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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

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THURSDAY, JANUARY 11, 2007
2:00 P.M.

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10 COMMISSIONERS PRESENT:

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Andrew M. Norton, Chairman
Edward Mambruno, Secretary
George A. Marshall
John Lobon
Cheryl Lynn Clarke
Lillian H. Brown

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COMMISSIONERS ABSENT:

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Jimmie L. Griffin
Larry D. Conaway
Gloria Mengual

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STAFF PRESENT

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Raymond P. Pech, Executive Director
Robert Brothers, Managing Director &
Commission Attorney
Donald Newton, Chief of Field Operations
Nandi Colon, Fiscal Administrator Supervisor
Alvin Bingham, AA/CC Supervisor

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. . . . Verbatim transcript of the

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Regular Commission meeting of the Commissioners on

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Human Rights and Opportunities, Thursday, January 11,

4 2007, at 2:00 p.m. at The Offices of the Commission
5 on Human Rights and Opportunities, 21 Grand Street,
6 Hartford, CT, at which time the Commissioners, CHRO
7 staff and public were represented as hereinbefore set
8 forth

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10 CHAIRMAN NORTON: My name is Andrew
11 Norton, and I'm calling this January 2007 meeting of
12 the Commission on Human Rights and Opportunities to
13 order at 2:10 p.m. in the after -- 2:10 p.m.

14 And I will turn over the meeting to
15 Commission Mambruno, the Secretary, for the approval
16 of minutes of our last meeting.

17 COMMISSIONER MAMBRUNO: Thank you,
18 Mr. Chair.

19 Before we -- I approve these minutes, I
20 would like to seek a clarification, or make a
21 clarification. On page 46 Commissioner Marshall
22 abstains, and then in the same motion votes no. I
23 would like to clarify that it was a no vote?

24 MR. PECH: No. It was an abstention.

3

1 COMMISSIONER MAMBRUNO: It was an
2 abstention?

3 MR. PECH: Yes.

4 COMMISSIONER MAMBRUNO: Excuse me.

5 CHAIRMAN NORTON: Yes, you're right.
6 He's doublely recorded, and it seems likely that the
7 abstention is the more accurate reflection of his

8 intentions.

9 So, we will delete Marshall on line 4
10 of page 46 so that the Commissioners voting aye are
11 Mambruno, Brown, Conaway and Clarke only, which still
12 leaves a successful motion. And Commissioner
13 Marshall, who on line 9 is recorded as abstaining,
14 that will be a default position.

15 COMMISSIONER MAMBRUNO: I believe you
16 have a --

17 CHAIRMAN NORTON: And Commissioner
18 Brown had voted no. And that will remain the same.

19 So, the motion will have passed four to
20 one to one, rather than five to one to one.

21 Thank you, Mr. Secretary for pointing
22 that out.

23 Is there a motion on the minutes?

24 COMMISSIONER BROWN: So moved.

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1 CHAIRMAN NORTON: There is a motion to
2 approve the minutes by Commissioner Brown. Is there a
3 second?

4 COMMISSIONER CLARKE: I guess I have a
5 question still. I think Commissioner Brown is also
6 recorded twice. Yes. Because it says Commissioners
7 Mambruno, Brown, Conaway, Marshall and Clarke, aye.
8 It says Brown, nay. Commissioner Marshall,
9 abstention. So, it would actually be three.

10 CHAIRMAN NORTON: You're right. You're

11 right.

12 For whatever reason the minutes record
13 everyone in the aye column, but then individually
14 record Commissioner Brown as a no and Commissioner
15 Marshall as an abstention. And I'm just going to go
16 with what I think is the most logical conclusion, that
17 the no vote for Commissioner Brown, and the abstaining
18 vote for Commissioner Marshall are likely the more
19 accurate representations of what happened. Because my
20 memory doesn't tell me. And so, therefore, you're
21 right, Commissioner Clarke, lines 3 and 4 are to read
22 that the aye votes are you, Larry Conaway, Ed Mambruno
23 and -- so, that's three votes. One no from
24 Commissioner Brown and one abstention from

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1 Commissioner Marshall. Nonetheless, that doesn't
2 change the outcome of the vote, and -- but it makes it
3 more clear.

4 So, thank you, Commissioner Mambruno
5 and Commissioner Clarke for pointing out that
6 discrepancy.

7 With that being said, is there a second
8 to Commissioner Brown's motion to approve the minutes?

9 COMMISSIONER CLARKE: Second.

10 CHAIRMAN NORTON: Commissioner Clarke
11 seconds.

12 Is there any other discussion?

13 If there isn't, all those in favor of
14 approving the minutes from our last meeting say aye.

15 COMMISSIONERS BROWN, CLARKE, MARSHALL,
16 and MAMBRUNO: Aye.

17 CHAIRMAN NORTON: Any opposition?
18 Any abstentions.

19 COMMISSIONER LOBON: Chairman, I
20 abstain. I wasn't here.

21 CHAIRMAN NORTON: Commissioner Lobon
22 abstains from the motion to approve the minutes.

23 The motion passes.

24 And we move on to division reports,

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1 Item III on our agenda. And I don't know, should I
2 defer to you, Mr. Pech, at this point?

3 MR. PECH: Just a brief comment. You
4 will have noticed that I have somewhat changed the
5 format of the agenda. As I think I said last month, I
6 will usually have some comments to make, some progress
7 on different things. I will reserve my comments until
8 after the other divisions.

9 Also, I want to point out your
10 supplement report -- supplemental file that was on
11 your desk contains a memo that I wrote that's
12 pertinent to one of the discussion items. Nandi
13 Colon's fiscal report, and Lena Ferguson's legislative
14 report, and a flyer on the Martin Luther King
15 commemoration on the Monday next.

16 That's it.

17 CHAIRMAN NORTON: I have two things I

18 meant to say and didn't.

19 I got a phone call from Commissioner
20 Lobon talking about an issue he had raised earlier
21 about the wisdom or appropriateness of reporting set
22 aside achievements by agencies in our affirmative
23 action plan. Since we, as an agency, aren't called
24 upon to make any decisions regarding set aside

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1 programs, he wondered whether that report should be
2 included in the affirmative action report. And I
3 think the point he makes is a valid one, and so I
4 asked Director Pech to give us some background
5 information on that whole issue. Though, we've
6 already had some, but I think every commissioner could
7 probably stand with a little bit more background, and
8 maybe figure out a way to accommodate Commissioner
9 Lobon's questions and concerns about that issue.

10 And then also you'll see under new
11 business in Item B, Commissioner Orientation. I'll
12 say that even having been on the Commission for a
13 number of years now, there are still issues involved
14 in the organization of this agency and some of its
15 tasks that I don't have a handle on. And there are
16 people who are a lot newer than me who I'm guessing
17 are in the same boat, at least, and so we thought we'd
18 talk about ways in which people can get background
19 information, but outside of the regular course of a
20 meeting. Just so we're all on top, even more than we
21 already are.

22 So, having said that, one thing I did
23 want to point out. Just a slight change from the
24 past. On agency reports, we've got six agencies

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1 reporting today. Alvin Bingham, when he introduces
2 each plan for our approval will read off the names of
3 people from agencies who signed in. When that happens
4 at the beginning of each agencies report discussion as
5 he reads off your names, I would invite people from
6 those agencies who are named to -- just to stand up so
7 we can attach a face to the names, and you can sit
8 right back down. But when you hear your name called,
9 if you don't mind coming to your feet just for a
10 second or two so we can attach your face to the names
11 he's reading, that would be great. And that's all we
12 need.

13 So, having said that, I guess it's --
14 we'll turn to Alvin.

15 MR. BINGHAM: Good afternoon,
16 Commissioners.

17 COMMISSIONERS BROWN, CLARKE, MARSHALL,
18 MAMBRUNO and LOBON: Good afternoon.

19 MR. BINGHAM: The first agency we have
20 is the Department of Higher Education, and Arthur
21 Poole, the Affirmative Action Officer is representing
22 that agency.

23 This plan is recommended for approval.
24 And the plan contains all the elements required. The

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1 agency has met all, or substantially all, its hiring
2 goals, but not its program goals. The agency has
3 demonstrated every good faith effort to achieve such
4 goals. And the agency has substantially addressed
5 deficiencies noted in the Commission's prior plan
6 review.

7 The goal achievement. Short term goal,
8 2 out of 2, or 100 percent. Total goal achievement, 2
9 out of 2 possible total goals, or 100 percent.

10 And the five year history, in 2001,
11 2002, 2003 the plan was approved. 2004 it was
12 disapproved. And 2005, approved.

13 CHAIRMAN NORTON: Why don't we try
14 this, since we have -- and I know I'm bouncing around
15 on this process. Since we have six agencies that are
16 at least at this point recommended for approval, I'll
17 accept a motion from any Commissioner to approve all
18 six plans, with a second, and we can proceed with
19 discussing them all. And if at any time any
20 Commissioner thinks we should pull one or more of them
21 out of that group of six for a separate vote, we can
22 easily do that.

23 So, why don't we move ahead with a
24 motion to accept staff's recommendations --

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1 recommendation for approval for all six. Is that --
2 is that copasetic with everyone?

3 COMMISSIONER BROWN: Yes. I think

4 that's what we decided to do last time. So, I move
5 that we approve all six of the staff recommendation
6 agencies.

7 CHAIRMAN NORTON: Is there a second to
8 Commissioner Brown's motion for approval?

9 COMMISSIONER CLARKE: Second.

10 CHAIRMAN NORTON: There's a second. So
11 now we'll begin discussion.

12 MR. BROTHERS: Excuse me, Mr. Chairman,
13 just a point of clarification for the record. Maybe
14 we ought to just state what the six are just to make
15 sure we have them correct.

16 CHAIRMAN NORTON: Sure. My
17 understanding of the motion is that Commissioner Brown
18 has moved, and Commissioner Clarke has seconded the
19 motion, for approval of staff recommendations for
20 approval of the plans for the Department of Higher
21 Education, I'm going to guess, the Office of Policy
22 and Management, the Board of Education and Services
23 for the blind, the Connecticut Agricultural Experiment
24 Station, the Department of Banking, and the UConn

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1 Health Center. Is that -- am I reading your motion
2 correctly?

3 COMMISSIONER BROWN: Yes.

4 CHAIRMAN NORTON: And so, thank you,
5 Mr. Brothers.

6 And so, are there any questions about

7 the Higher Education plan?

8 COMMISSIONER BROWN: I just had one
9 question. Was -- is there a reason for not giving
10 them -- checking to retain their -- whatever it is,
11 annual -- do you see on the first page, there was no
12 check there. Recommendation to approve, but --

13 MR. BINGHAM: Okay. That's an
14 oversight.

15 COMMISSIONER BROWN: It's an oversight.

16 MR. BINGHAM: We are recommending to
17 retain annual filing.

18 COMMISSIONER BROWN: Okay. Because I
19 think it happened on another one as well, so I --

20 MR. BINGHAM: They all will be
21 recommended to retain annual filing.

22 COMMISSIONER BROWN: Annual. Okay.
23 Thank you.

24 COMMISSIONER CLARKE: Okay. Good. So

12

1 we're all on the same page.

2 CHAIRMAN NORTON: Any other questions
3 from any other Commissioners? Any comments from
4 staff? Any comments from the agency involved?

5 (No response.)

6 Then why don't we move on to the Office
7 of Policy and Management.

8 MR. BINGHAM: Okay. Representing the
9 Office of Policy and Management is Judith Dickens, the
10 Affirmative Action Program Manager, and Maryann

11 Pamerosa, the Chief Administrative Officer.

12 And the plan is recommended for
13 approval.

14 This plan contains all the elements.
15 The agency has not met all, or substantially all, its
16 hiring and promotion goals. Program goals were also
17 met. The agency has demonstrated every good faith
18 effort to achieve such goals. And the agency has
19 substantially addressed deficiencies noted in the
20 Commission's prior plan review.

21 Goal achievement. Short term goal
22 achievement, 2 out of 3, or 66.7 percent. Total goal
23 -- long term goals, there was 0 out of 1 met, or 0
24 percent. Total goal achievement was 2 out of 4, or 50

13
1 percent.

2 In the five year history, the plans
3 were approved all five years.

4 CHAIRMAN NORTON: Thank you,
5 Mr. Bingham.

6 Are there any questions from
7 Commissioners, or any desire to speak on the part of
8 staff or the agency involved at this time? Anyone?
9 Feel free to.

10 (No response.)

11 It doesn't appear that there are.

12 What does the Office of Policy and
13 Management do. That's a vague title.

14 (Laughter.)

15 MR. BINGHAM: I'll let them answer
16 that.

17 COMMISSIONER CLARKE: Wise decision.

18 CHAIRMAN NORTON: Yeah. I don't think
19 they dare.

20 (Laughter.)

21 So, it looks like we can then move on
22 to the next agency. The Board of Education and
23 Services for the Blind.

24 MR. BINGHAM: This plan is also

14

1 recommended for approval.

2 Representing the agency is Keith
3 Maynard, the Deputy Executive Director, and Isabel
4 McKinley, the Affirmative Action Officer.

5 CHAIRMAN NORTON: Welcome.

6 MR. MAYNARD and MS. MCKINLEY: Thank
7 you.

8 MR. BINGHAM: This plan contains all
9 the elements. The agency has not met all, or
10 substantially all, its hiring and promotion goals.
11 And the program goals were also met.

12 The agency has demonstrated every good
13 faith effort to achieve such goals. And the agency
14 has substantially addressed deficiencies noted in the
15 Commission's prior plan review.

16 Short term goal achievement, 2 out of
17 5, or 40 percent. Long term goal achievement, they

18 met 1 out of 1, or 100 percent. Total goal
19 achievement, 3 out of 6, or 50 percent.

20 And the five year history, the plan was
21 approved all five years.

22 CHAIRMAN NORTON: Thank you.

23 Are there any questions from any
24 Commissioners about this agency's plan, or any

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1 statements desired by anyone from the agency or from
2 staff of the CHRO?

3 (No response.)

4 It doesn't look like it. So I guess we
5 can move on to the Agricultural Experiment Station.

6 MR. BINGHAM: And here representing the
7 Connecticut Agricultural Experiment Station is
8 Dr. Louis A. Magnarelli, Director, and Kirby C.
9 Stafford, the Vice Pr -- Director, Affirmative Action
10 Officer.

11 CHAIRMAN NORTON: Welcome.

12 MR. BINGHAM: This plan is also
13 recommended for approval, and it contains all the
14 elements. The workforce is not in parity with the
15 relevant labor market area. And the agency has met
16 all, or substantially all, its hiring, promotion and
17 program goals.

18 Short term goal achievement, 5 out of
19 7, or 71.4 percent. Total goal achievement, 5 out of
20 7, or 71.4 percent. Promotion goal achievement, 1 out

21 of 1, or 100 percent.

22 And the five year history, the plan has
23 been approved all five years.

24 CHAIRMAN NORTON: Are there any

16
1 questions from any Commissioners?

2 COMMISSIONER MAMBRUNO: Yes.

3 CHAIRMAN NORTON: Commissioner
4 Mambruno.

5 COMMISSIONER MAMBRUNO: Yes. Just a
6 comment. After reading, and I'll go ahead a bit, the
7 University of Connecticut Health Center's 84 page
8 plan, with all their narratives, it would be nice to
9 see some narratives on the employment hires in this
10 AA plan. So, for the further, if you can just include
11 the narratives on the hires I would appreciate that.

12 MR. PECH: I could speak to that. I
13 was going to wait until UConn, but since you raised
14 it, Commissioner. I was somewhat surprised to get an
15 84 page plan, because I had never seen one in my life.
16 And I suspect you haven't either.

17 The reason for that is we wanted not to
18 have to approve by default. We had some shortages
19 this month, primarily because of all the holidays that
20 intervened between the last meeting and this, and the
21 only way, frankly, that it could get done was the
22 narrative that you see on UConn, which is 84 pages, is
23 more or less what they submit to us. What you usually
24 get is a distilled version of that way down. Because

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1 of the time constraints, the reviewer kind of cut and
2 pasted what was submitted. That's why it's so long.

3 And the reason that there's very little
4 narrative in the current plan you're looking at is
5 because they met, or substantially met, all of their
6 goals. In those cases we usually do not give much of
7 a narrative because they met most of all their goals.

8 COMMISSIONER MAMBRUNO: Well, that's --
9 I would like to know why then -- is that the reason
10 why sometimes we will see a narrative and other times
11 we won't?

12 I would like to see the distilled
13 narrative.

14 CHAIRMAN NORTON: The distilled or the
15 undistilled?

16 COMMISSIONER CLARKE: The distilled or
17 the undistilled, right.

18 COMMISSIONER MAMBRUNO: A narrative.
19 How about that.

20 MR. PECH: Alright. We'll look at
21 that.

22 COMMISSIONER CLARKE: The full text.

23 COMMISSIONER MAMBRUNO: I mean, if it's
24 easier to have it full because of the staff shortages

18

1 you're going through, that's fine. It's just I like
2 to, you know, peruse the hires and --

3 MR. PECH: No, and I understand that.
4 And usually even in the distilled versions you get
5 that. But when you have a plan where the goals are
6 met, or substantially met, generally, historically, I
7 don't think there's been much of a narrative. You
8 know, because they met their goals.

9 COMMISSIONER MAMBRUNO: You know, I'm
10 splitting hairs here, and --

11 MR. PECH: Alright.

12 COMMISSIONER MAMBRUNO: -- that's --
13 that's fine.

14 MR. PECH: I mean, we can talk --
15 certainly we can talk about it if you need more, but
16 that's why -- particularly this plan versus UConn,
17 that's why there's such a huge difference.

18 CHAIRMAN NORTON: That sounds like a
19 matter for further reflection.

20 So, Commissioner Mambruno. Any other
21 questions from any other Commissioners?

22 And welcome, Commissioner Marshall.

23 (No response.)

24 Okay. I guess not.

19

1 So, then we can go on to the Department
2 of Banking.

3 MR. BINGHAM: And representing the
4 Department of Banking we have Crystal Ross and we have
5 Claudette Helfgott.

6 This plan contains all the elements

7 required. The work force is not in parity with the
8 relevant labor market. And the agency has met all, or
9 substantially all, its hiring, promotion and program
10 goals.

11 Short term goal achievement, 4 out of
12 4, or 100 percent. Long term goal achievement, 1 out
13 of 1, or 100 percent. Total goal achievement, 5 out
14 of 5, 100 percent. And total promotion goal
15 achievement, 1 out of 1, or 100 percent.

16 Five year history, in 2001, 2002, 2003
17 2004, the plan was approved. And 2005 the plan was
18 disapproved. I'm sorry. I mean, 2006 the plan was
19 disapproved.

20 Approved, approved, approved, approved
21 and in 2006 disapproved.

22 CHAIRMAN NORTON: Any --

23 COMMISSIONER CLARKE: I'm sorry, I
24 don't have that information.

20

1 CHAIRMAN NORTON: You are -- I'm sorry,
2 I just got myself.

3 COMMISSIONER BROWN: I don't have that
4 approval page.

5 COMMISSIONER CLARKE: No, I don't.

6 COMMISSIONER BROWN: But I'll take your
7 word for it.

8 COMMISSIONER CLARKE: Yes. I believe
9 you.

10 MR. BINGHAM: Thank you.

11 CHAIRMAN NORTON: Nor do I.

12 COMMISSIONER CLARKE: Oversight.

13 MR. BINGHAM: Oversight.

14 COMMISSIONER CLARKE: It's alright.

15 CHAIRMAN NORTON: Okay. But does

16 anyone want him to repeat the history of approval for

17 lack of a page in front of us?

18 (No response.)

19 Any other questions from Commissioners

20 or any desire to speak on the part of the agency or

21 staff?

22 (No response.)

23 Seeing now, why don't we go to the last

24 agency, the Health Center.

21

1 MR. BINGHAM: Okay. And here

2 representing the University of UConn Health Center we

3 have Joey Smith, the Assistant Director of Employment

4 Services. We have Karen Duffy Wallace, the Director

5 of Labor and Employment Services. Susan Wetstone,

6 Chief Administrative Officer. Terry Mrowka,

7 Affirmative Action Specialist. Brian Eagan, Associate

8 Vice President of Human Resources. And Peter J.

9 Deckers, the Executive Vice President and Dean of

10 whatever. (Laughter.)

11 DR. DECKERS: Sometimes I feel the same

12 way.

13 CHAIRMAN NORTON: But I'm curious.

14 What are you dean of?

15 MR. BINGHAM: Dean of the Medical
16 Center.

17 CHAIRMAN NORTON: Okay. Thank you.

18 MR. BINGHAM: The plan contains all the
19 elements. The work force considered as a whole --
20 excuse me. The agency has not met all, or
21 substantially all, its hiring and promotion goals.
22 Program goals were met. The agency has demonstrated
23 every good faith effort to achieve such goals. And
24 the agency has substantially addressed deficiencies

22

1 noted by the Commission in a prior plan review.

2 Short term goal achievement, 119 out of
3 276, or 42.8 percent. Long term goal achievement, 118
4 out of 276, or 42.8 percent. Promotion goal
5 achievement, 32 out of 71, or 45.1 percent.

6 The five year history, the plan was
7 approved, conditionally approved, approved,
8 disapproved, and approved.

9 CHAIRMAN NORTON: I have a question.
10 Maybe I'm just missing something.

11 At the end of our reports typically
12 there is a chart showing what the current make up of
13 the work force of the entire agency is, and I don't
14 see one at the end of this one. Maybe it's somewhere
15 deeper in.

16 But once in a while I don't find one,

17 where the agency just doesn't have one. I don't know
18 if that's us or the agency.

19 Actually, I have a few -- actually I've
20 got a bunch of blank sheets in here. But . . .

21 MR. PECH: I think you're right, Mr
22 Chair. I think that's one. As well as the five year
23 history. I think both of those pages were
24 inadvertently left off as well.

23

1 CHAIRMAN NORTON: Okay.

2 COMMISSIONER CLARKE: We have the five
3 year -- no, we don't.

4 CHAIRMAN NORTON: I'm going to -- I
5 have the five year history in this one. But I'm going
6 to maybe be self centered and say that I particularly
7 like to look at an agency's total workforce, just to
8 kind of get a sense of where they got and not just
9 where they're going. And so if we can kind of make
10 extra sure that -- maybe it's just me --

11 MR. PECH: I've made myself a note
12 already.

13 CHAIRMAN NORTON: Okay. Thank you very
14 much.

15 Are there any questions?

16 MR. BINGHAM: We have it here.

17 CHAIRMAN NORTON: Oh, excellent. Oh,
18 thanks.

19 I can pass it along to other people
20 just as quickly as I -- I write this. And I'll be

21 honest with you, I always sort of zoom right in on the
22 employment of blacks on these lists, but . . .

23 I'll pass it this way first.

24 Are there any other questions, or any

24

1 questions, I should say, from any Commissioners for
2 the UConn Health Center, or our staff?

3 COMMISSIONER CLARKE: I guess this
4 would be directed to our staff. I would like to echo
5 Commissioner Mambruno's sentiments amount receiving a
6 complete narrative. Because this was a very detailed
7 report, it took some time to go through it, but at
8 least I knew exactly what was done in each of these
9 instances, and it made for a very comprehensive
10 understanding of what the agency did for recruiting.
11 Whether or not they had anyone addressing the
12 recruitment efforts, and I thought this was a job well
13 done. And I don't want to certainly discourage any of
14 the other agencies if they've done the same thing, but
15 we just haven't received this information in the past.
16 I would like to receive the full text. So, I'm making
17 another plea to get the full document rather than the
18 distilled version, because that leaves a lot.

19 CHAIRMAN NORTON: How long is that in
20 general for each of these agencies? Is it similarly
21 long?

22 COMMISSIONER CLARKE: All 85 pages?

23 CHAIRMAN NORTON: Or is it long

24 because --

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1 MS. KENNEDY: No. They average 200
2 pages.

3 COMMISSIONER CLARKE: They average 200.

4 MS. KENNEDY: Well, that particular one
5 was almost 200 pages.

6 COMMISSIONER CLARKE: I see. Well,
7 that would have been fun.

8 CHAIRMAN NORTON: It looks like Paula
9 may have -- Paula, did --

10 MS. ROSS: Historically, in the 17
11 years I've been here, we've never provided a narrative
12 for the hires in a situation where an agency has met
13 all or substantially all their goals.

14 The point is that when they don't meet
15 their goals, we want to demonstrate to you the good
16 faith efforts that they've made to try to meet the
17 goals. That's why that's the only time you receive a
18 narrative.

19 And this is not the appropriate place
20 to discuss what it will do in terms of work -- of the
21 work for it, work for us, but I'm working on a plan
22 now that has 300 pages. Do you want all 300 pages?

23 COMMISSIONER CLARKE: A little down
24 time this holiday season and maybe it just will make

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1 for very good reading.

2 But 300 pages is a lot to copy, and

3 we're killing trees, and I'm an environmentalist, and
4 that's probably not the right -- I mean, but I could
5 get a disk or a CD.

6 MS. ROSS: The point is that when they
7 meet substantially all or all of their goals that is a
8 demonstration of good faith. And if they haven't done
9 that, then we have to provide to you an explanation of
10 every non-goal hire, and what they did to try to do
11 it.

12 CHAIRMAN NORTON: So, here they got
13 42.8 percent of possible short term goals. Is that
14 -- so, does that pass the threshold whereby they --
15 oh, I'm sorry. In this case is where you wanted to
16 show us all the stuff?

17 MS. ROSS: Exactly.

18 CHAIRMAN NORTON: I'm sorry. I just
19 got it backwards.

20 MS. ROSS: Because they did not
21 substantially meet their goals each hire is explained
22 that doesn't meet a goal.

23 CHAIRMAN NORTON: And the question Val
24 said out loud that this in fact had been 200 pages.

27

1 So, is there in fact some distillation that occurred
2 that --

3 MS. KENNEDY: Yes.

4 CHAIRMAN NORTON: Oh, okay.

5 MS. ROSS: Not as extensive as the

6 others.

7 CHAIRMAN NORTON: Well, --

8 COMMISSIONER CLARKE: I guess what I
9 found particularly interesting -- I'm sorry if I cut
10 somebody off. What I found particularly interesting
11 was the efforts that were made to recruit from the
12 workforce where there were deficiencies, and what was
13 actually -- you know, what agencies were contacted,
14 what they did. And perhaps we can discuss in another
15 forum the kinds of distilling we would like. Maybe
16 there are some other documents. If we had a one
17 pager, maybe that would work.

18 MS. ROSS: I did not review this. This
19 is not my plan. I'm talking about in general --

20 COMMISSIONER CLARKE: Just in general.

21 MS. ROSS: -- the methodology and
22 procedure.

23 COMMISSIONER CLARKE: But I thought --
24 for example, I thought that was certainly more

28

1 worthwhile than even some of the information that we
2 have absolutely no say in like, the percentages. Do
3 you know what I mean? So, maybe we can discuss that
4 at another time. The kinds of information that would
5 be helpful for us to -- to do a quick look at the plan
6 just to make sure. Maybe we can discuss that.

7 CHAIRMAN NORTON: Commissioner
8 Mambruno.

9 COMMISSIONER CLARKE: I wasn't certain.

10 COMMISSIONER MAMBRUNO: All in all I
11 think it shows that -- I believe a couple of years ago
12 we were -- we disapproved the plan and we asked for
13 more communication. And I think it does show that
14 staff, and especially UConn Health Center, has really
15 stepped up to the plate and shown that they have
16 really worked hard and worked with staff to get a plan
17 approved. And I want to commend them for that.

18 COMMISSIONER CLARKE: Excellent job.

19 COMMISSIONER BROWN: Mr. Chair --

20 COMMISSIONER MAMBRUNO: Especially in
21 the recruiting efforts.

22 CHAIRMAN NORTON: I just want to know
23 what a Histotechnologist is.

24 COMMISSIONER BROWN: Mr. Chairman, can

29

1 I just make a comment. I really do think it's
2 redundant to put all that narrative if the plan -- if
3 they meet all of the qualifications. I could read
4 something else. You know, I don't need all this to
5 read.

6 So, it's simply redundant. I do expect
7 a narrative when they have not met it, and this is
8 what they've been showing us.

9 So, I'm okay with what you're doing.

10 CHAIRMAN NORTON: Well, it sounds to me
11 that what's been explicated for us is that we get a
12 distilled version when we aren't requiring an agency

13 to explain to us some deficiencies, because they
14 aren't showing any deficiencies.

15 COMMISSIONER BROWN: Right.

16 CHAIRMAN NORTON: At least in this one
17 regard. And when they are somewhat deficient, but
18 nonetheless we think that they evidenced effort, which
19 is a breaking down of the legal term -- but when
20 they've shown effort, we're going to show you the
21 effort. Which I guess is sort of like the old math
22 test you took in school where the teacher said, show
23 your work in case you had the answer wrong, but when
24 you had the answer right you don't need to show your

30

1 work. So, is that --

2 COMMISSIONER CLARKE: That's not
3 exactly what they say, but that's okay. Close enough.
4 I know what you mean.

5 CHAIRMAN NORTON: That's what
6 weatherman do now. (Laughter.)

7 So, I would -- but does that seem like
8 a good way to continue going to Commissioners?

9 COMMISSIONER CLARKE: Well, I guess I
10 would just like to know, some of the stuff we get --
11 some of the information we get has absolutely no
12 relevance to us, like the percentages. Maybe, and
13 that's what I'm suggesting, maybe we can talk about
14 the logic behind what we actually do get, and maybe
15 there is an opportunity to receive some other
16 information, like a summary where they recruit it, or

17 something like that.

18 I'm saying, I'm certainly not
19 recommending that we receive the entire text in every
20 case. If it's 200 and 300 pages, oh, my goodness.
21 But certainly we might want to talk about the kinds of
22 information we get and whether or not it's as
23 meaningful as maybe some other pieces could be.

24 So, we'll discuss it at another time.

31

1 CHAIRMAN NORTON: Okay.

2 COMMISSIONER CLARKE: But again, kudos
3 to -- to the agencies. You've done a great job.

4 CHAIRMAN NORTON: Commissioner
5 Mambruno.

6 COMMISSIONER MAMBRUNO: I have a
7 statement to make, since one of the agencies here was
8 approved, and this goes to the Office of Policy and
9 Management, which you don't know what they do,
10 Mr. Chair. Maybe when we do have a full staff we will
11 be able to ask staff to do certain things, and that
12 way you've got the workload. So, maybe that's
13 something for us to tuck under our hat.

14 CHAIRMAN NORTON: I don't mean to
15 suggest that they don't do stuff, I just mean to
16 suggest that it's sort of a mystery.

17 They -- but are there any other -- are
18 there any other questions from Commissioners?

19 And, by the way, I think we can expand

20 a little bit on the point or the issues that
21 Commission Mambruno and Commissioner Clarke raised in
22 the latest section of our agenda, which I put in there
23 because of Commissioner Lobon's interest, because
24 you're bringing up some of the same things that

32

1 Commission Lobon brought up on the phone with me,
2 which is why I added that part to the agenda.

3 Are there any other questions or
4 comments from Commissioners about any of the six
5 agencies who are in this motion for approval.

6 Again, we have a motion on the floor
7 for approval of -- or I should say acceptance of staff
8 recommendations for approval for all six of these
9 agencies, and -- which is Higher Education, OPM, BESB,
10 Agricultural Experiment Station, Department of
11 Banking, UConn Health Center. Is there any other
12 discussion?

13 (No response.)

14 All those in favor of approving those
15 six plans say aye.

16 COMMISSIONERS BROWN, CLARKE, MARSHALL,
17 MAMBRUNO and LOBON: Aye.

18 CHAIRMAN NORTON: Is there any one
19 opposed?

20 Is there anyone abstaining?

21 (No response.)

22 Then the motion is unanimously
23 approved.

24

And we will move on to the fiscal

33

1 report, if I've got my bearings straight.

2 Alright. I'll call the meeting back to
3 order, and Nandi Colon is going to talk to us about
4 money.

5 MS. COLON: Just for the record, Nandi
6 Colon, Fiscal Administrative Supervisor, CHRO.

7 And just in case you really didn't know
8 what OPM, they do, they control your purse strings.
9 So, I don't think you want to upset them.

10 COMMISSIONER CLARKE: No, no. They're
11 lovely people.

12 CHAIRMAN NORTON: They had a sense of
13 humor.

14 MS. COLON: I hope.

15 I'll be brief on this report, because
16 there's really not much difference from the last
17 report. I've been projecting in personnel services a
18 surplus, and it's getting larger by the moment, and
19 that's attributed to the fact that we are not filling
20 positions. We have filled the HRO reps, pretty much
21 all of them, I believe, but still remains the
22 Executive Secretary, and that's going to be announced
23 pretty soon. Mr. Ingram's position as Executive
24 Director. Curriculum Manager and the Referee. And

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1 then a few scraggly positions, like a part time here

2 or there. But we still have plenty of money that's
3 going to be lapsing into the next year, and that's not
4 anything that we can control. OPM will take it.

5 In the OE column, the other expense
6 column, I'm now projecting a surplus, which is fairly
7 large.

8 CHAIRMAN NORTON: Where am I looking
9 right now? Where is my eye supposed to be right now?

10 MS. COLON: Okay. On the second part.
11 The bottom part of the CSSR.

12 CHAIRMAN NORTON: The --

13 MS. COLON: The financial status
14 report.

15 CHAIRMAN NORTON: Yup.

16 MS. COLON: Where it says other
17 expenses.

18 CHAIRMAN NORTON: The bold. I've got a
19 bold right -- what's the word before Other Expenses?

20 MS. COLON: Personnel Services. You
21 have a grand total of projected surplus or deficit,
22 the right hand column. We're down one hundred and
23 fifty --

24 CHAIRMAN NORTON: Which is one

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1 fifty-eight.

2 MS. COLON: Right.

3 CHAIRMAN NORTON: Okay.

4 MS. COLON: And the reason for that is
5 for -- it's due to the Bridgeport move. And I'll let

6 Don Newton -- he's got that as part of his report, so,
7 he'll let you know what the status is of that.

8 CHAIRMAN NORTON: The extra money
9 because of the Bridgeport move?

10 MS. COLON: Right. We were granted
11 \$155,000.00 to move Bridgeport, and it seems at this
12 point it's not going to happen.

13 CHAIRMAN NORTON: Now, will that get
14 chewed up -- and maybe this question is better for
15 Don. But will that get chewed up by maybe higher rent
16 at the existing facility because we're running out our
17 lease, or not?

18 MS. COLON: I assume a portion of that.
19 Not all of it, but a portion of that will be.

20 CHAIRMAN NORTON: So, we're going to
21 have to really hope that it doesn't happen before
22 the end of the fiscal year, that OPM would grant --
23 let us --

24 MS. COLON: Carry forward.

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1 CHAIRMAN NORTON: Carry forward.

2 MS. COLON: Right.

3 CHAIRMAN NORTON: As opposed to lapse.

4 MS. COLON: Right. I've already
5 submitted a -- I sent them an e-mail regarding that
6 issue. I've also spoken to several people, not only
7 at OPM but at the Office of Fiscal Analysis as well,
8 to alert them of the situation, and also to request

9 permission to do so.

10 So, at this point I really don't know
11 if they do have a choice or not. We do have to move
12 Bridgeport's office, but it looks like right now -- it
13 won't happen until September of '07, which is already
14 next fiscal year.

15 CHAIRMAN NORTON: Okay.

16 I'm sorry, go on.

17 MS. COLON: Okay. The equipment, as I
18 mention here -- as you see here, we will not be
19 lapsing any money right now. We do expect to spend
20 the entire \$1,000.00. That's what they give us.

21 And then the Martin Luther King, we are
22 making progress. We've already spent, just in this
23 month alone, close to \$3,000.00 of the money that you
24 see there. It's not reflected here because this is as

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1 of December 31st. But they are -- they do have a
2 speaker that's coming for the Martin Luther King
3 function. They do already have a caterer for that
4 function, and they have -- they listened to what we
5 were saying last year.

6 CHAIRMAN NORTON: Now, where is the --
7 okay. Thank you.

8 MS. COLON: There is a flyer that's
9 attached.

10 MR. PECH: It's at the Capitol on
11 Monday at 11:00.

12 Now, I don't know -- on the way in I

13 heard that we might finally actually get winter on
14 Sunday night and Monday. I don't know if that's going
15 to affect it or not. I don't know if they have back
16 up contingency plans, but I heard we may get a fairly
17 substantial snow or ice storm Sunday night and Monday.
18 So, I don't know if that plays a role or not.

19 CHAIRMAN NORTON: By the way, the name
20 of that room is Old Judiciary, not Old Judicial.

21 MS. COLON: I don't know -- actually I
22 believe the flyer was generated by the Commission.

23 All we did was --

24 MR. PECH: That Commission, not our

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1 Commission.

2 MS. COLON: Not our Commission. That
3 Commission.

4 Okay. I'll proceed to the Personnel
5 Status Report, which is the other report that you get.
6 It gives you a little bit more detail regarding the
7 vacancies. And if you have any questions, let me
8 know.

9 CHAIRMAN NORTON: So, I'm just going to
10 be -- we are at -- we had -- the Commissioners had a
11 plan of having HRO reps and with the use of an intake
12 Officer -- we are grouping Intake Officers and
13 Commission Counsels One, who were significantly doing
14 the job of working on HRO Rep work, and we are
15 counting them altogether and saying we're going to

16 have 9 in Waterbury, 8 in Hartford, 8 in Norwich and 8
17 in Bridgeport. And so, where are we now? We're at --

18 MS. COLON: Okay. We are -- if you
19 look at the very last page, that would show you the
20 reasons, side by side.

21 CHAIRMAN NORTON: Hold on a second.

22 (Pause.)

23 Yup. Okay. Yup.

24 MS. COLON: That will show you eight at

39

1 Capitol Region. Nine at West Central. Eight at
2 Bridgeport, which is Southwest, and eight at Norwich.

3 CHAIRMAN NORTON: So, Norwich has
4 already hired someone?

5 MR. PECH: No. We're not there yet.

6 MS. COLON: No.

7 CHAIRMAN NORTON: Okay.

8 MS. COLON: We have the position moved
9 over, but we are in the process --

10 CHAIRMAN NORTON: Oh, gotcha.

11 MR. PECH: It's been posted. Closing
12 -- it's closed. We've had -- well, we had four
13 applicants, but my understanding is only one is
14 qualified on the list.

15 And the Waterbury, as we sit here is
16 eight, but the ninth person is starting the 19th, I
17 believe, of this month.

18 So, as of next week we will be nine in
19 Waterbury, eight in Bridgeport, eight in Hartford,

20 seven in Norwich but the eighth is on the way to
21 Norwich.

22 CHAIRMAN NORTON: Just to let
23 Commissioners know, if you're interested in looking at
24 this, the last sheet in Nandi's handout, the 8 1/2 by

40

1 14 sheets, where it says Hartford, Waterbury,
2 Bridgeport and Norwich. What we had done to figure
3 out how many professional line staff there were
4 dealing with investigations, HRO Reps is the standard
5 job title for people dealing with investigations. But
6 in Bridgeport and Hartford, they also have third from
7 the top, Assistant Commission Counsel I. In Hartford
8 it's a person named Yvonne Duncan, and in Bridgeport
9 it's a person named Carolyn Anderson. They're called
10 Assistant Commission Counsel, but they, at this point,
11 do the work of HRO reps. They're part of that group
12 effort.

13 And in the case of Waterbury, Ivan is
14 an intake officer. Now, there isn't an intake officer
15 in the other regions, but those HRO Reps do intake
16 work. So, what he does is very much a part of what
17 those HRO Reps do.

18 So, in the case of Waterbury with an
19 intake officer, Hartford and Bridgeport with an
20 Assistant Commission Counsel, we were counting those
21 people as one of the professional staff that's largely
22 made up of HRO Reps. We put them altogether to get a

23 count of who out there is -- besides the manager, and
24 besides people who do clerical support, front line,

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1 working with intake and investigations, and so you
2 come up with a number of eight in Hartford, eight in
3 Waterbury - soon to be nine - now eight in Bridgeport,
4 and we moved one position -- a vacancy from Bridgeport
5 to Norwich so we'd have eight in Norwich.

6 So, it will be eight in every one, with
7 the exception of nine in Waterbury, which has a busier
8 case load. And if we ever got more of these
9 positions, we could then start topping them off at
10 nine, maybe. Maybe Bridgeport will be the first one.
11 I don't mean to presume an answer, but it's the second
12 busiest region. And I'm kind of really in Don's area,
13 and I probably should wait for him to get to the
14 stage, but . . . but I just wanted to point it out,
15 since we were on that page.

16 MS. COLON: Exactly.

17 CHAIRMAN NORTON: Does anyone else have
18 any other questions?

19 MS. COLON: Any other questions?

20 (No response.)

21 No. Okay.

22 CHAIRMAN NORTON: Thank you very much.

23 MS. COLON: You're very welcome.

24 MR. PECH: Don. Everybody's tread on

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1 your territory anyway. Why don't you come up and

2 speak to that.

3 CHAIRMAN NORTON: Yeah. Sorry about
4 that.

5 MR. NEWTON: Good afternoon.

6 COMMISSIONERS BROWN, CLARKE, MARSHALL,
7 MAMBRUNO and LOBON: Good afternoon.

8 MR. NEWTON: I'm not going to quote all
9 kinds of statistics, but I'll give you just an
10 overview. Right now, as Andrew -- Commissioner -- I'm
11 sorry. Pardon me -- Commissioner Norton stated, we --
12 the Capitol is the next to the lowest number of cases
13 pending. Waterbury continues to be the highest.

14 CHAIRMAN NORTON: That's the number
15 438? I'm looking at page 3 of 6 in your report.

16 MR. NEWTON: Page 3. Right. It has
17 kind of a condensed version of what's going on.

18 Waterbury has the most cases, 644.
19 These are all as of December 29th when the statistics
20 were compiled.

21 Bridgeport has 605. Capitol, 438. And
22 the Eastern Region at the present time has 407. But
23 these -- these numbers kind of shift up and down,
24 depending on the filings in the region. In another

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1 month or so, Norwich could have more than Waterbury.
2 So, they do go up and down.

3 And you indicated that pretty soon
4 Bridgeport -- or Bridgeport does have eight, but

5 unfortunately we're losing an employee, so we'll have
6 to be recruiting for another vacancy.

7 CHAIRMAN NORTON: Oh, someone is
8 stepping down?

9 MR. NEWTON: Yes. Pia Pyles has
10 submitted her resignation from the Bridgeport Office.

11 CHAIRMAN NORTON: Okay.

12 MR. NEWTON: And we are at full
13 strength in our housing unit. Waterbury will be up to
14 the nine by next Friday. The 9th professional staff
15 person will be coming on. And we will be interviewing
16 very shortly for the vacancy that's in the Norwich
17 Office. And so on this we say eight, but hopefully
18 we'll be looking forward with a full complement of
19 staff.

20 The overall filing of complaints are
21 actually down just slightly from previous years. It
22 seems like historically we have around 2,200 to 2,300
23 cases filed per year. As of the end of December we
24 only had 971 complaints filed throughout the agency,

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1 which we use that -- if that trend continues we will
2 be down maybe 200 cases from what our normal case load
3 is. But a lot could happen as far as the employment
4 scene where most of our cases come from within the
5 next five months, so . . . you know. Again, if we
6 stay in a straight line projection we will be down
7 slightly, but depending on the economy, we could see
8 more complaints coming in.

9 Nandi mentioned about our Bridgeport
10 office. We do have a holdover lease that expires on
11 February 1st. Now, the Public Works Leasing Agent,
12 who represents our agency has talked to the
13 representative of the owners of the current Bridgeport
14 office, at 1057 Broad Street, and they're amenable to
15 extending the holdover lease, but they will increase
16 the rent for the next round. Now, Nandi --

17 COMMISSIONER MARSHALL: Will it become
18 a month to --

19 MR. NEWTON: Well, it will be for a
20 block of time, which I'm not sure how they will
21 structure it. But it will be -- it will be like a
22 month to month tenant.

23 CHAIRMAN NORTON: I'm sorry. The new
24 building that they have their eye on, is that -- I've

45
1 forgotten, is that a state building or --

2 MR. NEWTON: No.

3 CHAIRMAN NORTON: No, it's not.

4 MR. NEWTON: It's a private building at
5 350 Fairfield Avenue.

6 CHAIRMAN NORTON: Are they mad that
7 we're not moving in?

8 MR. NEWTON: They've kind of held the
9 space for over a year, but . . . Public Works believes
10 they'll have a lease to the landlord within the next
11 week or so. Everything's been agreed to in principle,

12 but there's a -- kind of a very long protracted
13 process for doing a state lease. First it gets signed
14 by the landlord then it comes back to the agency for
15 the agency head to sign it. Then it goes to the
16 Office of Policy and Management, which reviews it and
17 looks at it from the financial standpoint. Then it
18 goes to the Attorney General's office which reviews it
19 for proper form. Now, that review takes less time
20 than it has in the past, because there's standard
21 broiler plate language that's already been pre-agreed
22 to. So, all the Attorney General Office is really
23 making sure is that everybody signed where they're
24 supposed to and in the manner that they were supposed

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1 to sign the form. Then it goes to the State Property
2 Review Board. Then it goes back to Public Works. And
3 then finally we get to move, hopefully. Actually,
4 before we can move they have to build out the space.

5 CHAIRMAN NORTON: I'm sorry. Is this
6 for the new space or for the extended contract?

7 MR. NEWTON: The new space.

8 CHAIRMAN NORTON: This is for the new
9 space.

10 MR. NEWTON: The new space. And to
11 build out, the owner said they can do it in 60 days
12 but they want to be given 120 days. And once they
13 know we'll shorten process, they have their own
14 construction firm.

15 CHAIRMAN NORTON: So, what will DPW do?

16 Kind of guess as to a date in which that will all be
17 ready, and then they'll try to get an extension until
18 that date from the current landlord.

19 MR. NEWTON: What they're doing is DPW
20 is very, very optimistic. We believe it's going to be
21 September. DPW thinks that it could all be done by
22 April, which I don't see how it could possibly be done
23 by April. So, it's possible that they'll have to, you
24 know, negotiate an additional holdover lease to go --

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1 as Commissioner Marshall said, you know, from month to
2 month. But, you know, they -- they're looking at
3 something like \$20.50 a square foot for the holdover
4 rate, which is a dollar or two more than we're paying
5 now per square foot.

6 CHAIRMAN NORTON: I had a question. If
7 I live in Norwich and I have a job in Hartford and I
8 have been discriminated against on my job, where do I
9 file, in Norwich or Hartford?

10 MR. NEWTON: Where the alleged
11 violation occurred.

12 CHAIRMAN NORTON: Okay. And do we have
13 a sense -- do we monitor -- these four divisions --
14 four regions we have. Do they divide up pretty
15 equally as far as number of places of employment or
16 number of employees?

17 MR. NEWTON: It's pretty well evenly
18 distributed.

19 CHAIRMAN NORTON: I mean, have you
20 noticed historically that some agencies get more work
21 because -- because -- I don't know, people are more
22 attuned to their CHRO rights in certain regions, or
23 there's more discrimination in certain regions, or --
24 I guess now if you have 438 cases in Hartford, but 644

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1 in Waterbury, is that also a result of like how many
2 get retained by that office?

3 MR. NEWTON: Well, that's a factor.
4 And also Waterbury was down to something like three
5 investigators for a period of time, because of
6 layoffs, early retirements and other attrition, and
7 not being able to refill. So, that meant that cases
8 went unassigned and the inventory built up.

9 CHAIRMAN NORTON: Okay. So, at this
10 point in time you think the number -- the towns that
11 are in each of these four things is an intelligent
12 ordering of the state?

13 MR. NEWTON: I think it's an equitable
14 division of the state into the four quadrants.

15 CHAIRMAN NORTON: Does anyone else have
16 questions for Don? I guess I'm --

17 COMMISSIONER LOBON: I have a question.

18 CHAIRMAN NORTON: Commissioner Lobon.

19 COMMISSIONER LOBON: These numbers that
20 you are reporting. Where do you get those numbers
21 from?

22 MR. NEWTON: From our complaint

23 tracking system.

24 COMMISSIONER LOBON: So, therefore

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1 those numbers that you are representing here are

2 correct based on where you're getting the --

3 MR. NEWTON: Based on the complaint

4 tracking system, yes.

5 COMMISSIONER LOBON: Alright. Thank

6 you.

7 CHAIRMAN NORTON: Now, I'm sorry, the

8 Complaint tracking system, that's, I'm going to guess,

9 a computer program that --

10 MR. NEWTON: It's an access database

11 that we maintain all our statistical records for

12 complaints.

13 CHAIRMAN NORTON: Okay. And -- okay.

14 Alright. I guess I don't have any other questions.

15 Commissioner Lobon, was that your only

16 question?

17 COMMISSIONER LOBON: Yes.

18 Are there any other questions?

19 (No response.)

20 Okay. Then, thank you very much.

21 I guess -- who's next?

22 MR. PECH: Lena, the Legislative

23 Reporter is next. Unfortunately Lena had to leave.

24 She had to take her mother to the doctor's so she

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1 sends her apologies.

2 Her report is included in your
3 supplement packet today. I -- unless you want me to,
4 I'm not going to read it. We can all read. Our three
5 proposals have all been approved by the governor.
6 They've been submitted to the legislature.

7 CHAIRMAN NORTON: How many proposals is
8 it?

9 MR. PECH: Three. Three formal
10 proposals. We will be talking to Commissioner's
11 Mambruno and Conaway, the legislative subcommittee as
12 we go forward, because we will undoubtedly be asked to
13 support other folks' legislation. And we may well
14 want to, but we will run it by them.

15 Probably the other most salient thing
16 to note on here is the last part, is that
17 Commissioners Brown and Clarke tentatively are up for
18 approval by the legislature on February 1. I don't
19 know if you've gotten notice of those yet, but . . . I
20 hope those days are open for you, because we'll be
21 there, but you need to be there too.

22 COMMISSIONER CLARKE: Yeah. I will be
23 because I chose it.

24 MR. PECH: Oh, good.

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1 COMMISSIONER CLARKE: I decided. I
2 just couldn't do anything in January.

3 MR. PECH: Well, it's nice to have that
4 control. I'm not allowed to choose dates before the

5 legislature commission, but that's good.

6 COMMISSIONER CLARKE: And I said I
7 agree with Lil.

8 CHAIRMAN NORTON: So, you're up on the
9 same day? February 1st? Is that what it is?

10 MR. PECH: Yes.

11 CHAIRMAN NORTON: In front of the
12 Executive Noms?

13 MR. PECH: Yes. And I think all of you
14 will be confirmed as of that date. I don't think
15 there's anybody out hanging at the moment. If anyone
16 thinks there are --

17 CHAIRMAN NORTON: Well, what? The
18 house --

19 MR. PECH: I'm sorry.

20 CHAIRMAN NORTON: The chambers are
21 meeting that same day?

22 MR. PECH: The Legislative and
23 Executive Noms Committee is that day. They won't be
24 finally approved --

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1 CHAIRMAN NORTON: Oh, oh.

2 MR. PECH: -- They will be recommended
3 out of that committee.

4 CHAIRMAN NORTON: Gotcha.

5 MR. PECH: I'm sorry. That's right.
6 There was a step in there that I forgot.

7 CHAIRMAN NORTON: And so the only two

8 people that were up this session will both be in front
9 of the Committee on the same day?

10 MR. PECH: Right.

11 CHAIRMAN NORTON: Gotcha.

12 MR. PECH: Correct.

13 CHAIRMAN NORTON: Alright. Managing
14 Director's report, I guess is next.

15 MR. BROTHERS: Good afternoon,
16 Commissioners.

17 Just a follow-up from last month's
18 meeting, you may recall that Commissioner Conaway,
19 there was a contract compliance exemption between
20 UConn and the University of Colorado. It had to do
21 with something with special needs children. He wanted
22 a follow-up on that. You'll find in the back of your
23 packet the letter that I mailed out to UConn asking
24 them to give us a report. Once I get that report I'll

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1 forward it to you, in whatever month that happens to
2 fall in.

3 Just to give you an idea, I know that
4 Commissioner Griffin was asking last month what the
5 Commission Counsel's Office does. Unfortunately he's
6 not here. I actually have more of a detailed report
7 than I normally present.

8 Currently we have approximately 40
9 cases that are public hearing, 22 cases that are in
10 Superior Court that are housing related. Of those 22
11 cases that are in housing court, that really reflects

12 about 80 percent of all the housing cases that we
13 have. And that's not unusual. Most of the housing
14 cases that we have result in a housing election that
15 goes directly to the court. We currently have 13
16 appeals that we're dealing with, 3 enforcement
17 actions. Enforcement actions would be where there's
18 either a default hearing that's been done, a
19 respondent has been found liable, there's an award
20 made, and then we are trying to collect that money.
21 Or there's an agreement that's been entered between a
22 respondent and a complainant to be able to settle the
23 discrimination case, and they're not honoring that, so
24 we're in court on those.

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1 In addition to that there's two pending
2 reopener requests. They're currently -- I'm awaiting
3 to get responses back. They'll probably be presented
4 to you either the next month or the following month.

5 In addition to that we've currently
6 taken on the task of assisting with reconsideration
7 requests. There were some that were outstanding that
8 have been around for a while. We've taken about 35 of
9 those. Hopefully within the next three or four months
10 we can get -- three or four months we can get current
11 on those.

12 CHAIRMAN NORTON: Those are -- I'm
13 sorry. Can you explain the reconsideration requests.

14 MR. BROTHERS: Reconsideration is

15 actually very similar to the reopening, and you're all
16 familiar with reopening. It's actually one step in
17 the process, way before the reopening request.
18 Basically if a case is dismissed the complaining party
19 can make a request for reconsideration. It's the same
20 type of review.

21 So, if we find and resume the
22 reconsideration of the case, it was dismissed in
23 error, either the investigator, for example, failed to
24 interview a witness that was identified or failed to

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1 look at a document and correctly identify the
2 information on it, that might be a reason for granting
3 a reconsideration, in which case we would send it back
4 to the region and have further investigation done with
5 it.

6 CHAIRMAN NORTON: And does someone have
7 to do that -- make that request before -- if they ever
8 -- if they want to get to the point of asking for
9 reopening?

10 MR. BROTHERS: It's not required, no.
11 Actually, they can make the request for
12 reconsideration. They could go back, the case could
13 result in having it dismissed again, and they could
14 seek another reconsideration request. There actually
15 is no limitation on how many.

16 And then when that was finally done and
17 exhausted they could then seek a reopening request.

18 CHAIRMAN NORTON: What -- do you have

19 any even rough sense of what percentage of people who
20 get marred out, I guess, ask for reconsideration?

21 MR. BROTHERS: I actually started doing
22 some reviews, now that I'm handling it, just to try to
23 get a handle on it.

24 It looks like about 200 requests are

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1 filed annually. I'm not really sure of the breakdown
2 as to whether or not how many are from our dismissal
3 versus a full investigation dismissal. Because in
4 either event if the case is dismissed, either at mar
5 or at full investigation, the right of a
6 reconsideration request can be made. But it appears
7 about 25 percent of the ones that are made are
8 granted.

9 CHAIRMAN NORTON: I'm sorry. I just
10 got handed something.

11 MR. BROTHERS: That's okay.

12 CHAIRMAN NORTON: Twenty-five percent
13 of reconsideration requests are granted.

14 What did you say you thought might even
15 be the percentage of people who were --

16 MR. BROTHERS: No. I --

17 CHAIRMAN NORTON: Or you didn't?

18 MR. BROTHERS: About 200 are filed
19 annually. Of those, about 25 percent are granted,
20 historically.

21 CHAIRMAN NORTON: And how many people

22 do you think get marred out or dismissed after
23 preliminary --

24 MR. BROTHERS: I'm not sure of the 200.

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1 I mean, once I start going through this process it's
2 one of the numbers I'm going to track. I really don't
3 know, of the 200 how many are from the mar dismissal.
4 My guess is that the majority are from mar dismissals
5 and not from full investigations.

6 CHAIRMAN NORTON: That's not quite what
7 I meant to ask. I didn't say it well.

8 How many -- what percentage of people
9 who get dismissed at one stage or the other accept
10 that and go home and what percent ask for
11 reconsideration?

12 MR. BROTHERS: I'm not sure I'm
13 following the question.

14 MR. PECH: I think the -- if I
15 understand the question --

16 CHAIRMAN NORTON: How many people
17 appeal --

18 MR. PECH: Although I can't tell you
19 the percentages, I think it's a fair bet that more
20 people who get dismissed at mar ask for
21 reconsideration, a higher percentage, than those who
22 get dismissed after a full investigation. What those
23 numbers are, I think that's what Bob is trying to
24 figure out.

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1 MR. BROTHERS: Yeah. No, I think what
2 you're asking -- this number I can -- I can tell you
3 this. Of total cases that are filed with the agency
4 approximately between one third and one half are
5 dismissed at mar. Of those numbers that are dismissed
6 at mar, I think it's about -- I want to say it's like
7 a quarter to a third actually seek reconsideration.

8 And as I said, of those that seek it,
9 it's about a quarter or less that actually get it.

10 CHAIRMAN NORTON: Okay.

11 MR. BROTHERS: So, it keeps going down
12 at each level as you go through the process.

13 And of those that are seeking
14 reopenings, as you know, we only probably do maybe a
15 dozen a year that actually seek out reopenings. And
16 of those, it's probably 50 percent are granted.

17 CHAIRMAN NORTON: Reopenings?

18 MR. BROTHERS: Yes.

19 CHAIRMAN NORTON: For us?

20 MR. BROTHERS: Yes. Historically.

21 MR. PECH: How many?

22 CHAIRMAN NORTON: It doesn't seem like
23 we grant that many.

24 MR. BROTHERS: Historically.

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1 CHAIRMAN NORTON: Oh, okay.

2 MR. BROTHERS: That numbers going down
3 since I've been looking at them.

4 That's kind of a quick review as to
5 where we are in legal. I don't know if you have any
6 questions.

7 CHAIRMAN NORTON: I don't.

8 Do any other Commissioners have
9 questions for the Managing Director and Commission
10 Attorney Brothers.

11 (No response.)

12 MR. BROTHERS: Thank you.

13 CHAIRMAN NORTON: Mr. Pech.

14 MR. PECH: Good afternoon, again.

15 I just want to bring you up to date on
16 some of the other things that have been going on in
17 the last month. One I referenced, I had begun last
18 month, but we have made some more progress. I think
19 I told you that I had written to the Union soon after
20 -- soon after the first of December, trying to get
21 together with them to see if there's ways we can
22 resolve issues, work together, instead of having this
23 tension that's been.

24 I can report that so far we have

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1 resolved two issues that might have turned into
2 grievances, but didn't. And I'm in the process of
3 trying to resolve a grievance that was already filed
4 that's about to go to Step 3 at OLR that I think --
5 I'm reasonably confident we can resolve, short of
6 having to go that far. So, I'm happy with that,
7 because that clearly was an issue that we had a lot of

8 contention, as you well know. I don't need to say any
9 more about that.

10 I can tell you that Alvin Bingham has
11 been named to work with the PCSW, the Permanent
12 Commission on the Status Women, on the task force on
13 non-traditional employment for women, and particularly
14 on the subcommittee dealing with contract work, which
15 is, of course, his specialty.

16 CHAIRMAN NORTON: Can I jump in just
17 for a moment --

18 MR. PECH: Yeah.

19 CHAIRMAN NORTON: -- to say that I had
20 been approached some months ago by the Permanent
21 Commission on the Status of Women, and I met with
22 them, because they wanted to talk about doing more for
23 women in the non-traditional professions, which is
24 your plumbers, carpenters, you know, pipefitters,

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1 things that, you know, historically have been
2 populated by almost all men.

3 And we met, and they're hoping to come
4 in front of our Commission and speak to us. And I --
5 because we were quite busy when they came to me, I put
6 them off for a couple months, but in the meantime they
7 sat down with Alvin, and at this point in time it
8 seems like they want to move ahead, without
9 necessarily coming in front of us, but kind of working
10 on a staff to staff level.

11 MR. PECH: Correct.

12 CHAIRMAN NORTON: At some point they
13 may come knocking at our door to ask us for some
14 particular help, but right now it seems like they're
15 satisfied just putting -- grabbing Alvin.

16 MR. PECH: Right. And --

17 CHAIRMAN NORTON: And other people I
18 guess.

19 MR. PECH: And related to that, I
20 actually on a director to director level, I have a
21 meeting with Theresa Younger tomorrow morning, who is
22 the head of PCSW now.

23 CHAIRMAN NORTON: Oh, good.

24 MR. PECH: Just because we're both

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1 fairly new in where we're sitting. To get to know
2 each other and talk about other ways we might work
3 together.

4 We heard references during the AA plan
5 reviews to the ubiquitous OPM, and what they do with
6 the purse strings. I want to let you know that thanks
7 largely to Nandi and Lena and some myself, I drafted
8 some of it, we got a request, which is fairly normal,
9 in the budget year, early in the cycle to submit
10 what's called a budget reduction option. If we have
11 to come to you and say cut your budget by 5 percent,
12 what would you do? Where would you cut. And we
13 actually were able to turn that around, and instead of
14 submitting a budget reduction option, we were allowed

15 to submit a budget expansion option. That's no
16 guarantee from OPM, but at least OPM has looked at it
17 and decided that, you know, maybe they do need some
18 more money. And ultimately that's going to be the
19 governor's call, and we will find out on February 8th
20 -- I don't know when the budget gets presented, I
21 think it's the 8th. But we were -- again, I don't
22 want to say permission, because that's not quite the
23 right word, but Secretary Genario of OPM indicated
24 that he saw that maybe we could use five positions in

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1 the near term, which would be very beneficial if we
2 could get that. So, we will all keep our fingers
3 crossed.

4 As I said, it's no guarantee, but at
5 least we're fairly confident we're not going to get
6 cut, and some agencies might.

7 Nandi referenced the Martin Luther King
8 Commission. I just want to say, in that regard I had
9 a conversation with Dennis King about a week ago, who
10 is the Chairman of that Commission -- he used to be on
11 this Commission, as a matter of fact, and I just want
12 to say publicly that he's very happy. Nandi has give
13 him tremendous help on getting things together for
14 their commemoration on Monday. And he e-mailed me yet
15 again today to tell me how helpful Nandi has been.
16 So, you should know that.

17 I had a meeting with Glen Cassis who,

18 like me is also new to his position as the new
19 Director of the African American Affairs Commission.
20 I followed up with a letter. We're going to sit down
21 and talk about several common areas of interest that
22 we could perhaps work with each other on.
23 The same goes with Scot Esdaile at the
24 NAACP. Our relationship with that organization over

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1 that last couple of years has not been what it should
2 be, and I want to try to get -- restore that.

3 I talked with Roger Van of the CCLU,
4 and I'm going to be writing to him. These are all
5 organizations that I think are natural allies of ours,
6 for lack of a better word, and we really need to
7 resurrect or establish or reestablish as the case may
8 be, working relationships with them, because we have a
9 lot of common interest, and we really ought to be able
10 to work with one another to further those interests.

11 We talked about the -- Commissioner
12 Brown asked when we were doing the AA plans about why
13 the box wasn't checked on annual filing retention. As
14 you know, there's been a lot of issues the last year
15 around what happens when a plan is approved by
16 default. What happens when a plan is disapproved. Do
17 they retain their filing? Do they lose their annual
18 filing?

19 I wrote, three weeks ago now, I guess,
20 to the -- I'm not sure what the term is, president,
21 head, whatever, of the Connecticut Association of

22 Affirmative Action Professionals asking if I could
23 speak at their next meeting to straighten out some of
24 the misconceptions that have been -- happened over the

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1 last year. And fortuitously their next meeting is
2 next Wednesday, so I am speaking to that group then.
3 And one of the issues will be that whole retention
4 issue. And, in fact, I was thinking today, talking
5 with a couple reviewers, we may revise the form,
6 because the form -- the front page went through a lot
7 of changes over the last year to reflect some of the
8 different sentiments that were going through, and I
9 want to try to straighten that out. So, I'm meeting
10 with them on Wednesday.

11 I have been asked to address the 28th
12 annual Connecticut Fair Housing Conference in April.
13 I will be doing that.

14 As Bob mentioned, we took action to
15 address -- there were a number of reconsideration
16 requests that according to statute we're supposed to
17 act on them within 90 days. There was a pool of them,
18 shall we say, that have not been acted on in
19 substantially longer than that. We've taken action
20 to address that. I've asked Bob to step in, and he
21 has, and I expect that we'll get those down within the
22 next 30 to 60 days, so we're not out of line with
23 that.

24 MR. BROTHERS: Well --

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1 MR. PECH: 90 days? Soon.

2 MR. BROTHERS: As soon as possible.

3 MR. PECH: As soon as possible, but --

4 CHAIRMAN NORTON: I'm sorry. You said

5 requests for reconsideration are backed up a bit?

6 MR. PECH: Yes.

7 CHAIRMAN NORTON: And how many out --

8 oh, I'm sorry. Reconsideration. Not reopening.

9 MR. PECH: Correct.

10 CHAIRMAN NORTON: Yes. I'm sorry.

11 MR. PECH: There's only two reopening

12 requests.

13 MR. BROTHERS: That are pending. That

14 are current with us.

15 MR. PECH: That are current with us.

16 CHAIRMAN NORTON: Now, the request for

17 reconsideration, is that something that is new to your

18 work pile, your in box?

19 MR. PECH: It is, yes.

20 CHAIRMAN NORTON: Is that something

21 that was sort of getting done by --

22 MR. PECH: It was getting done by a

23 combination. Some were getting done by the Referees

24 and some were getting done by the Fair Housing Unit.

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1 MR. BROTHERS: And David Teed.

2 MR. PECH: And I'm sorry -- sorry,

3 David.

4 In fact, David has done a good number.
5 Thank you for saving my hide.

6 CHAIRMAN NORTON: And so are all those
7 three different parties still involved? Have you kind
8 of taken the load off of some of them, or --

9 MR. BROTHERS: I've taken all of Bob
10 Zelowski's, with the exception of one or two. I've
11 taken some of David Teed's, and Ray is still picking
12 up --

13 MR. PECH: The ones at OPH.

14 CHAIRMAN NORTON: Okay.

15 MR. PECH: And what else? Oh, the
16 Contracting Board. The State Contract and Task Force
17 Board that just came out with their recommendation.
18 We had some input on that, because some of the reforms
19 in contracting obviously affect things we do. Set
20 aside program. Some of the contracts that we have to
21 review affirmative action wise for construction. And
22 one of the things that's in there at -- largely at our
23 request in some language that I wrote, there's direct
24 language in that report on a disparity study, and one

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1 of their first recommendations is that a disparity
2 study be done, so that we can get more current data
3 when we look at contracting plans and set aside plans
4 to determine what an appropriate number is. What kind
5 of contractors are out there from different minority
6 groups, because the data we have is old. It's about

7 20 years old. And the standard thinking in folks in
8 the field is that disparity studies are good for about
9 five years, and then the data's not worth a whole lot,
10 so we're working on extremely old data.

11 I have a number of meetings with
12 legislators both on appropriations and judicial. All
13 of our bills go to judicial. Appropriations is where
14 the money comes from. And if Secretary Genario's
15 allowing us to plea for a budget expansion goes
16 through, the Appropriations Committee is the one I'm
17 going to have to deal with. So, I have appointments
18 with the chairs of all of those in the next ten days,
19 and undoubtedly will have more. Lena keeps me hopping
20 on that square, because she knows who to call, who
21 their scheduling arrangers are, and she has very good
22 relationships with them.

23 And that's about it, I guess, for now.

24 CHAIRMAN NORTON: Are there any

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1 questions from any Commissioners.

2 (No response.)

3 Then I guess we move to Item IV. New
4 Business, if I'm reading this right. Request for
5 Contract Compliance Exemption. We have three requests
6 all coming from CCSU.

7 MR. PECH: These are pretty standard.
8 You've see them, or similar ones before. These are
9 all to enter into student/faculty exchanges with
10 universities of other countries.

11 There's really no reason not to permit
12 it. There's no actual money changing hands. The
13 students are going to pay tuition to their own school,
14 regardless of where they go to school. The students
15 pay their own air fare, either to or from the
16 Universities, and I guess Sweden, Scotland, and --

17 CHAIRMAN NORTON: Do we get more of
18 these than we used to? I don't remember going through
19 all of them. There must have been college exchange
20 programs going on since the --

21 MR. PECH: What's happened -- yeah.
22 What has happened is -- and this is a legislative
23 change that I actually thought we might try to make
24 this year, but . . . my thoughts were not accepted

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1 this year.

2 The language for contracting is written
3 such that virtually any contract the state enters must
4 contain the nondiscrimination language of Section
5 4a-60 and 4a-60a. In my opinion, and I've looked at
6 the legislative history. In fact, frankly that
7 doesn't do much for anybody's opinion one way or the
8 other, but in my opinion they never really intended to
9 get contracts like this. They intended to talk about
10 construction contracts. Purchases for goods and
11 services. But not student exchanges. Not contracts
12 that UConn enters into on research -- they get a
13 research grant from the feds, they contract out part

14 of that to some other university that happens to have
15 a specialty in whatever that particular field is, but
16 because the statute is written so broadly, it says
17 every contract, whereas other portions of that same
18 statute say every contract for the purchase of goods
19 and services. That limiting clause isn't in there.
20 So, until we get it in there, and I think we should
21 push for that in the next session, or something
22 limiting like that, these kind of have to come before
23 us.

24 And I don't think the AGs caught on to

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1 that, to get to your question more directly, until a
2 couple of years ago, which is why they started sending
3 them to us.

4 We all kind of talked about it and
5 think, did they really mean this, and we all think,
6 no, they probably didn't, but to make sure we're on
7 the right side of the law for the moment, they started
8 to send them along.

9 But you're right, there have been
10 student exchange programs for years, and we only
11 started seeing them, at the most, three years ago.

12 CHAIRMAN NORTON: The AGs Office is the
13 traffic cop that sends it our way, because they're
14 reviewing the contract.

15 MR. PECH: Well, each university has an
16 AG, or a string of AGs associated. I mean, the UConn
17 system, the Central -- the State University system.

18 CHAIRMAN NORTON: And they go over
19 their contracts, and they're now sending it our way?

20 MR. PECH: Right. And I think they
21 have told -- the requests some times come from the
22 AGs. Sometimes they come directly from -- as in this
23 case, the -- Central's Center for International
24 Student -- I forget what it's called. International

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1 Studies. It comes directly from the head of that, or
2 the vice head of that.

3 But I'm sure that it was at the request
4 of their AG, who said, just to be on the safe side,
5 we'd better ask for these. And I don't have the
6 authority to tell them outright, you don't need to do
7 this.

8 That's not what they intended, because
9 I'm not certain what they intended. I have a pretty
10 good idea, but I'm not positive.

11 But anyway, that's why you see all
12 these. But this is nothing unusual, and I certainly
13 think they ought to be granted, all three of them.

14 CHAIRMAN NORTON: Is there a motion on
15 the part of any Commissioner to grant a contract
16 compliance exemption to Central Connecticut State
17 University for three contracts, one with St. Martin's
18 College, one with Queen Margaret University and other
19 with Vaxjo University.

20 Is there --

21 COMMISSIONER BROWN: I have a question.

22 MR. PECH: Yes.

23 COMMISSIONER BROWN: From what I read,
24 we had no jurisdiction over this at all. And I

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1 understand what you said, but I was really struck by
2 the -- the agreement with Thomas Meskill.

3 MR. PECH: Well, that's an executive
4 order that Governor Meskill signed back when he was
5 governor 30 years ago.

6 COMMISSIONER BROWN: Yeah. And we're
7 still hanging on.

8 MR. PECH: Oh, yeah.

9 COMMISSIONER BROWN: And then one from
10 Governor Rell for 19 -- I mean, 2006. So, I don't --
11 So, we approve it? I mean, I don't understand what it
12 means. Is it just a process?

13 MR. PECH: There are executive orders
14 going back to Meskill, I suspect going beyond --

15 COMMISSIONER BROWN: I understand that
16 part, but what does that got to do -- what does us
17 approving it mean? Nothing?

18 MR. PECH: We have nothing to do with
19 the executive orders. If the AG wants to include that
20 the contracting party will comply with executive
21 orders, and the contractor objects, for whatever
22 reason, that objection has to be taken up with the
23 Office of the Governor, because we don't do anything
24 with executive orders.

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1 COMMISSIONER BROWN: Okay.

2 MR. PECH: But for contract language
3 that includes statutory language that we have
4 authority over --

5 COMMISSIONER BROWN: Whether people are
6 being treated fairly or --

7 MR. PECH: Right. That's what they ask
8 for.

9 COMMISSIONER BROWN: So, that's why we
10 approve it.

11 MR. PECH: And that's why you have to
12 do the exemption, because of the language that says
13 every contract.

14 COMMISSIONER BROWN: Yes. Alright. I
15 understand.

16 CHAIRMAN NORTON: So, is there a motion
17 to approve an exemption for these three contracts?

18 COMMISSIONER CLARKE: So moved.

19 CHAIRMAN NORTON: Commissioner Clarke
20 has moved. Is there a second.

21 COMMISSIONER MARSHALL: A second from
22 Commissioner Marshall.

23 To be explicit, we're approving an
24 exemption for three contracts between CCSU and St.

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1 Martins College, Queen Margaret University and Vaxjo
2 University. Is there any other discussion?

3 (No response.)

4 All those in favor of these three
5 exemptions please say aye?

6 All: Aye.

7 CHAIRMAN NORTON: Is there anyone
8 opposed? Is there anyone abstaining?

9 (No response.)

10 Then the motion passes unanimously and
11 the exemptions are granted.

12 COMMISSIONER BROWN: Just one comment,
13 they don't ever say how many students, because they
14 really don't know at this time?

15 MR. PECH: Some do. I didn't see it in
16 these.

17 Generally, the ones were I've seen
18 numbers, it usually ranges between 10 and 15.

19 COMMISSIONER BROWN: Because that gets
20 all over the world.

21 MR. PECH: I think it's a wonderful
22 experience for a kid.

23 COMMISSIONER BROWN: Yeah.

24 CHAIRMAN NORTON: Yeah. In the summer.

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1 You don't want to be --

2 COMMISSIONER BROWN: I will be working
3 in the winter.

4 CHAIRMAN NORTON: I had a friend that
5 went there for a year, she quit half way through, she
6 was so beleagued. Beautiful architecture, but anyway,

7 she quit.

8 So, the next is discussion of
9 Commissioner Orientation. And I'll just reintroduce
10 the subject by saying that sometimes there are issues
11 that come up, and I'll say that having been here for
12 a number of years, I still don't always have a handle
13 on the operations of everything and what exactly all
14 our duties are and what we're called upon, and so the
15 idea came up that maybe the commissioners might like
16 to, as a group, or in smaller groups -- one by one
17 would just chew up a lot of staff time -- have some
18 presentations on some of the more important issues out
19 there to get a handle on it.

20 And I don't know if, Ray, you wanted to
21 talk on the subject as well, or --

22 MR. PECH: Just a couple of comments.

23 First of all, it came out of today's
24 meeting. I mean, things that we already talked about

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1 some. Like why do you get a long narrative on some AA
2 plans, and little or none on another plan.

3 There are generally reasons why things
4 are done the way they are, but sometimes we need to --
5 sometimes we have to look at those reasons, because
6 sometimes they're simply by habit, and they've been
7 done for so long, but there are distinctions.

8 The whole notion, and what's the
9 difference between reconsideration and reopening came

10 up today. There is -- although Bob said they're kind
11 of alike, there are in our minds some clear
12 distinctions.

13 And I don't think many of you,
14 particularly you newer members, anybody's really sat
15 down with you, or offered the opportunity to sit down
16 and see if, you know, we can just take, I don't know,
17 three or four hours to go through what we do, why we
18 do it. Get your thoughts on any changes you might
19 want to see.

20 Bob and I have talked about it. We
21 think we can carve out the time to do it, if you're
22 interested.

23 As Commissioner Norton said -- Chairman
24 Norton, rather. I would rather not have to do it nine

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1 times, but if, you know, two or three at a time, or
2 something like that, we'd be glad to.

3 CHAIRMAN NORTON: Who's generally
4 interested in benefiting from such a -- taking part in
5 such an orientation.

6 COMMISSIONER BROWN: I would.

7 COMMISSIONER CLARKE: I would.

8 COMMISSIONER MARSHALL: Yes.

9 CHAIRMAN NORTON: Commissioner Brown,
10 Commissioner Clarke, Commissioner Marshall.
11 Commissioner Lobon, time or not?

12 COMMISSIONER LOBON: Time permitting.

13 CHAIRMAN NORTON: Commissioner

14 Mambruno?

15 COMMISSIONER MAMBRUNO: I would like to
16 see what the subject matter was and make a
17 determination then.

18 CHAIRMAN NORTON: Okay. Well, I'll
19 tell you what, why don't you -- why don't we start
20 with you sending around to us some of the -- does this
21 make sense. I was going to say, send around to us
22 some of the subject matters that you think would be
23 logical to touch upon, and -- by the way, the three or
24 four hour part --

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1 COMMISSIONER BROWN: You were kidding?

2 CHAIRMAN NORTON: Yeah. That was a
3 joke.

4 COMMISSIONER BROWN: It was.

5 MR. PECH: Are you saying it was too
6 long or too short?

7 (Laughter.)

8 CHAIRMAN NORTON: Too long. Too long.
9 I'm not saying that there isn't three
10 or four. I'm not saying there isn't 30 or 40 hours
11 worth, but in one shot I think that might be a long
12 time.

13 MR. PECH: Alright. So, we may have to
14 break it up, because I think -- I think minimally it
15 would probably take three or four hours.

16 CHAIRMAN NORTON: Oh, I understand

17 that. Oh, no, no.

18 MR. PECH: And that's assuming we
19 explained it so well that you had no questions.

20 CHAIRMAN NORTON: I'm talking about at
21 once. I'm just saying at once, three or four hours.
22 It's just a chunk to take out of the day.

23 MR. PECH: Okay.

24 CHAIRMAN NORTON: And so I would -- by

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1 the way, would it make it any more amenable if we kind
2 of did it with some sandwiches or something. Would
3 that make it any better.

4 COMMISSIONERS BROWN, CLARKE, MARSHALL,
5 MAMBRUNO and LOBON: Yes.

6 CHAIRMAN NORTON: I'm just thinking,
7 you know, either because the lunch hour might be a
8 little bit easier for people, or just might have
9 people -- does that interest people, like doing it
10 from 11:00 to -- 11:30 to 1:30 at some point, with
11 some lunch in there.

12 COMMISSIONER BROWN: That would be
13 fine.

14 COMMISSIONER CLARKE: That would be
15 fine.

16 CHAIRMAN NORTON: So, can you --

17 MR. PECH: We'll work on a syllabus and
18 pass it around and people can check if they've got
19 specific areas or all areas that they might want to
20 sit in on.

21 CHAIRMAN NORTON: Yeah. Although, I'm
22 not sure. You may be better aware of our ignorance
23 than we are. Sometimes ignorance means you don't know
24 what you don't know.

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1 MR. PECH: Well, that's why I thought
2 if we put down here's what we do --

3 CHAIRMAN NORTON: Yeah.

4 MR. PECH: What are you interested in
5 learning more about.

6 MR. BROTHERS: I think our thought was
7 really to take you through everything that the agency
8 does and is responsible for. You know, dealing with
9 case processing, how cases are filed, the way they're
10 filed. What our process is for investigating them.
11 What the outcomes are. Where do they go. How do they
12 come to my office. Where we go with them.
13 Affirmative action, what the requirements are.
14 Contract compliance. I mean we plan to take you
15 though everything, not just one chunk of it.

16 CHAIRMAN NORTON: But it --

17 MR. BROTHERS: To give you enough of an
18 overview so that you have a good enough understanding,
19 but not so much detail that you could actually do the
20 job.

21 COMMISSIONER BROWN: Right.

22 MR. PECH: But we're not going to force
23 you to sit there. If there's areas you don't really

24 want to know that much about, you don't have to come.

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1 MR. BROTHERS: Or we can speed through
2 them.

3 COMMISSIONER CLARKE: Isn't it funny
4 that you didn't go over this with us before you had to
5 sign on the dotted line. I walked in here and got
6 this big book.

7 COMMISSIONER BROWN: I didn't even know
8 what was happening.

9 CHAIRMAN NORTON: Well, one of the
10 things might be to -- to run through one week's book,
11 and sort of say, is there anything about this you
12 don't understand.

13 COMMISSIONER CLARKE: No. I like --

14 MR. PECH: Alright.

15 CHAIRMAN NORTON: Which is our point of
16 consumption.

17 COMMISSIONER BROWN: Yeah. Toss
18 suggestion.

19 MR. PECH: Okay We'll prepare a
20 syllabus, if you will, pass it around, and people can
21 sign off on whatever they want.

22 CHAIRMAN NORTON: And throw out some
23 times, maybe, and we can come together maybe -- there
24 might even be -- as many of us as can come to one as

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1 possible, would be good, but if we -- then we could
2 break into groups of two. If we've got more than

3 that, we're going to start sucking up too much of
4 their time.

5 COMMISSIONER BROWN: Yeah. I wouldn't
6 want to do it just by myself. Or even with one other
7 person I think it would be more meaningful. Because
8 if there are questions we can -- you know --

9 COMMISSIONER CLARKE: We are nine
10 people. All nine people are not going to be here.

11 COMMISSIONER BROWN: Of course not.

12 CHAIRMAN NORTON: Well, even in
13 scheduling it makes sense to split it up, because
14 it's --

15 COMMISSIONER BROWN: Yeah.

16 CHAIRMAN NORTON: So, the next items
17 was Commissioner Lobon had brought this issue up at
18 some earlier meeting, but brought it up with me again
19 much more recently, and that is the nature of the set
20 aside programs, basically which are for minority owned
21 businesses, female owned businesses and small
22 businesses, and I guess the law makers over time have
23 said what can we do to help these three groups out.
24 Let's try to steer some work their way, and -- and

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1 actually let me leave it Ray at this point and talk
2 about the nature of our involvement.

3 MR. PECH: Commissioner Norton called
4 me about this I think last week, which is why there is
5 a memo from me in your supplemental folder, to which

6 is attached the statutes that control the question.

7 With respect to the set aside, and I'm
8 not going to read the memo, but I'll just summarize
9 it. With respect to the set aside reporting, we have
10 no authority to enforce anything against agencies that
11 don't meet their goals. The goals are set in
12 conjunction with DAS. But the statute that governs
13 that does say that agencies must report their
14 achievement or lack thereof on their goals to both DAS
15 and CHRO.

16 And with respect to compliance or non
17 compliance with the diversity training requirements
18 which is one of our statutes, that statute requires
19 that agency's report their compliance, or lack
20 thereof, to CHRO.

21 Sexual harassment --

22 CHAIRMAN NORTON: And again, there's
23 nothing we can do if they fall short?

24 MR. PECH: No. There's nothing you can

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1 do if they fall short in terms of disapproving their
2 affirmative action plan.

3 The reason those things are in your
4 affirmative action plans is it -- I think it seemed
5 the most efficient way information has to get to you.
6 We -- the AA plans have to get to you as well. It
7 just seemed the place to put it. And that's why
8 several months ago I went through with the AA folks
9 and went through a sort of revision on the way

10 information is presented there, so now you'll see it
11 at the end, and it says something like other mandated
12 reporting. But that's exactly what it is, it's
13 reporting. Because it's a separate thing.

14 Now, if you want it in a different
15 format than the AA plan, we can certainly talk about
16 that. It just seemed to us the most efficient.

17 CHAIRMAN NORTON: And I'm sorry, did
18 you talk about sexual harassment too? Did I just --

19 MR. PECH: Well, sexual harassment --
20 apparently some agencies were asked, but it has not
21 been uniform for the last, I don't know, six eight
22 months, to report that as well.

23 While there is a requirement in the
24 statutes that agencies provide sexual harassment

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1 training, unlike the other two, there's no requirement
2 that they report their efforts on that to us. So,
3 that's not mandated by statute. And I -- certainly we
4 need to get some direction on that, because some
5 agencies apparently have been told they do, others
6 haven't been told anything. Frankly, it's one of the
7 things I'd like to be able to take to this talk I'm
8 having at the Association of Affirmative Action folks
9 next week to clarify another sort of misconception
10 that may be out there.

11 So, I don't --

12 CHAIRMAN NORTON: So, we're talking --

13 the sexual harassment thing is kind of up in the air.
14 No legal requirement to report, just a legal
15 requirement to perform.

16 MR. PECH: Right.

17 CHAIRMAN NORTON: It's obviously an
18 area which is of natural public policy. Interest to
19 us, but not in law.

20 MR. PECH: Right.

21 CHAIRMAN NORTON: And then there is set
22 aside for minority, small businesses and female owned
23 businesses, which the law requires him to report to
24 us, but doesn't give us any power to punish or reward

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1 good or bad behavior. And on diversity training, the
2 law requires them also to report to us, and also gives
3 us no authority to act positively or negatively.

4 MR. PECH: Right. Just comment on it
5 if you desire.

6 CHAIRMAN NORTON: And I think
7 Commissioner Lobon was pointing out that it didn't
8 make a lot of sense, or it could be confusing when
9 that report was buried in the affirmative action plan,
10 suggesting that it's part of the grounds for analysis,
11 and it wasn't.

12 And at this point in time I guess I'll
13 ask Commissioners what they think -- well, first,
14 actually let me take a look for an example in one of
15 the plans today. What's a good -- where's banking or
16 something.

17 MR. PECH: One thing you may have
18 noticed sort of in response to this issue is Alvin no
19 longer reports the percentages verbally to you.
20 They're still in the plan, but he no longer reports
21 them, because there seemed to be a consensus a couple
22 of months ago that why bother.

23 CHAIRMAN NORTON: So, in Banking -- in
24 the Department of Banking where -- I'm just picking

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1 one for example, where is it reported.

2 MR. PECH: It's right at the end of the
3 narrative usually.

4 CHAIRMAN NORTON: Okay. Additional
5 mandated reporting.

6 MR. PECH: There you go.

7 CHAIRMAN NORTON: Diversity training,
8 contract compliance, and what we get is the goal for
9 the last fiscal year and their compliance. And for
10 example, Banking they way over achieved. And then
11 what they're up to so far. Wait. Current fiscal year
12 with four quarters reporting. That's the whole -- and
13 now they're way short, interestingly.

14 But what would be -- and I invite
15 Commissioner Lobon to chime in. What would be the
16 Commissioner's pleasure about how we -- I would
17 suggest that if the law requires these agencies to
18 report progress in these matters, even if the law
19 doesn't give us the power to act, we should still see

20 the information, since the law makers wanted us to.
21 We don't know why they wanted us to, but maybe just to
22 stay on top of things. And maybe we'd scream from the
23 rooftops, if we found there to be serious problems,
24 though that screaming wouldn't have any affect except

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1 to scream from the rooftops.

2 But to -- do any Commissioners have any
3 thoughts about how they would like to see that
4 reported, or do they feel that -- this is an
5 adjustment, what we have now, I take it.

6 COMMISSIONER BROWN: Yes, it is.

7 MR. PECH: It is. Well, it was -- I
8 think it was, what, early in this last year, '06, is
9 when we redesigned the format a little bit and came up
10 with this heading, additional mandated reporting, to
11 try to make clear that it was a separate thing than
12 the AA plan itself, but . . .

13 COMMISSIONER BROWN: And that it was
14 mandated.

15 MR. PECH: Right. And that's the
16 point. It is mandated that we report this to you.
17 How we report it to you is -- I mean, it doesn't have
18 to be in the AA plan. It just seemed to us the most
19 efficient way to do it, since you're doing them
20 anyway.

21 CHAIRMAN NORTON: You mean, reporting
22 requirements for a yearly reporting?

23 MR. PECH: Yup.

24

CHAIRMAN NORTON: Paula, did you -- oh,

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1 I'm sorry. Did any Commissioners want to chime in on
2 this subject.

3 COMMISSIONER BROWN: Well, maybe
4 Mr. Lobon. Do you have any ideas?

5 COMMISSIONER LOBON: No.

6 MS. ROSS: I just want to explain a
7 little bit about the history of that reporting.

8 Back in -- unfortunately I know some of
9 the history to that reporting. I've been around that
10 long.

11 Back in the late 80's early 90's I used
12 to do contract compliance, and there was a law passed
13 that we had a requirement to report to the legislature
14 on the utilization of minority and women businesses,
15 and that's how we authored a request to the agencies
16 to collect that information. And, in fact, I remember
17 because I did the first form on collecting it. And
18 then over the years it just got expanded and expanded
19 and expanded, and then added here, and required there,
20 by procedure, rather than by any legal aspect. But
21 that's why we originally --

22 MR. PECH: But the statute, 4a-60(g)
23 requires that it be reported to us. And DAS.

24 MS. ROSS: Yes. Because that happened

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1 since then, I believe.

2 But anyhow, originally we began to
3 collect it because we had a requirement to report to
4 the legislature.

5 CHAIRMAN NORTON: Which requirement
6 doesn't exist any more?

7 MS. ROSS: I don't know. I'm not a
8 lawyer.

9 MR. PECH: No. That requirement exists
10 as well. That's a separate issue. We have to then
11 take the data that we collect and submit it to the
12 legislature.

13 CHAIRMAN NORTON: On diversity training
14 and on set asides.

15 MS. ROSS: Just -- the one I'm talking
16 about is strictly the utilization of minority and
17 women businesses in state contracts.

18 CHAIRMAN NORTON: Not even small
19 businesses?

20 MS. ROSS: No. We had no authority
21 over that at the time.

22 Now, this was a long time ago, and the
23 laws have changed a great deal. But that was the
24 intent originally when we started collecting it.

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1 That's all I wanted to share with you.

2 CHAIRMAN NORTON: No. Thank you very
3 much.

4 So, is the current way it's done, which
5 is now at the tail end of this report, broken out,

6 does that work for people?

7 COMMISSIONER BROWN: Sure.

8 COMMISSIONER MARSHALL: Uh-huh.

9 COMMISSIONER CLARKE: No, I don't have
10 a problem with it. It's now that we understand why
11 it's there. We certainly don't want to create an
12 administrative burden, I think I can speak for all of
13 us, we don't want you to do anything extra because of
14 this.

15 MR. PECH: Well, I think as you pointed
16 out, you're an environmentalist. We're going to be
17 cutting down more trees to send you another report.

18 COMMISSIONER CLARKE: No, no, no.
19 Don't send me -- no more paper.

20 No, this is why I don't have any
21 problem with it.

22 MR. PECH: And, you know, there's
23 nothing to prevent you, and in fact I think it's
24 perfectly appropriate if you comment on one that's

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1 exceptionally good or exceptionally bad. Even though
2 we have no authority there's a record to the agency,
3 that hey, people are looking at this, this is great or
4 this isn't great.

5 COMMISSIONER CLARKE: Well, you know,
6 there's data, and there's data. I mean, I don't know
7 if it's exceptionally good based on any extraordinary
8 efforts that they've made, or, you know, do they just

9 have the budget dollars. Did they guess right, or
10 something. So, I don't know.

11 MR. PECH: One of the things that we --
12 one of the things that Alvin's unit has been doing the
13 last -- well, starting sometime this past year, is
14 give training to agencies on how to set those goals,
15 along with DAS. And the reason for that is, quite
16 honestly, some of those ones that were sky high, like
17 500 percent, there was some thought that maybe some
18 agencies were sandbagging a little bit and
19 underestimating their contracting, sort of
20 intentionally so that the numbers would look good.
21 And I don't want to finger any particular agency, but
22 there was some suspicion that that might be going on.

23 COMMISSIONER CLARKE: Yes. So, I would
24 not want to congratulate someone who had played fast

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1 and loose with the process, so . . .

2 MR. PECH: Right.

3 COMMISSIONER CLARKE: Just having it at
4 the end and having it not reported, you know, not say
5 anything particular about it, that would be fine.
6 Just don't do anything different.

7 MR. PECH: Now, if I could ask for one
8 more piece of clarification on the sexual harassment
9 training, because as I said, there is no requirement
10 of that. If you want to make it a requirement, we
11 can. I mean, I have to tell you that there's no --

12 CHAIRMAN NORTON: You can?

13 MR. PECH: Well, you can do whatever
14 you want. What I'm telling you is if it gets
15 challenged, since there's no statutory basis for it,
16 we might have an issue.

17 CHAIRMAN NORTON: Do they have to write
18 a report for any authority on their sexual harassment
19 training?

20 MR. PECH: Yes.

21 MS. KENNEDY: They have to report
22 training, all training. So, if they hired managers,
23 there should be a report that there's training in the
24 plan.

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1 MR. PECH: But that's -- they're
2 required to report all training in the AA plan
3 submitted to these folks for review. The requirement
4 on the other two issues, contract compliance and
5 diversity training, is that they report directly to
6 you. So, we get the information, and we can report
7 it, it's just a question of whether you want to see
8 that or not.

9 CHAIRMAN NORTON: I'm sorry. I'm going
10 to have to stab at this again.

11 They are required to produce
12 information on training, diversity and sexual?

13 MR. PECH: Any training.

14 MS. KENNEDY: All training.

15 MR. PECH: If I take a course in

16 Access, Excel, Microsoft --

17 CHAIRMAN NORTON: Really, they have to
18 report that to us?

19 MR. PECH: Yes.

20 MS. KENNEDY: It gets recorded. They
21 have to look at the --

22 CHAIRMAN NORTON: Why is that?

23 MS. KENNEDY: So that everyone has the
24 opportunity.

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1 CHAIRMAN NORTON: Oh, oh, okay.

2 Well, then to do sexual harassment
3 would you have to break it out of those reports to put
4 on to the back page?

5 MS. KENNEDY: We would have to look at
6 what the filing was done, and then to see if they
7 reported it. If they hired managers, if there was
8 sexual harassment training.

9 CHAIRMAN NORTON: Can we ask that Alvin
10 and his team report back to us before -- at next
11 month's meeting about the implications of adding
12 sexual harassment training to this back page. Just
13 the work implications or -- or maybe you're prepared
14 to tell us now. I don't know, but --

15 MS. KENNEDY: Well, generally speaking
16 they do supply them somewhere. Generally speaking,
17 the agency will report in the plan somewhere that they
18 did comply with the sexual harassment training
19 responsibilities because they had new management.

20 Agricultural Experimental station
21 trains everybody new, because they think it's a great
22 thing to do. But they have to report all training any
23 how. So, it's just part of our process that we glance
24 over it to see that if there was management hiring or

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1 promotions that sexual harassment training was done
2 during that plan year.

3 CHAIRMAN NORTON: Do they ever fess up
4 that they didn't?

5 MS. KENNEDY: I think they probably
6 just avoid it if they didn't. I mean, I've never
7 actually caught anybody. But then you don't try to
8 catch them. You know, that's not the point. I have
9 no authority to do anything even if I did.

10 CHAIRMAN NORTON: Can we wait until
11 next month for a recommendation from the Executive
12 Director, with the assistance of you folks about
13 whether you think we should put it in the back? Or do
14 you have a thought now what we should do? I don't
15 know.

16 MR. PECH: I think it depends. I don't
17 -- as you know as I have said many times both before I
18 sat in this chair and since these folks are rather
19 overburdened. I don't want to put any more burden on
20 them right now.

21 CHAIRMAN NORTON: Okay. So, we'll
22 leave it for now. We'll leave it --

23 COMMISSIONER CLARKE: Why are you
24 saying it's additional work for them?

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1 CHAIRMAN NORTON: We'll leave it for
2 now. You guys can talk about it between now and next
3 month and decide whether there's any reason not to
4 take this course of action. But the current course of
5 action we're taking is to leave it.

6 Okay. So, the next item of business is
7 executive session.

8 I would accept a motion to go into
9 executive session, and include for parts or all of
10 executive session Attorney Brothers, Attorney Teed and
11 Director Pech. And -- but we may be subtracting some
12 people for parts.

13 Is there a motion?

14 COMMISSIONER BROWN: So moved.

15 COMMISSIONER CLARKE: Second.

16 CHAIRMAN NORTON: Commissioner Brown
17 has so moved. Commissioner Clarke has seconded it.

18 And all those in favor of going into
19 executive session?

20 COMMISSIONERS BROWN, CLARKE, MARSHALL,
21 MAMBRUNO and LOBON: Aye.

22 CHAIRMAN NORTON: Aye.

23 Any opposed? Any abstentions?

24 (No response.)

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1 So, the motion passes by the required

2 two thirds, and we're in executive session.

3

4 (Whereupon Executive Session took
5 place.)

6

7 CHAIRMAN NORTON: Of course, nothing
8 was recorded during executive session. We were not
9 joined by any more people besides Mr. Brothers,
10 Mr. Teed and Mr. Pech who were involved in the --
11 included in the motion to being with.

12 And is there a motion to return to
13 regular session by one of the commissioners.

14 COMMISSIONER MAMBRUNO: So moved.

15 COMMISSIONER MARSHALL: Second.

16 CHAIRMAN NORTON: Commissioner Mambruno
17 moved and Commissioner Marshall seconded it.

18 All those in favor say aye?

19 COMMISSIONERS BROWN, CLARKE, MARSHALL,
20 MAMBRUNO and LOBON: Aye.

21 CHAIRMAN NORTON: Anyone opposed?

22 Anyone abstaining?

23 (No response.)

24 Next on the agenda -- the motion

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1 passes.

2

3 Next on the agenda is pending claims or
4 pending litigation. There is no need for any public
5 discussion or action at this point.

5 Personnel matters, likewise. We don't
6 have anything to discuss. Unless I'm wrong,
7 Mr. Director?

8 MR. PECH: No.

9 CHAIRMAN NORTON: No. Great.

10 MR. PECH: Not at this time.

11 CHAIRMAN NORTON: No, you've got to be
12 quicker than that. We don't have anything we need to
13 discuss.

14 So, I would entertain a motion to
15 adjourn.

16 COMMISSIONER MAMBRUNO: So moved.

17 COMMISSIONER BROWN: Second.

18 CHAIRMAN NORTON: Made by Commissioner
19 Mambruno. Seconded by Commissioner Brown.

20 All those in favor say aye?

21 COMMISSIONERS BROWN, CLARKE, MARSHALL,
22 MAMBRUNO and LOBON: Aye.

23 CHAIRMAN NORTON: Anyone opposed?

24 Anyone abstaining?

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1 (No response.)

2 The motion then passes.

3 I'll see you all next month.

4

5 (Whereupon the proceedings were
6 adjourned for the day.)

7

8

