAIRMAN NORTON: Any abstentions?

9 COMMISSIONER LOBON: Abstain.

10 CHAIRMAN NORTON: And my ears tell me
11 that the motion passes for conditional approval.

12 And our next -- well, let's take a
13 pause here, and if agency representative would like to
14 scoot back to their jobs

15 Thank you for all of your time.

16 (Pause.)

17 And returning to you, Mr. Executive
18 Director.

19 MR. INGRAM: Ms. Colon.

20 MS. COLON: Good afternoon,
21 Commissioners.

22 CHAIRMAN NORTON: Good afternoon.

23 MS. COLON: I will make mine nice and
24 short and sweet.

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1 For the record, I'm Nandi Colon, Fiscal
2 Administrative Supervisor.

3 I guess we'll start with the Financial
4 Status report.

5 Okay. In the personnel services
6 section you'll note that I'm only projecting a surplus
7 of \$154,530.00, and the reason for that, again, is the
8 lack of filled positions.

9 We're showing a slight deficit in the
10 overtime and the -- yeah, overtime line item.

11 Actually, the one below that. Only because I've moved
12 some money around to accommodate overtime as needed,
13 since we're not filling positions.

14 But overall, we will have a surplus if
15 we continue to maintain those positions at a vacant
16 level, so just so that you know that.

17 CHAIRMAN NORTON: I'm sorry. So that
18 surplus depends on those positions remaining vacant
19 until June 30th?

20 MS. COLON: Exactly. If we can get
21 those positions filled, then that surplus continues to
22 go down. Because now we're actively paying those
23 employees through the end of the fiscal year.

24 CHAIRMAN NORTON: And then how many

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1 vacancies is that contemplating?

2 MS. COLON: We have right now a total
3 of nine vacancies.

4 CHAIRMAN NORTON: We're only half way
5 through the fiscal year. If we hired all nine people
6 how would \$154,000.00 cover it?

7 MS. COLON: Well, because the thing is
8 that right now -- it's actually \$202,000.00, but one
9 of that -- one of the nine positions is actually
10 appointed by the governor. So, that position, there's
11 a good chance that they won't fill that position, but
12 there was money budgeted for the entire fiscal year
13 for all 100 positions.

14 CHAIRMAN NORTON: If all nine vacancies

15 were filled tomorrow --

16 MS. COLON: We would wind up with --

17 CHAIRMAN NORTON: -- \$202,000.00 would
18 cover paying them for the next --

19 MS. COLON: For the next --

20 CHAIRMAN NORTON: -- eight months?

21 MS. COLON: We have 17 -- I believe we
22 have 17 more pay periods in this fiscal year. It's
23 going fairly quickly.

24 CHAIRMAN NORTON: Yeah.

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1 MS. COLON: This report is as of
2 October. We've already paid one paycheck in November
3 that's not reflected here. But we should have enough
4 funding to cover all of those.

5 CHAIRMAN NORTON: Okay.

6 MS. COLON: Okay. Going down to Other
7 Expense Column. I'm only showing a slight surplus of
8 \$1,480.00. Actually, last year we returned something
9 like \$800.00, which is excellent compared to what we
10 spend here. I'm only showing that for this report,
11 but in actuality, that money is going to be gone as
12 well. Okay.

13 Okay. We can proceed to the Personnel
14 Status Report, and that should be attached. You can
15 go through those. If you have any questions I can
16 answer those as well.

17 CHAIRMAN NORTON: I don't. Does anyone

18 else have -- oh, the vacancy created by Mohan
19 Sreenivasan --

20 MS. COLON: Uh-huh.

21 CHAIRMAN NORTON: Is that absolutely
22 vacant at this point?

23 MS. COLON: That is vacant at this
24 point. And that has been submitted for refill.

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1 CHAIRMAN NORTON: I don't have any
2 other questions. Does any other Commissioner?

3 (No response.)

4 MS. COLON: Great.

5 CHAIRMAN NORTON: Okay.

6 MS. COLON: Okay. I said it was short
7 and sweet.

8 Thank you.

9 CHAIRMAN NORTON: Thank you.

10 Mr. Ingram.

11 MR. INGRAM: Mr. Newton.

12 MR. NEWTON: Good afternoon.

13 COMMISSIONER BROWN: Good afternoon.

14 MR. NEWTON: The report that I prepared
15 for you shows the case load for all four regional
16 offices and our Special Enforcement, that are now
17 known as our Fair Housing Unit.

18 As you can see from page 4, our total
19 pending case load has declined slightly from the prior
20 month. As the number of cases that are defined as
21 backlog cases, they've also dropped.

22 The monetary settlement for the month
23 of October weren't available at the time I prepared
24 the report, so the figures are all based on what was

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1 available as of October 27. And we wait until the end
2 of the month to actually run the report. So, next
3 month we'll have a more current update on our total --
4 total recoveries for complaints that we've received to
5 date.

6 The West Central Region continues to
7 have the largest case load, but interviews will be
8 held in the upcoming days -- some next week and some
9 two weeks from this week -- to fill two vacancies that
10 resulted from two employees transferring to the
11 Capitol Region Office. So, hopefully within a few
12 months the effect of additional staff will bring down
13 the total pending case load in the West Central
14 Region.

15 And that's about it, unless anybody has
16 any questions.

17 CHAIRMAN NORTON: I am just going to
18 take another look here.

19 Now, where -- I'm sorry. Where am I
20 looking to see the case loads by regions?

21 Oh, I'm sorry. On the previous page.

22 MR. NEWTON: Page 3 will show you --

23 CHAIRMAN NORTON: Yeah. Charts.

24 MR. NEWTON: -- more specific data.

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1 And then on page 4 there's some cumulative data.

2 CHAIRMAN NORTON: So, I'm seeing
3 Hartford 225 complaints assigned to investigative
4 staff.

5 MR. NEWTON: Right. Not all of the
6 pending cases are assigned at one time.

7 CHAIRMAN NORTON: Sure.

8 MR. NEWTON: There are different stages
9 of processing.

10 CHAIRMAN NORTON: Bridgeport -- I'm
11 sorry. So, Hartford, 436 complaints pending.

12 MR. NEWTON: Right.

13 CHAIRMAN NORTON: Bridgeport, 593.

14 MR. NEWTON: Correct.

15 CHAIRMAN NORTON: Waterbury, 648.

16 And Norwich, 426.

17 MR. NEWTON: That's correct.

18 CHAIRMAN NORTON: And the level of
19 assignment is --

20 COMMISSIONER MARSHALL: Is lower.

21 CHAIRMAN NORTON: In Waterbury -- is
22 there --

23 Would that be just by virtue of their
24 being down a staff --

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1 MR. NEWTON: Well, they're down two
2 people.

3 CHAIRMAN NORTON: Okay. Alright. I

4 have no other questions.

5 Anyone else.

6 (No response.)

7 Then, I guess, Mr. Ingram.

8 MR. INGRAM: Ms. Ferguson.

9 MS. FERGUSON: Good afternoon.

10 COMMISSIONER BROWN: Good afternoon.

11 MS. FERGUSON: We submitted our

12 legislative package to the Office of Policy and

13 Management on October 31st. I thought that I would

14 have a report to you on possible (inaudible)

15 legislative proposal. We were scheduled to meet on

16 October 25th with the Greater Hartford (inaudible) and

17 the Office of Protection Advocacy. But because you

18 also had a special commission meeting scheduled for

19 that day we had to reschedule. That meeting is now

20 scheduled for November 14th. So, at the December

21 meeting I will report to you on the outcome of that.

22 CHAIRMAN NORTON: Any questions from

23 any Commissioners?

24 (No response.)

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1 Thank you very much.

2 MS. FERGUSON: Thank you.

3 CHAIRMAN NORTON: Mr. Ingram.

4 MR. INGRAM: Mr. Brothers.

5 MR. BROTHERS: Good afternoon,

6 Commissioners.

7 COMMISSIONER BROWN: Good afternoon.

8 MR. BROTHERS: The declaratory ruling
9 that you guys had put forth a few months ago -- next
10 month there will be something before you regarding
11 that. We have a draft of that.

12 There's one reopening today. Since I
13 know everyone in the room and I don't see anyone that
14 I don't know, there is no one here to attend to the
15 reopening request, so that should go relative quickly.
16 And that's the only one that's pending currently with
17 us.

18 The only other thing that I would just
19 throw out as a reminder is that next month will be the
20 last 2006 Commission meeting where we have to set the
21 schedule for 2007.

22 That's all I have.

23 CHAIRMAN NORTON: So, is it my job for
24 us to be setting up meetings this month or next month?

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1 MR. BROTHERS: Next month we'll do
2 that. And then we have to file that.

3 CHAIRMAN NORTON: Okay. So,

4 MR. BROTHERS: For 2007. But Ray's
5 indicated he's already working on it.

6 MR. PECH: Ray Pech, Assistant
7 Director.

8 I've already got it -- the agenda for
9 next month, and I'm going to the calendar to find the
10 second Thursdays and make sure there's no conflict

11 with a holiday or anything like that.

12 CHAIRMAN NORTON: I'm going to ask you
13 a question.

14 MR. PECH: Ut-oh.

15 CHAIRMAN NORTON: We always meet the
16 second Thursday --

17 MR. PECH: -- of the month, yes.

18 CHAIRMAN NORTON: Is there any rule
19 which makes us meet the second Thursday?

20 MR. PECH: Absolutely. It's written in
21 stone.

22 No. No. If you want to change it and
23 make it every fourth Thursday, or every third
24 Wednesday, or whatever, that's certainly your

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1 prerogative.

2 CHAIRMAN NORTON: And I'm not
3 advocating change. I'm just throwing out to other
4 Commissioners for maybe discussion at the next
5 meeting, or just -- just reflect if the nine of you or
6 the eight of you think that --

7 You know what, I think Monday's would
8 be better, or Wednesdays would be better. I'm not
9 advocating it. Thursdays seem to work fine by me.
10 But I just thought, we might as well open that up to
11 thought, if people have found it to be a historically
12 difficult time.

13 MS. KENNEDY: One thought. Remember

14 that the plans expire 90 days after they're filed, and
15 they have to be on the 15th or the 30th. So, if the
16 Commission meetings go beyond the 14th -- like we had
17 one meeting on the 14th last September, we had 10
18 plans. So, if you move the Commission date later in
19 the month it's going to change how we process the
20 Affirmative Action plans.

21 CHAIRMAN NORTON: Well, I ask you to
22 reflect on whether a change is a bad one too. You
23 think it would be bad?

24 MR. PECH: Initially it would be, I

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1 believe, because if a plan comes in on the 15th --
2 now, all plans do come in either on the 15th or the
3 30th. If a plan comes in on the 15th, right now,
4 meeting the second Thursday of the month, the latest
5 your meeting can be is the 14th of any given month.
6 So, three months after that plan came in, if you
7 considered it, it would be the 89th day roughly.

8 If you made it, say, the third Thursday
9 of the month you're going to be at 96 days, or
10 something.

11 CHAIRMAN NORTON: So, it would be a bad
12 idea to change it to the third or fourth day of the
13 month --

14 MR. PECH: Right.

15 COMMISSIONER MAMBRUNO: But not the
16 second Tuesday.

17 MR. PECH: Exactly.

18 CHAIRMAN NORTON: Or the first Tuesday.

19 COMMISSIONER BROWN: Tuesdays would be
20 out. I don't think we need to discuss this now. Give
21 us time to think about it.

22 MR. PECH: Well, actually I -- you may
23 need to -- let me point out -- let me point out what
24 the deal is. I have to -- we have to notify the

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1 Secretary of State by the end of January of our
2 meetings for that year. And we always do it from
3 February to the following January so there's no
4 underlay. But if you discuss it at your next meeting,
5 you will probably -- no. You can do it in January.
6 You can do it in January.

7 CHAIRMAN NORTON: I'm going to take
8 Commissioner Brown's recommendation and cease
9 discussion on this.

10 MR. PECH: Okay. You can do it the, as
11 long as you voted at the January meeting, and I could
12 still notify the Secretary of the State by the 31st.

13 CHAIRMAN NORTON: Okay.

14 MR. PECH: I'm having a mathematical
15 lapse.

16 CHAIRMAN NORTON: I understand. I
17 understand. But I think Commissioner Brown is right
18 that it's something to think about, but later.

19 And at this point in time I will accept
20 a motion from any Commissioner to go into Executive

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1 Abstentions?

2 (No response.)

3 We are out of executive session.

4 I will report that no votes and no
5 actions were taken while we were in executive session.

6 The next item on the agenda is pending
7 claims or pending litigation. We have no business to
8 transact on those matters.

9 Item VI-B is the reopening request
10 Neugebauer versus the City of Bridgeport Fire
11 Department. Is there a -- by the way, it was reported
12 to us that regulatorily there is an impossibility to
13 grant a reopening in this case because -- would you
14 repeat, Commission Attorney Brothers.

15 MR. BROTHERS: A right to sue was
16 requested and granted.

17 CHAIRMAN NORTON: And so therefore
18 reopening is an inappropriate response.

19 Is there a motion to accept counsel's
20 recommendation to deny the reopening?

21 COMMISSIONER CLARKE: So moved.

22 COMMISSIONER GRIFFIN: I so move.

23 CHAIRMAN NORTON: Commissioner Clarke.
24 Seconded by Commissioner Griffin. All those in favor?

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1 COMMISSIONERS MARSHALL, CONAWAY,
2 CLARKE, GRIFFIN, BROWN, LOBON and MAMBRUNO: Aye.

3 CHAIRMAN NORTON: All those opposed?
4 Any abstentions?
5 (No response.)
6 The reopening is denied.
7 Personnel Matters. Item number C-1.
8 Annual Evaluate of the Executive Director. Is there a
9 motion?

10 COMMISSIONER BROWN: Yes, Commissioner.

11 CHAIRMAN NORTON: Commissioner Brown.

12 COMMISSIONER BROWN: I move that the
13 Commission approve and endorse the annual evaluation
14 of the Executive Director for 2005 and 2006 as
15 presented by the Chair, as well as the cover letter
16 from the Chair to the Executive Director dated today.

17 COMMISSIONER GRIFFIN: Seconded.

18 CHAIRMAN NORTON: Seconded by
19 Commissioner Griffin, and having been moved by
20 Commissioner Brown. Is there any discussion?

21 (No response.)

22 Hearing none. All those in favor of
23 adopting the annual evaluation as presented by the
24 Chair, please say aye?

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1 COMMISSIONERS MARSHALL, CONAWAY,
2 CLARKE, GRIFFIN, BROWN, and MAMBRUNO: Aye.

3 CHAIRMAN NORTON: Any opposed?

4 COMMISSIONER LOBON: Opposed.

5 CHAIRMAN NORTON: Any abstentions?

6 (No response.)

10 hereinbefore set forth.

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

18 In witness whereof I have hereunto set
19 my hand and affixed my notarial seal this date,
20 November 15, 2006.

21

22

Nancy E. Paretta

23

Notary Public

24

My commission expires February 28, 2007