

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

REGULAR COMMISSION MEETING
21 GRAND STREET
HARTFORD, CT 06106

THURSDAY, FEBRUARY 8, 2007
2:10 P.M.

COMMISSIONERS PRESENT:

ANDREW M. NORTON, CHAIRPERSON
EDWARD MAMBRUNO, SECRETARY
GEORGE A. MARSHALL
JIMMIE L. GRIFFIN
CHERYL LYNN CLARKE
LARRY CONAWAY
GLORIA MENGUAL

COMMISSIONERS ABSENT:

JOHN LOBON
LILLIAN H. BROWN

STAFF PRESENT:

RAYMOND P. PECH, EXECUTIVE DIRECTOR
ROBERT BROTHERS, MANAGING DIRECTOR &
COMMISSION ATTORNEY
NANDI COLON, FISCAL ADMINISTRATOR SUPERVISOR
ALVIN BINGHAM, AA/CC SUPERVISOR
LENA FERGUSON, LEGISLATIVE REGULATIONS
SPECIALIST

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RE: COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
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1 . . .Verbatim Proceedings of a meeting
2 before the State of Connecticut, Commission on Human
3 Rights and Opportunities, held at the office of the
4 Commission on Human Rights and Opportunities, 21 Grand
5 Street, Hartford, Connecticut, on February 8, 2007 at
6 2:10 p.m. . . .

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8

9

10 CHAIRPERSON ANDREW M. NORTON: Hello, my
11 name is Andrew Norton. I'm Chairman of the Commission on
12 Human Rights and Opportunities, and I'm convening our
13 February 8th meeting at 2:10, and we will start by
14 turning over to Secretary Mambruno.

15 MR. EDWARD MAMBRUNO: Yes, Mr. Chair,
16 thank you. Would like to seek approval for the minutes
17 of January 11th, to approve them, the transcript.

18 CHAIRPERSON NORTON: Is there a motion
19 from any Commission Member to approve the minutes of
20 January 11th?

21 MR. LARRY CONAWAY: Moved.

22 MR. GEORGE MARSHALL: Second.

23 CHAIRPERSON NORTON: Who moved?

24 MR. CONAWAY: I moved it.

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1 CHAIRPERSON NORTON: Okay, Commissioner
2 Conaway moved, Commissioner Marshall seconded it. Is
3 there any discussion of the minutes? If there isn't, all
4 those in favor of approving the minutes, say aye?

5 VOICES: Aye.

6 CHAIRPERSON NORTON: Is there anyone
7 opposed? Is there anyone abstaining?

8 MR. JIMMY GRIFFIN: I'll abstain.

9 CHAIRPERSON NORTON: Jimmy abstains. And
10 actually, to be -- I guess actually to be real kosher,
11 probably Commissioner Conaway you shouldn't be the mover,
12 if we want to be extra -- so, I'm going to --
13 Commissioner Marshall, would you make the motion to
14 approve the minutes?

15 MR. MARSHALL: I make a motion to approve
16 the minutes.

17 CHAIRPERSON NORTON: Is there a second
18 from any Commissioner who was there?

19 MS. CHERYL CLARKE: Yes, I'll second.

20 CHAIRPERSON NORTON: Commissioner Clarke
21 seconds the motion; Marshall moves Clarke seconds. All
22 those in favor, say aye?

23 VOICES: Aye.

24 CHAIRPERSON NORTON: Anyone opposed?

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1 Anyone abstaining?

2 MR. GRIFFIN: Aye.

3 CHAIRPERSON NORTON: And do -- do I take
4 it you guys might be abstaining? Okay, well then what do
5 you think?

6 MS. CLARKE: Let's go.

7 CHAIRPERSON NORTON: Okay, so we have
8 approved minutes with one abstention only. And so,
9 moving onto Roman Numeral III, Division Reports, I guess
10 we proceed directly to affirmative action plans and the
11 recommendations of our staff, starting with the
12 University of Connecticut.

13 MR. PECH: While Alvin is assuming his
14 place, I just want to point out one thing on the agenda
15 that about five people have called my attention to.
16 Page 2, new business, item 1, under Contract Compliance,
17 I assume that it should be Central Connecticut State
18 University, not Central Connecticut Southern University.

19 CHAIRPERSON NORTON: Okay. Duly noted.
20 But -- oh, I'm sorry thank you for reminding me. What
21 we'd like to do is anyone who has come here from an
22 agency whose plan is before us, Mr. Bingham will read out
23 names of people, is that right?

24 MR. ALVIN BINGHAM: Yes.

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1 CHAIRPERSON NORTON: And at that time, if
2 you wouldn't mind standing up just for a moment so we can
3 all just put a face with the name, that would be great,
4 and sit right back down. So, please proceed.

5 MR. BINGHAM: Good afternoon. The first
6 agency is the University of Connecticut, and here
7 representing the University of Connecticut is Dana McGee,
8 the Director, Hanna Prytko, the Search Compliance
9 Coordinator, and Katherine Kenyon, the Search Compliance
10 Coordinator.

11 CHAIRPERSON NORTON: Welcome. Oh, may I
12 interrupt? I guess I should do it in this order,
13 although I'm sure it's crucial. Is there a motion from
14 any of the Commissioners to accept staff recommendation
15 for approval for the University of Connecticut, the
16 Department of Children and Family Services, and
17 Southwestern -- Southwest Connecticut Mental Health
18 System? Is there a motion?

19 MS. CLARKE: So moved.

20 CHAIRPERSON NORTON: Commissioner Clarke
21 moves.

22 MR. MAMBRUNO: Second.

23 CHAIRPERSON NORTON: Commissioner Mambruno
24 seconds, so those three items are now on the floor before

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1 us. So -- to begin discussion, Mr. Bingham?

2 MR. BINGHAM: Thank you. This plan is
3 recommended for approval based on compliance with the
4 following. 1) The plan contains all the elements
5 required. 2) The workforce is not in parity with the
6 relevant labor market area. The agency has demonstrated
7 every good faith effort to achieve goals. And the
8 previous plan was approved by default, therefore there
9 were no deficient sections identified.

10 Short-term goal achievement, 61 out of 129
11 possible goals, or 47.3 percent. Long-term goal
12 achievement, 20 out of 112 possible goals, or 17.9
13 percent. Total goal achievement, 81 out of 241 possible
14 goals, or 33.6. percent. Promotion goal achievement, 27
15 out of 44, or 61.4 percent. Five year history, the plan
16 was approved in 2002, '03, '04, '05, and it was approved
17 by default in 2006.

18 CHAIRPERSON NORTON: Thank you. Are there
19 any questions from Commissioners on this plan from the
20 University of Connecticut? I have a question if no one's
21 hand is shooting up. I, like I guess we always do, I'm
22 looking to the second of the last page where there's a
23 workforce analysis. And the lowest -- the lower left
24 hand side there's 3,016 employees reported. But what I'm

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1 guess I'm wondering, one question, is this everyone who
2 works at UCONN and it's various branches?

3 MS. DANA MCGEE: Thank you. Dana McGee,
4 Director for the Office of Diversity and Equity. It
5 would not include the temporary workforce.

6 CHAIRPERSON NORTON: Okay, it includes --
7 does it include the Health Center?

8 MS. MCGEE: No, no, no.

9 CHAIRPERSON NORTON: Okay, but it will
10 include the law school?

11 MS. MCGEE: It would.

12 CHAIRPERSON NORTON: And so, the health
13 center is the only thing that's not in this, and
14 temporary employees?

15 MS. MCGEE: Correct.

16 CHAIRPERSON NORTON: So, the Torrington,
17 Avery Point, Stamford, Waterbury?

18 MS. MCGEE: Correct.

19 CHAIRPERSON NORTON: But, one of the
20 things I notice in this chart, anyways, is there doesn't
21 seem to represent any employees in the categories of
22 secretarial, technical, paraprofessional, skilled craft
23 service, maintenance.

24 At least on this page it just shows people

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1 -- and I don't even know who compiles this chart, so I
2 don't know if I'm asking the right person, but it talks
3 about for example in the executive administrative column,
4 94 people, faculty, 1187, professional non-faculty, 1735.
5 But then in these other four categories, and I won't
6 repeat them, there are no employees listed.

7 MS. MCGEE: Respectfully, could I look at
8 it? I just need to see a copy, sorry?

9 CHAIRPERSON NORTON: Sure. Paula Ross is
10 about to speak, or just about to advise?

11 MS. PAULA ROSS: No, I'm not. Thank you,
12 I'm just showing Dana. It appears as -- excuse me, Paula
13 Ross. It appears as if the wrong chart was attached to
14 this, there should have been a chart showing the data and
15 all the information. However, the total columns are
16 correct.

17 CHAIRPERSON NORTON: Okay.

18 MS. MCGEE: Thank you.

19 CHAIRPERSON NORTON: Okay. And one of the
20 reasons my eye was drawn to some of this is that I
21 noticed something different than I see in a lot of state
22 agencies is that there's a rough equivalence between the
23 number of black women and black men employed. It's very
24 often the case if there are a lot of black women employed

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1 or a healthy number, but a pretty low number of black
2 men. Here it's actually black men are greater.

3 And what I was hoping to do is try to
4 figure out where they all are, and because this chart
5 doesn't quite tell me all that because of some of the
6 blank spots. I was wondering if there would be an
7 opportunity for whoever might, to make this graph --

8 MS. MCGEE: Would you like a supplement --

9 CHAIRPERSON NORTON: Yeah.

10 MS. MCGEE: -- supplemental document?

11 CHAIRPERSON NORTON: Just a redoing of the
12 graph where everything is broken out?

13 MS. MCGEE: We could provide a
14 supplemental document at a later date with your
15 permission.

16 CHAIRPERSON NORTON: Thank you very much.
17 That was -- those were my only questions. Does anyone
18 else have questions? Alright, then I guess we will --
19 thank you very much.

20 MS. MCGEE: Thank you.

21 CHAIRPERSON NORTON: And I guess we'll go
22 on to DCF.

23 MR. BINGHAM: Here representing the agency
24 of DCF is Heidi McIntosh, Deputy Commissioner, Debi

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1 Freund the Director of Equal Opportunity Diversity, and
2 Sharon Gaddy the Assistant Director Equal Opportunity
3 Diversity.

4 CHAIRPERSON NORTON: Thank you, welcome.

5 MR. BINGHAM: This plan is recommended for
6 approval based on compliance with the following. The
7 plan contains all the elements, the agency has
8 demonstrated every good faith effort to achieve such
9 goals, and the agency has substantially addressed
10 deficiencies noted in the prior commission plan review.

11 Short-term goal achievement, 111 out of
12 228 possible goals, or 48.7 percent. So, the total goal
13 achievement is the same, 111 out of 228, 48.7. Promotion
14 goal achievement, 36 out of 58, or 62.1 percent. And the
15 five year history, the plan had been approved all five
16 years.

17 CHAIRPERSON NORTON: Are there any
18 questions from any Commissioners about this agency's
19 plan, or the staff recommendation attached? If there
20 aren't then I guess we can move onto Southwest
21 Connecticut Mental Health System.

22 MR. BINGHAM: Here representing Southwest
23 Connecticut Community Mental Health is James Pisciotta,
24 the CEO, Cynthia Ingraham, the Affirmative Action Program

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1 Manager, and Eric Smith, the Affirmative Action Officer.

2 CHAIRPERSON NORTON: Welcome.

3 MR. BINGHAM: The plan is recommended for
4 approval based on compliance with the following. The
5 plan contains all the elements required. The agency has
6 demonstrated every good faith effort to achieve such
7 goals, and the agency has substantially addressed
8 deficiencies noted and the Commission and the prior plan
9 review.

10 Short-term goal achievement, 12 out of 19
11 possible goals, or 63.2 percent. Long-term goal
12 achievement, five out of 11, or 45.5 percent. Total goal
13 achievement, 17 out of 30 possible -- 17 out of 30, or
14 56.7 percent. The five year history, the plan was
15 approved in 2001, '02, '03, '04, and '05 it was approved
16 by default.

17 CHAIRPERSON NORTON: Are there any
18 questions from any Commissioners about this agency's plan
19 or staff recommendation? If there aren't, then we do
20 have a motion on the floor to accept staff recommendation
21 -- three staff recommendations for approval for all three
22 of these agencies.

23 Is there anyone who would -- well, I'm
24 sorry, if there is no other discussion we have a motion

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1 to approve recommendation for UCONN, DCF, and the
2 Southwest Connecticut Mental Health System. All those in
3 favor of accepting that approval of recommendation say
4 aye.

5 VOICES: Aye.

6 CHAIRPERSON NORTON: Is there anyone
7 opposed? Is there anyone abstaining? Then all three
8 plans are approved, and I guess we now move onto the
9 Department of Environmental Protection. Is -- I guess to
10 start is there a motion to accept staff recommendation
11 for disapproval at his point?

12 MR. GRIFFIN: So moved.

13 CHAIRPERSON NORTON: Commissioner Griffin.
14 Is there a second?

15 VOICE: Second.

16 CHAIRPERSON NORTON: So for purpose of
17 discussion we'll move forward. Please proceed, Mr.
18 Bingham.

19 MR. BINGHAM: Here representing the
20 Department of Environmental Protection, is Matt Fritz,
21 the Chief of Staff, Amey Marrella, Deputy Bureau Chief --
22 or Deputy Commissioner, Bill Evans, Bureau Chief of Human
23 Resources, Barbara Viadella, Marcia Bonitto, and Kathleen
24 Jennings, Affirmative Action Officers.

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1 CHAIRPERSON NORTON: Thank you and
2 welcome.

3 MR. BINGHAM: To receive approval status a
4 plan must be in compliance with the following sections.
5 This plan is recommended for disapproval based on non-
6 compliance with the following. The workforce is not in
7 parity the relevant labor market. The agency has not met
8 all or substantiate all its hiring, promotion, and
9 program goals, and the agency has not demonstrated every
10 good faith effort to achieve such goals.

11 Short-term goal achievement, 15 out of 33,
12 or 45.5 percent. Long-term goal achievement, 5 out of 8,
13 or 62.5 percent. Total goal achievement, 20 out of 41,
14 or 48.8 percent. And total promotion goal achievement,
15 12 out of 14, or 85.7 percent. A five history, the plan
16 was conditionally approved in 2002, and approved in 2003,
17 '04, '05, and '06.

18 CHAIRPERSON NORTON: Thank you very much.
19 As -- sir, Commissioner Mambruno?

20 MR. MAMBRUNO: I have conditionally
21 approved in '04.

22 MR. RAY PECH: It's an error, I just
23 wanted to correct it.

24 CHAIRPERSON NORTON: So, they were

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1 approved.

2 MR. BINGHAM: Yeah, it was conditionally
3 approved in 2002, and the rest of the years the plan was
4 approved.

5 CHAIRPERSON NORTON: So, are there any
6 questions from Commissioners?

7 MS. CLARKE: I'd like to know if there's
8 any statement you'd like to make?

9 CHAIRPERSON NORTON: Let's welcome the DEP
10 folks to the mike.

11 MR. MATTHEW PRINCE: Good afternoon
12 Chairperson Norton and Commissioners. My name is Matthew
13 Prince, Chief of Staff of the Connecticut Department of
14 Environment Protection. If you can bear with me, I'm
15 going to try to go through the different elements of a
16 plan. I want to provide some context in terms of some of
17 the numbers that would -- have been presented, and just
18 talk about the general commitment that DEP has made to
19 the goals of affirmative action.

20 I want to begin by apologizing on the
21 behalf of Commissioner McCarthy. She would be here, she
22 finds this issue to be very serious. She's very
23 committed to this issue, however this is one appointment
24 she could not miss. She's been re-nominated to be a

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1 Commissioner at the Connecticut Department of
2 Environmental Protection.

3 So, today happens to be her lucky day, she
4 is over with the Executive Nominations Committee,
5 appearing before them for her confirmation hearing. So,
6 I apologize on her behalf. In her place joining us,
7 you've been introduced to them, but I want to reintroduce
8 them again, Deputy Commissioner Amey Marrella, William
9 Evans, Chief of our Bureau of Financial and Support
10 Services, our Affirmative Action Officer, Marcia Bonitto
11 and her staff, Barbara Viadella and Kathleen Jennings.

12 The reason we have all of these
13 distinguished folks with me today is because we do find
14 this to be a very serious issue, and we wanted to bring
15 them all to show you how important we take this matter.
16 I wish to begin by lauding the efforts of this
17 Commission, and the staff that serve the Commission so
18 well.

19 We truly appreciate the importance of
20 providing equal opportunities for everyone, and we
21 appreciate the importance of having a diverse workforce,
22 in that, one that represents our constituency, which is
23 essentially everyone that lives in the State of
24 Connecticut, because our mission is so broad. We are

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1 also fully committed to the ideals, objectives, and
2 principles for affirmative action. We take this issue
3 very seriously.

4 We also take the status of our plan very
5 seriously. We are striving for a diverse workforce at
6 the DEP, and we are committed to taking every approach
7 possible to achieve a diverse and vibrant workforce. I
8 have to say personally, I was surprised when I heard our
9 plan was getting an -- given an unfavorable rating. I
10 say surprised, because I know how hard Marcia, Barbara,
11 and Kathleen worked in assembling this plan. But it's
12 more than that, per se, it's more than the plan.

13 What I see everyday is their actions and
14 activities throughout the year that they work on, and
15 that we as an agency work on to achieve a more diverse
16 workforce. I do not necessarily see this rating as a
17 wake-up call, what I see is an opportunity for us to
18 learn from you a direction that might be available, that
19 we had not explored to do a better job.

20 The commitment goes beyond Marcia and her
21 office. This is a mind set and approach starting from
22 the Commissioner on down. She's constantly driving us to
23 do a better job. We recognize the need to work harder in
24 assembling future plans and add more context in certain

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1 areas to better explain some of the personnel activities
2 in place over the given year.

3 We appreciate the feedback and we look
4 forward to working more with the Commission and its staff
5 to help address some of our shortcomings. Instead of
6 walking all of you through the various sections that
7 we've received feedback on, I thought it might be more
8 beneficial to add some context to some of the situations
9 cited in your response document the agency received from
10 the Commission on Tuesday.

11 We clearly recognize the onus is on the
12 Department to further explain some of the elements of the
13 plan we may not have provided enough information on. In
14 the area of parity in the labor market, this is an area
15 where our agency struggles the most and we face constant
16 challenges due to the technical nature of our workforce
17 and the jobs we have at the agency.

18 We are an agency made up primarily of
19 scientists, engineers, biologists, and it's a constant
20 struggle to reach out into the workforce that is out
21 there to find applicants to diversify our workforce.
22 It's not an excuse, but it's a challenge. We have
23 constantly -- we face recruiting challenges in terms of
24 assembling a diverse pool of applicants when positions

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1 become available. I'll have more on that topic as we
2 proceed.

3 You'll have to bear with me as I shuffle
4 though papers back and forth because of some of the
5 different numbers that have been presented. One of the
6 numbers mentioned earlier, and one of the numbers
7 included in this response document, was the 33 hires we
8 had in -- included in this report. Of those 33 hires,
9 seven of them were individuals who already worked at the
10 agency who moved from a part-time status to a full-time
11 status.

12 Without knowing every single situation,
13 I'm familiar with most of them, and by and large they
14 dealt with either females in our agency that came back
15 from maternity leave to resume full-time duty, or they
16 were out for various illnesses. So, to accommodate their
17 schedules we work hard to accommodate our workforce in
18 the best manner we can. So, when those situations arise,
19 we try to work with them on a part-time schedule.

20 So, these are not actual hires in the
21 traditional sense of a hire. These are actual
22 individuals who worked for the agency up through the
23 years and changed their status for a short period of
24 time. But it's reflected in this report as a hire, and

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1 it includes -- out of the 33, those are seven
2 individuals.

3 So, when you break that down and we look
4 at the numbers, there are actually 26 new hires for the
5 agency. And of those 26, 18 of those hires were goal
6 candidates who achieved -- representing an achievement
7 rate of 69.2 percent, which is a better number than the
8 number we're working from in the response document that
9 was provided to us this week.

10 CHAIRPERSON NORTON: How many out of 26?

11 MR. PRINCE: 18.

12 CHAIRPERSON NORTON: And you say that's 69
13 percent?

14 MR. PRINCE: 69.2 percent. Further on, we
15 talk about some of the promotions that occurred in the
16 agency. We work under a system where we have
17 approximately 1,000 employees that work for the
18 Connecticut Department of Environmental Protection.
19 There's various series throughout the agency, where the
20 primary series in the agency is the environmental analyst
21 series, and I'll use that as an example as we go forward.

22 Ten of the -- there were ten individuals
23 cited in here, in this report, where we didn't provide
24 enough sort of context in terms of how those promotions

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1 took place, and whether they met goals or didn't meet
2 goals. But clearly, it was referenced in the response
3 document about how we didn't provide enough information,
4 or there were ten promotions without meeting goal
5 candidates. I would like to explain that situation
6 further for everyone to get a sense of how the agency
7 operates.

8 Eight of these individuals were
9 individuals who were basically promoted in their
10 position. There was no actual vacancy. They started
11 either -- they were Environmental Analyst I's, and they
12 moved to the next step in their grade to an Environmental
13 Analyst II, or they were an Environmental Analyst II
14 moving to a III. So, essentially there was no vacancy,
15 it was more of a paperwork exercise than anything else.

16 So, that it doesn't accurately represent
17 the true promotions in the agency where there was a
18 natural vacancy where people could apply for and have the
19 opportunity for that as an agency promotional goal in our
20 agency. These were more individuals that had worked for
21 the agency over an extended period of time, it was their
22 turn, based on the work they were doing to move to the
23 next step in their career development.

24 CHAIRPERSON NORTON: Does that mean --

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1 MR. MARSHALL: Was there a job posting for
2 these positions?

3 MR. PRINCE: There were no job postings.

4 MR. MARSHALL: There were no job postings?

5 MR. PRINCE: However, two out of the 10, I
6 believe there were job postings for, and I could get into
7 details in terms of how we proceeded with those.

8 CHAIRPERSON NORTON: That was in essence
9 what I was thinking about, so I'm -- go ahead.

10 MR. PRINCE: Alright. In the other two
11 cases out the 10 there were job postings, I believe in
12 one case it was in the Bureau of Air Management, where we
13 had only two candidates actually apply for the
14 opportunity, and out of those two there were no goal
15 candidates, two white males.

16 And the other situation was a -- one of
17 our Conservation Enforcement Officers. And I can provide
18 you some detail on that. I'm going to shuffle some more
19 papers and I appreciate your indulgence. This was a
20 situation where we were able to move -- elevate somebody
21 into a Sergeant position we had. And that Sergeant
22 position was to be -- was going to be located in our
23 Central Marine Patrol Sector.

24 Out of this we had -- our applicant pool

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1 included 11 applicants, which were interviewed, nine
2 white males and two while females. One of the white
3 females was rated fair, the other female was rated
4 excellent with two white males. In making the decision
5 the one female that was rated excellent was a white
6 female who had five plus years of experience as a
7 Conservation Officer who had specific responsibilities
8 and her background was mostly in the parks and marine
9 district.

10 However, the individual that was selected
11 for this position was a white male of 19 years who had
12 worked in various sectors -- 19 years experience who
13 worked for the agency in various responsibilities and
14 duties, was fit to take on those responsibilities in a
15 broader sense. And the decision was made by the
16 individual pursuing this hiring of this promotion, that
17 he would be the best candidate to meet our needs as an
18 agency and fulfill the responsibilities in this district.

19 MR. MAMBRUNO: Excuse me?

20 CHAIRPERSON NORTON: Commissioner
21 Mambruno?

22 MR. MAMBRUNO: Was all this information
23 readily available to our reviewers?

24 MS. CLARKE: At the time of the

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1 submission?

2 MR. PRINCE: That is obviously an area
3 where we need to do a better job in terms of providing
4 this information in future reports. To better buttress
5 some of the goal numbers, the figures we have included.
6 We clearly recognize as I stated before, that's an onus
7 that falls back to us as an agency. It would have helped
8 others assemble when they were reviewing our documents,
9 maybe receive a more favorable review. And that's why
10 I'm taking this opportunity to inform you that at this
11 point we are doing that. We need -- we know we need to
12 do a better job. And we will do that in future reports.

13 CHAIRPERSON NORTON: So, tell me if I'm
14 being unfair, but what's happening now is that you want
15 to let us know, though, that, even though there was a
16 short coming of the writing some required data, that
17 those explanations didn't come forward at the beginning,
18 that they exist, that there are explanations.

19 MR. PRINCE: There absolutely are. There
20 are examples. There are explanations for every single
21 one of these. We can go deeper, we can talk about the
22 officers that were hired, the new officers that were
23 brought into the agency, career trainees, enforcement --
24 law enforcement trainees, where we had opportunities to

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1 hire certain individuals. And one of the feedback we
2 received on one of them was we didn't mention any more
3 detail about one of the white females.

4 And she actually had taken a position with
5 the State Police, come to find out, we could have
6 provided more information on that. But that was -- in
7 the response document we received that was one of the
8 omissions that we failed to include in there, and it was
9 cited as one of our deficiencies in this response
10 document.

11 CHAIRPERSON NORTON: So, to the extent
12 that this report faults you for not having provided
13 information or provided the appropriate back-up, you're
14 not denying that? You're just telling us that --

15 MR. PRINCE: What I'm saying,
16 Commissioner, is that we needed to provide more context
17 to some of these situations, it would have helped with
18 the process.

19 CHAIRPERSON NORTON: Thank you.

20 MR. MAMBRUNO: Is this the way that you
21 usually review a plan? I mean, submit a plan, or was
22 something left out that caused you not to be so detail
23 oriented that we didn't get this information?

24 MR. PRINCE: It was actually -- it was 33

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1 -- in the hiring section there was 33 employees, 26
2 essentially were really hired. I believe in our plan we
3 devoted 30 pages to those hires, so basically we actually
4 had one page -- more than one page for every single hire
5 to give further explanation.

6 In the case -- one of the cases I'm
7 excited about, the law enforcement one, we missed one
8 detail in terms of how the candidate committee, that's
9 what actually happened to them in terms of where they
10 ended up and why they were not chosen. And part of the
11 explanation also that was in there, the candidate that
12 was not a goal candidate that was hired for this position
13 was also an individual that had been post certified.

14 Essentially, he was an officer that could
15 go and start day one, hit the streets running in terms of
16 being in our parks and being on our waters as one of our
17 enforcement officers. And that was a need -- I don't
18 know if we could have gotten into that context to explain
19 the situation as well as we possibly could about how we
20 had a need at the time due to retirements, that we needed
21 somebody to hit the ground running, and this opportunity
22 made itself available because this was an excellent
23 candidate, however not a goal candidate. And at the same
24 time we also lost one of the goal candidates to the State

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1 Police.

2 Sure, Marcia she assembles this plan, so
3 she could provide you the ins and outs of that.

4 MS. MARCIA BENNITO: Marcia Bennito, and I
5 just want to add to what Matt is saying to address
6 Commissioner Mambruno's questioning. What happened, we
7 left out the narrative for the promotions. There were
8 ten promotions as Matt has highlighted to you. And of
9 the 10, eight were the reclassification of individual's
10 positions, there were no vacant positions.

11 And the other two promotions were the
12 result of, as you mentioned before, one -- two postings,
13 one was a Environmental Analyst II, promoted to an
14 Environmental Analyst III. Two white males applied,
15 there were no goal candidates applied for that position.
16 And for the other position we put a CEO to a Sergeant
17 position. A white male was promoted as indicated by
18 Matt, because of his 19 years of experience.

19 However, in the review the reviewer states
20 that the Department did not make a good faith effort.
21 What information that Mr. Prince has shared with you
22 about the hiring, the 33 hires that we had and seven were
23 part time, that information was provided. The
24 information that was lacking was information about

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1 promotion.

2 The reviewer states that the Department
3 did not provide -- did not show a good faith effort also
4 because it did not account for a white female
5 Conservation Enforcement Officer Trainee that was not
6 hired. The DEP created within the last three years, this
7 Conservation Enforcement Trainee Classification. This
8 was an affirmative step taken by this agency because of
9 the historical difficulty that we have had in trying to
10 hire and to recruit minorities as Conservation
11 Enforcement Officers Trainee.

12 So, what has happened is that the only
13 hire that the agency has now for that classification, we
14 use the trainee position. The Department experienced
15 tremendous layoff recently, and for this reporting period
16 there were five vacancies. The three first set of
17 vacancies we hired a white female, an Hispanic male and a
18 white male.

19 The plan walked the reviewer through the
20 183 applicants that we had for that position. The
21 interviews were categorized by those that were in the
22 excellent category, very good category, good category,
23 fair and poor. For the first set of three hires we had
24 the applicants were taken from the excellent category.

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1 There was -- we had tried, as Matt has stated, to get a
2 balance in these hires, because this is the only source
3 of entry into this classification.

4 The reviewer was told there were two
5 Hispanic male goal candidates that were interviewed. One
6 failed one of the polygraph -- one of the tests. For
7 this specific classification, applicants have to pass the
8 medical exam, an agility test, a psychological test, a
9 polygraph, in addition to they have to go through the
10 Police Training Academy.

11 One of the white females out of the three
12 was offered the job, a second one declined the position.
13 The reviewer was told that at this time a white male was
14 hired because of the time -- and I'm reading exactly what
15 was said, because at the time of the interviews he had
16 all of the necessary certifications required, and had
17 also passed all of the required evaluations.

18 Because of the critical need of the
19 division, the large impact of retirements several years
20 ago, and the fact that most of these positions were not
21 filled, the division had an immediate need to try to
22 maximize the results of these interviews. And that was
23 the reason why we did not hire the other white female,
24 who took a job with the State Police, because we -- this

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1 white male had all the credentials and we could come in
2 as initially said, hitting the ground running.

3 So, that explanation was provided in the
4 plan. The reviewer also states that the Department did
5 not make a good faith effort, and there were recruitment
6 activities I would like to just briefly go over with you.
7 We attended 13 career fairs, these were all reported.

8 We had eight live face-to-face recruitment
9 meetings. We did recruitment mailings for all vacancies
10 to 90 colleges and universities, 19 community colleges,
11 30 agricultural and environmental majors at colleges and
12 universities, 30 engineering schools, 10 non-profit
13 organizations, 25 area community colleges -- community
14 organizations, 28 historical societies and museums, 21
15 technical school, 24 Connecticut police departments, 120
16 real estate and property management, 21 chambers of
17 commerce, seven minority newspaper, and we have PSA
18 running on radio stations.

19 In addition to that, we voluntarily
20 developed a recruitment program that was not required
21 this year by the Commission, and we made a number of
22 face-to-face visits to colleges and universities. The
23 reviewer also mentions that there were errors in the
24 availability and analysis section, and in the hiring and

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1 promotional section of the plan, and the goal setting
2 section.

3 I really cannot address those concerns and
4 those comments because I don't know what are the specific
5 errors that were found; I don't doubt that there were
6 errors that were found. But we have 22 categories and
7 classifications, and for each of those classifications
8 there are three different sets of calculations that have
9 to be done. So, it's not unusual that there might be
10 errors in those, but as I said before I don't know what
11 they are to be able to address them at this time.

12 The reviewer also states that we met, I
13 think, 17 of our program goals -- our program goals. I
14 cannot address that either, because the plan that was
15 submitted states that all program goals were met. So,
16 that's something that I would have to address when I meet
17 with the reviewer and find out exactly what are the
18 issues, thank you.

19 CHAIRPERSON NORTON: Commissioner Clarke
20 has a question.

21 MS. CLARKE: I have a question, but I'm
22 not sure if it's a question for Mr. Bingham or Dr.
23 Kennedy. But I'm hearing all of this and they're
24 certainly making a good case, but obviously something

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1 happened. So, I guess I'm not sure what happened, and I
2 -- obviously they don't know what happened. So, can you
3 clarify that for me and tell me why the plan has been
4 submitted for --

5 CHAIRPERSON NORTON: Can I just interrupt
6 for a second? Do you guys have a little -- just like a
7 little bit more to wrap up or something, or were you
8 about done?

9 MS. BENNITO: We've finished. I'm sorry,
10 Matt.

11 MR. PRINCE: As Marcia wanted to point
12 out, it's the first time it's been reviewed by Miss
13 Kennedy -- Dr. Kennedy. Just to echo what Marcia said,
14 the good faith effort, I think, was the biggest surprise
15 for all of us. We've done a whole -- a number of things
16 beyond the recruiting efforts that Marcia and her staff
17 have gone out and done and accomplished in just a year's
18 time, it's incredible.

19 We actually hired Kathleen Jennings into
20 our office to bolster our recruiting -- recruitment
21 efforts. She has a long and distinguished career in
22 affirmative action. She joined us to come and help us
23 bolster our recruitment efforts, and she's done a
24 tremendous job, as everybody in Marcia's office.

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1 We also had this little thing called, "No
2 Child Left Inside" out there, it's not necessarily --
3 doesn't directly pertain to our affirmative action plan,
4 but it's relevant in terms of how we go out and interact
5 with our inner cities and developing a workforce of
6 minority populations.

7 They are not connected with nature, they
8 are -- they have no sense of being less -- not a great
9 awareness of their environs because of programs that have
10 been reduced and cut back over the years, our streets are
11 not as safe as they used to be. Kids tend to spend more
12 time inside playing X-Box and on their computers.

13 So the Commissioner came up with a
14 brilliant idea to talk about "No Child Left Inside," to
15 reconnect our kids with nature. And why this is relevant
16 here today is because we are trying to cultivate the next
17 generation of environmental stewards, we are trying to
18 introduce them to the outdoors, we are trying to bring
19 them to our parks so they have a better sense of what is
20 out there beyond the city streets.

21 So they have an opportunity to go fishing
22 in Beardsley Park at the pond down there. We had an
23 inner city fishing opportunity last year, and we will
24 bring that same opportunity to Keeney Park this year. We

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1 have a program that goes into the City of New Haven and
2 paints oil drums to put on street corners, and those
3 children from those families down there had an
4 opportunity to paint three central oil drums and put them
5 on some of the streets in the City of New Haven.

6 And what those oil cans represented was an
7 opportunity for them to use the arts to better appreciate
8 their environment. And they had a great time doing it, I
9 had the chance and the opportunity to go down and see
10 this first hand. It was a wonderful opportunity because
11 now they have a sense though art to connect to nature.
12 And that's how we're going to reach the people -- the
13 population we need to to diversify our workforce.

14 We are struggling with that challenge, we
15 know it's our challenge because by the time people reach
16 college they have already possibly set their career path.
17 We are trying to reach into our schools at a younger
18 level, we are developing a DVD from our Human Resources
19 Division to better showcase some of the opportunities
20 that are available in the environmental field.

21 And this is an agency wide commitment to
22 reach out into our inner cities to expose children to
23 some of these opportunities so we can start growing this
24 diverse workforce population today, because we know we're

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1 short now as we see the people -- the individuals coming
2 out of college. We are reaching them, but they've
3 already set their minds to other careers.

4 We also work with the Connecticut Pre-
5 Engineering Program. Marcia's been involved with them
6 for the last five years since she joined us. And this is
7 a program with a mission to introduce students at various
8 levels of school to the engineering and the sciences out
9 there, so they can get on a track to become our future
10 environmental leaders.

11 Those are the types of commitments we have
12 made as an agency to grow the next generation of
13 environmental stewards. That is our good faith effort,
14 it can't be reflected here in a plan, but it's the
15 mission and the approach the agency has taken, and we
16 firmly believe we are doing the best we can to reach out
17 and diversify our workforce.

18 We know we have challenges, we know we
19 need to do a better job, and we are committed to doing a
20 better job. Thank you.

21 CHAIRPERSON NORTON: Thank you. All I
22 want to say is if you're going to have kids fishing in
23 Keeney Park, you may want to bring in some fish.

24 MR. PRINCE: We will, we will.

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1 MS. CLARKE: I think it's the exercise
2 that's important.

3 CHAIRPERSON NORTON: Yes, it is.

4 MS. CLARKE: But, what I'm trying to
5 understand is it looks like the deficiencies and
6 weaknesses were mostly data errors. I mean, I'm looking
7 at incorrect data with the utilization analysis, I'm
8 seeing that the promotable pools, there were errors in
9 those, the -- all sorts of errors. So, I'm trying to
10 understand what happened, because they've had a pretty
11 good record in the past, so I'm trying to understand
12 where everything went awry.

13 DR. VALERIE KENNEDY: First of all, I
14 think they've done a great job with their programs. The
15 problem is, we have a standard of review that's dictated
16 by law --

17 MS. CLARKE: Oh yes.

18 DR. KENNEDY: And it clearly states, you
19 have to have all of these elements in the plan, if
20 they're not there it gets disapproved no matter how
21 wonderful the rest of the sections are. Okay, in this
22 case the problem -- they did have all the elements. But
23 the problem was in addition to that, it clearly says on
24 your first page -- or the second page after the title

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1 page, "Additionally a plan shall be approved only if" --
2 and there's three things that they can meet to be
3 approved.

4 One is that the workforce is at parity,
5 well we don't have any agencies in our workforce at
6 parity. So, that's sort of a given, they don't meet that
7 one. The agency has met all or substantially all of
8 their hiring or promotional goals, and we have not. And
9 the agency has demonstrated every good faith effort. And
10 as we've explained before, good faith effort has a very
11 specific definition under the law and under our
12 regulation.

13 And that means that every goal candidate
14 that's in a pool that has resulted in a non-goal hire
15 must be discussed, okay? There are 13 goal candidates
16 that were not discussed, and that's the problem. I --
17 you know, that's it --

18 MS. CLARKE: It is what it is.

19 DR. KENNEDY: That's it, that is what it
20 is. So, yes there were 13 goal candidates that were not
21 discussed. There were hundreds of candidates that were
22 discussed, but unfortunately part of our job is to go
23 through the discussion, the goals analysis, and make sure
24 that every goal candidate has been fairly treated. And

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1 when we find that there are goal candidates that haven't
2 been discussed, we can't determine if there was good
3 faith effort in those searches. And that is where the
4 problem arose.

5 The rest of the plan, yes there are a
6 number of errors, but that didn't result in the actual
7 recommendation for disapproval, it was the fact that they
8 didn't reach the standard under these three sections.
9 They had to meet one of the three, and they didn't, and
10 that's where the problem came in.

11 CHAIRPERSON NORTON: That was actually
12 nicely and clearly said. I don't mean to suggest
13 surprise, but I mean you summed that up nicely. Are
14 there any other question from any Commissioner or desire
15 to speak again by anyone from the agency? Although, I'm
16 not putting you on the spot, you don't need to, it's not
17 as if you're missing some golden moment, and please don't
18 take a lot of time but --

19 MR. PRINCE: Let me start over -- no. I
20 would only make this request, if we can -- if the
21 Commission would take up our plan and have it
22 conditionally approved so we can address some of the
23 short comings that were just presented?

24 CHAIRPERSON NORTON: And I'll just reveal

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1 that yesterday Commissioner McCarthy called me and said
2 is there anyway this can be delayed, because I so much
3 want to be there. And -- but I'm in front of the
4 Nominations Commission -- Committee and the Legislature
5 and I can't really, you know she wouldn't get her job
6 then. So -- and I just told her that just doesn't work.

7 I just figured I'd reveal that to people
8 that she, in any case, expressed the desire to be here to
9 make the case and to show her effort and said, gee can
10 you put it off, and I said that doesn't -- that doesn't
11 work. Having said that, is there any -- are there any
12 other questions or discussion by any Commissioners?

13 You heard the request from the Chief of
14 Staff for conditional approval, does that interest
15 anyone? Does anyone want to adjust the motion in that
16 regard or not, or what's the feeling of any or all of any
17 Commissioners?

18 MR. CONAWAY: At this point I'm feeling to
19 accept staff recommendations and then you know when they
20 come before us next year we'll -- that's my feeling.

21 CHAIRPERSON NORTON: That's, and I hear --
22 I heard -- I didn't hear your head nod, I heard you --
23 anyone else got anything to say? Okay, then it sounds to
24 me like the motion we have before us is just to accept

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1 the recommendation for disapproval. It feels like the
2 motion people want to be voting on.

3 So, absent any other discussion, then the
4 motion in front of us is to accept staff recommendations
5 for disapproval. All those in favor please say aye?

6 VOICES: Aye.

7 CHAIRPERSON NORTON: Is there any
8 opposition? Is there anyone abstaining? Then the motion
9 to disapprove passes. I'll say that there were no
10 responses to the second two queries, no abstentions, no
11 no votes. Thank you for taking the effort to have a half
12 dozen of you come forward, thank you for describing a lot
13 of the great things your agency does.

14 But we -- there are these -- they might
15 seem at times, technical standards, but standards that
16 are in place that are thresholds. And having said that,
17 I guess I'll say that we can just take a brief pause to
18 let in -- to let people leave if they want that don't
19 need to be at the rest of this meeting.

20 CHAIRPERSON NORTON: On to the next item
21 of the agenda, Fiscal Report. I guess we can come back
22 to order. Oh Jimmy, I'll give him like a minute or two.

23 MR. PECH: The next portion of your -- on
24 the tab it says, "Mars Report," and we haven't gone

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1 galactic yet. It's supposed to be the MAR Report, I
2 didn't catch the typo.

3 CHAIRPERSON NORTON: Okay, so next is
4 Fiscal Report, right, even though MAR is the next thing
5 in our --

6 MR. PECH: Yeah, you don't usually discuss
7 it.

8 CHAIRPERSON NORTON: Okay, so Nandi?

9 FEMALE VOICE: Hello, how are you?

10 CHAIRPERSON NORTON: Good.

11 MS. COLON: Good afternoon Commissioners,
12 Chairman Norton. I'm going to just go over the Fiscal
13 Report, because Ray is going to go over the Personnel
14 Report, Okay? And I'd like you all to know in case you
15 haven't already heard, this is my final report. So, if
16 you have any questions, now is the time.

17 CHAIRPERSON NORTON: Since you've
18 announced it, I just want to say that Nandi has been
19 offered a job, she's with a rock band I guess somewhere?
20 But is with another State Agency, which is decidedly a
21 promotion. I guess I'll say that she said that she
22 wasn't happy about leaving, but it was an opportunity, a
23 vacancy with a job that she's got a lot more authority.
24 No?

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1 MS. COLON: I wouldn't say authority, a
2 lot more money.

3 CHAIRPERSON NORTON: Oh, okay. I wasn't
4 going to say that, but you -- but the other thing I
5 wanted to say is that there was a period of time there
6 when I was working real hard at understanding a lot of
7 what was going on in the agency, on a personnel basis, on
8 a financial basis. And I spent a lot of time on the
9 phone with Nandi, and she was always helpful, always very
10 informative, always very professional.

11 And I wouldn't have been able to do my
12 job, except that it's a job, anywhere near as well as I
13 might have if it wasn't for her and her willingness to
14 take time explaining things to me. And so, I think a few
15 different things were handled a lot better for a time
16 there because of her help. And I'm sad that she's
17 leaving, and that was the little speech I wanted to give.
18 I think it's a real loss to the agency.

19 MS. COLON: I appreciate that. Thank you.
20 And it has been a pleasure, not only to serve my boss,
21 for the last -- actually a couple of months in April of
22 2004 when I first came on board, and then again the last
23 couple of months, I wish it had been the whole period,
24 but we won't go there.

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1 But I just want to put out there, that it
2 really has been a pleasure to serve the Commission, to
3 serve the employees of this agency, particularly my boss,
4 because I know that there are a lot of employees who
5 really have their heart and soul in this agency. And so,
6 again I thank each one of you as well, for giving me the
7 opportunity to come every month before you and to answer
8 and help out where I'm needed.

9 CHAIRPERSON NORTON: I wish you well.

10 MALE VOICE: Where are you going?

11 MS. COLON: I'm going to the office of the
12 Chief Medical Examiner, it's in Farmington, so it's a
13 little bit more of a distance. It was -- it is a
14 promotion for me, it's a 4-pay-group promotion. And it
15 just so happened that after I accepted that position our
16 position here, I'm a Fiscal Administrative Supervisor,
17 was just recently approved to be hired at a higher level,
18 at the higher level, which Ray will get into that.

19 But so it's -- but you know what, timing
20 is everything. I just -- you know, so he will discuss
21 that.

22 MR. PECH: And I will say, and I'll have
23 more things to say about Nandi, but I mean, she's a woman
24 with great integrity --

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1 MS. COLON: Thank you.

2 MR. PECH: And she accepted a position
3 elsewhere before we were told that our position would be
4 upgraded, and she feels that she can't go back on that
5 acceptance. And I -- although it saddens me, I commend
6 her for that, because that's the honorable thing to do.

7 MS. COLON: Because I feel you know, I
8 would do the same thing had it been here. I wouldn't be
9 able to go back if I were coming from another agency,
10 come back here and say no, I'm sorry. But one never
11 knows, I may be before you again someday, who knows? And
12 with that said, that's enough of that. We'll get back to
13 the CFSR.

14 We are -- we do have a relatively large
15 surplus, and again that's attributed to the positions
16 that I've mentioned in the past that have remained vacant
17 right along. In the "Projected to End of Year" column
18 there is sufficient money there to cover the positions
19 that are vacant, not only am I projecting for the
20 remaining pay periods, but I'm also --

21 CHAIRPERSON NORTON: What column are you
22 in right now?

23 MS. COLON: The second column on the --
24 where it says, "Projected to End of Year."

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1 CHAIRPERSON NORTON: At the top of the
2 page?

3 MS. COLON: The top of the page. That
4 does have enough money in there to cover the salaries of
5 the vacant positions, as well as the remaining pay
6 periods. And even with that we will have a surplus of
7 384, somewhere along that amount. In the other expense
8 category, I'm going to the far right column, "Projected
9 Surplus or Deficit," and I've left there \$152,000. That
10 money is to be held for the Bridgeport move.

11 I mentioned that last month because of the
12 fact that Bridgeport is now moving, I've notified OPM and
13 I've notified OFA of the fact that we will surplus that
14 money, we want to carry that money, those funds, over to
15 next year.

16 CHAIRPERSON NORTON: Just for the cost of
17 moving furniture, moving files --

18 FEMALE VOICE: The new rental amount at
19 the new lease --

20 CHAIRPERSON NORTON: Oh, that's --

21 MS. COLON: And the good thing is that not
22 only will we be carrying forward these funds, I've also
23 asked for \$53,000 for the fiscal year '08 budget, and
24 another \$25,000 for '09, just to make sure that we are

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1 covered, that the agency is covered, and that was
2 granted, which was a blessing.

3 The '08/'09 budget was just approved, I'm
4 sure Ray will discuss that. So, we're in pretty good
5 shape. The equipment, we have purchased one computer out
6 of the small amount that we've been given here, so that's
7 why I'm showing that all the money has been spent. The
8 Martin Luther King fund this year did an extraordinary
9 job in using the funds that they were allotted.

10 To date, this is what I have in
11 expenditures in this column, in the projected we have
12 \$3,200 dollars that will be processed within the next
13 months in payments. So, they really did an outstanding
14 job, and for that they should be commended.

15 CHAIRPERSON NORTON: I was going to say, I
16 think I saw Commissioner Marshall and Director Pech
17 there, maybe I missed some other people, but there was --
18 they had a pretty good speaker.

19 MR. PECH: An excellent speaker. An
20 excellent speaker. They had a good -- firey and
21 inspirational.

22 MS. COLON: That's good, I think the
23 message was clearly conveyed from the last time, when we
24 have the money allotted, spend it on something that's

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1 useful. And with that I will finish my report. If you
2 have any questions I'll be more than glad to answer them.
3 And if not, I'll turn it over to Ray.

4 MR. PECH: I -- Don is in New York. We
5 have the argument -- Second Circuit argument with one of
6 our Federal Cases, so they left, so I will talk very
7 briefly about Donald's report, because he could give you
8 much more detail than I. But, I'll call your attention
9 to two pages, the easy one first which is page 4 of 6,
10 and you'll notice our total caseload is down a bit. And
11 I'm just calling that to your attention, I certainly
12 prefer to see it down a bit than up a bit.

13 But it wasn't a huge drop, it's 21 cases
14 out of 2100. More important, I want to call your
15 attention to page 3 for a moment.

16 CHAIRPERSON NORTON: 3 of what?

17 MR. PECH: Of 6, I'm looking at the --

18 CHAIRPERSON NORTON: I'm back a page now.

19 MR. PECH: I'm sorry?

20 CHAIRPERSON NORTON: I'm turning back a
21 page?

22 MR. PECH: Yes.

23 CHAIRPERSON NORTON: Gotcha.

24 MR. PECH: I know, I went backwards, I'm

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1 sorry. Right above the -- where it says, "The Report" in
2 bold and underlined, you'll see a paragraph that says,
3 "Complaints Exceeding Time Frame." Those complaints of
4 cases exceeding the time frame, consists of three
5 categories. One is of complaints not having been served
6 within 20 days, which is a statutory requirement, that's
7 normally a very miniscule number.

8 Complaints in which a MAR has not been
9 conducted within 90 days of the answer, that's also a
10 very minimal number, usually. And finally, complaints
11 still pending after 370 days from filing, so in another
12 words, a year and five days. That's all time frames,
13 putting them all together, that we're supposed to get
14 investigations done in.

15 I call all that to your attention because
16 starting with this report, for a long time when we talked
17 about cases exceeding time frame we've recorded all three
18 of those figures. Beginning just about a year ago we
19 decided, December of '05 or January '06, the prior
20 director asked Donald to stop recording the cases
21 exceeding 370 days, that was by far the largest of the
22 three numbers.

23 So, as of the first report roughly a year
24 ago, it looked like the numbers of cases that we were --

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1 I guess informally we might call backlogged on, but
2 formally we call it exceeding the time frame, it looked
3 like it dropped precipitously. The reality is it didn't,
4 and there was still plenty of cases out there that
5 exceeded the timeframe. And we decided, and I discussed
6 this with the Chairman several times over the last few
7 weeks, we decided it was more honest to report the
8 status.

9 We haven't had a great influx of cases,
10 nothing has really changed, it's just how it's being
11 reported.

12 CHAIRPERSON NORTON: I want to jump in, if
13 I may, am I cutting you off?

14 MR. PECH: No.

15 CHAIRPERSON NORTON: One of the things
16 that I didn't notice a year ago was about the time this
17 started happening, but as I was doing some research in
18 the fall, and like I said, help by David Teed, was that
19 our caseload backlog statistics were almost in one month
20 dramatically better.

21 And I came across some other material
22 which talked about the caseload backlog as it gets
23 reported to the general assembly, not to us. They have
24 to make a report to the Governor and the General

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1 Assembly. And there's certain things required there, and
2 it didn't match up. And I think you all may recall some
3 of this discussion.

4 And I didn't quite understand why, but it
5 didn't feel right that all of a sudden our backlog
6 appeared to have gotten wildly better, not like a good
7 uptake, but wildly better. And Don Newton, you know, was
8 able to talk with Ray, and Ray was able to explain it to
9 me, which means it's kind of easy to understand if I
10 understood it is, there are these three types of short
11 comings that get thrown into the number.

12 One is the complaint doesn't get served by
13 us within 20 days. Now, often that mistake might not
14 have added that many more days, maybe they did it in 25
15 days, but it's not a big number. The other is that the
16 merit assessment review process doesn't get connected --
17 conducted within 90 days, that's another not very large
18 number. We don't screw up there that much.

19 And the other is the big number of how
20 many backlogged cases we have, and that is it takes
21 longer than 370 days to get it done and ready for
22 hearing, if I've got that right?

23 MR. PECH: No, it's to the point of a
24 finding we made, either cause of no cause.

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1 CHAIRPERSON NORTON: Okay.

2 MR. PECH: And I would just -- if I could
3 just point out one minor correction, I would not call
4 that number a screw up, it's simply an issue of the
5 number of cases we had versus the number of people we had
6 to process them.

7 CHAIRPERSON NORTON: Well that's --

8 MR. PECH: We sometimes can't make it.

9 CHAIRPERSON NORTON: A short coming that
10 may -- that circumstances may require, I mean we don't
11 have enough staff. You're right, it's just -- it's taken
12 longer. And that's what I think a lot of people in the
13 public and the Legislature want to know is, how long does
14 it take to go to CHRO? Ideally CHRO is a place where you
15 can get things done as a citizen without a lawyer maybe,
16 and kind of maybe sort of quickly instead of the courts.

17 And so, what happened a year ago is, the
18 big number in that computation was Mr. Newton was -- or
19 requested -- required to remove it. So, all said it
20 looked like oh wow that log's gone way down, which I
21 think was a bad mistake to change the numbers there. But
22 also, we weren't told at the time. By the way, the
23 numbers have just gotten a lot better, but folks, just to
24 let you know, because we've changed the math it's not a

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1 change of circumstances.

2 We were just told the numbers got a whole
3 lot better. And I think that was a problem in talking
4 with Ray, it seemed like it made sense, let's go back to
5 the old system, let's have a true representation of how
6 good we're doing, our fault or not, how good we're doing
7 at moving cases along.

8 And so, the numbers now this month, if
9 somebody went back in history they might sometime say,
10 wow between January of '06 and January of '07 the backlog
11 was a whole lot better, and it's just because it wasn't
12 being reported right. Anyway, that was a long
13 explanation, but it was a serious issue and one that came
14 up.

15 MS. CLARKE: So, can I ask a question?

16 CHAIRPERSON NORTON: Please.

17 MS. CLARKE: Is our staffing based on
18 complaints?

19 MR. PECH: No, our staffing -- well, our
20 staffing is based on what the Legislature gives us. We
21 are -- in my opinion we are constantly in a state of
22 being understaffed, both in investigations and
23 affirmative action contract compliance. Occasionally, we
24 -- we'll get -- and I'll talk more about this in my part

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1 of it, but occasionally we will get the Legislature to
2 grant us a couple of positions, or three or four.

3 But, you know, the issue is we can get the
4 work -- because we're talking about investigations, we
5 can get the work done, the question is can we do it
6 within the timeframes that the Legislature has
7 articulated. And many cases we can, but sometimes we
8 can't. Some cases get complex, some cases dismissed,
9 they get reconsidered, the reconsideration is granted so
10 it goes back in investigation. But in the meantime a
11 chunk of several months, if not a year is lost in there.

12 Just by way of example, and I hope that
13 this doesn't happen again, but several years ago when I
14 was actually at the budget -- Appropriations Committee
15 represented yesterday. And we we're talking about, I
16 can't remember what year it was, but there was a year
17 when we went to the Legislature and said look, you want
18 us to meet these timeframes, and it's important because
19 you don't want a complaint investigation to drag out a
20 long time; I mean, people's livelihoods sometimes depend
21 on it.

22 And the Legislatures don't want it to drag
23 out either because then the constituents get on them. So
24 we went and said look, if we're going to meet these

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1 timeframes we need -- and I forget what "X" was, but we
2 need "X" new people. So, what the Legislature did for us
3 was just extend the timeframe, didn't give us new people
4 they just gave us longer to do the investigations, which
5 is not the most practical solution in my mind.

6 MS. CLARKE: No.

7 MR. PECH: So, but anyway we always need
8 people. We can get the work done, it's a question of how
9 quickly we can get it done.

10 MS. CLARKE: But I would imagine if there
11 was a case to be made working with the accurate numbers
12 --

13 MR. PECH: Yes, it makes it easier.

14 MS. CLARKE: Yes, it would be easier to
15 make that case, rather than working with --

16 MR. PECH: Correct, and it's no
17 coincidence that --

18 MS. CLARKE: Funny numbers.

19 MR. PECH: -- I began as we go before the
20 Appropriations Committee to make a case and I'd like to
21 have solid numbers with me.

22 MS. CLARKE: Okay, alright. Alright, just
23 wanted to make sure I was clear about that, thank you
24 very much.

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1 CHAIRPERSON NORTON: Thank you. Next, I
2 guess is the Legislative Report, have I got that right?

3 MS. FERGUSON: Good afternoon, you should
4 have in your hand out packet copies of bills and the
5 weekly report. The Judiciary Committee has raised all of
6 our Legislative proposals and those bills have been
7 included in your packet, they are Senate Bills, 1106,
8 1107 and 1109. And the next step will be that the
9 Judiciary Committee will schedule a public hearing and
10 Ray will go before them to testify in support of them.

11 The Labor Committee also raised one of the
12 Commission's bills, that's also in your packet, Senate
13 Bill 1048, and that has been scheduled for a public
14 hearing on February 15th, and we do plan to provide oral
15 testimony.

16 Senate Bill 1044, which is an act
17 concerning discrimination, is the bill that would
18 prohibit discrimination on the basis of gender identity
19 or expression, that also is included in your packet.
20 Last year we supported that bill and we anticipate -- we
21 plan to support it this year as well.

22 CHAIRPERSON NORTON: I'm sorry, 1109 is
23 the one we asked that be proposed for --

24 MS. FERGUSON: That is correct.

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1 CHAIRPERSON NORTON: But now, 1044 who --

2 FEMALE VOICE: 1048 is in the Labor

3 Committee. The --

4 MR. PECH: 1044 --

5 MS. FERGUSON: 1044 is an act concerning

6 discrimination, that's the bill that would prohibit

7 discrimination on the basis of gender identity or

8 expression.

9 CHAIRPERSON NORTON: Okay, so that's one
10 we support, but it's not our submission?

11 MS. FERGUSON: Correct.

12 CHAIRPERSON NORTON: Gotcha. Sorry,
13 thanks.

14 MS. FERGUSON: And then Senate bill 1066,
15 and act concerning the Department of Mental Health and
16 Addiction Services provides in Section 20 for the
17 Department of Mental Health and Addiction Services to
18 file one consolidated affirmative action plan as opposed
19 to the eight separate plans they currently file. We do
20 have some concerns about this, we have expressed our
21 opposition to it to the Department.

22 Ray plans to sit down with Commissioner
23 Kirk to see if we can't come to some mutual agreement,
24 but we have begun to share our concern with the

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1 Legislature about that particular provision. Our budget
2 is scheduled for a public hearing on February 20th
3 starting at 6:30. Ray will go before the Appropriations
4 Committee at 6 o'clock.

5 Once we do that with the Appropriations
6 Committee, we will be sitting down with the Regulation
7 Protection Subcommittee to go over in more detail the
8 provisions of the Governor's proposed budget for this
9 agency.

10 And we have been -- Ray and I have been
11 meeting with a number of Legislators about our
12 legislative proposals, the recommendations from the State
13 Contracting Standards Board, including the Disparities
14 Study and Municipal Exemption, the need for additional
15 positions. We do anticipate additional meetings with
16 other legislative leadership and chairmen before the end
17 of this month.

18 And Ray will probably talk in his report
19 about they fact that we met with the African American
20 Affairs Commission, the Latino Puerto-Rican Affairs
21 Commission, and the Latino -- the Black and Latino Caucus
22 of the Legislature to discuss how we can all work
23 together and address issues of mutual concern.

24 And last but certainly not least,

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1 Commissioner Clarke is scheduled to go before the
2 Executive Legislative Nominations Committee on the 13th
3 at noon, and Commissioner Brown, I believe is still
4 scheduled to go for the Committee on the 22nd.

5 CHAIRPERSON NORTON: So what, I'm sorry,
6 I'm reading some of your stuff and I may have missed a
7 sentence or two. The Governor's budget proposes what, a
8 holding the number of people we have?

9 MS. FERGUSON: We are currently authorized
10 at -- of a position count of 100, that remains the same.
11 We did submit a budget expansion option for five
12 additional positions, that has not been included in the
13 Governor's budget. But we do plan to express the need
14 for additional staff when we get together with the
15 Appropriations Subcommittee.

16 CHAIRPERSON NORTON: Thank you. Any
17 questions? Thank you very much then. And I guess we'll
18 go to the Managing Director's Report.

19 MR. ROBERT BROTHERS: Good afternoon
20 Commissioners. I'll give you an overview of what's going
21 on in the legal division. We currently have 44 cases
22 that we're totally carrying, 16 cases that are in
23 Superior Court dealing with housing elections, 11 cases
24 that are pending appeal, including a case in which we

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1 just submitted a brief before the Connecticut Supreme
2 Court on Monday. Two pending re-openings, of which I
3 expect one to be ready for you next month.

4 With respect to those numbers, 40 percent
5 of the cases currently that we have are in court, which
6 is actually down since the time that I've been managing
7 the office, it ran around 50 percent, so it's somewhat
8 down. The other cases that we're currently handling, 24
9 are housing related, of which 15 are in court, which is
10 about 62 percent, which is also down. That's
11 historically been about 75 percent for housing election
12 cases.

13 We've had two of the attorneys in the
14 office just return from the John Marshall Law School in
15 Chicago on housing training for litigation. We're
16 currently developing a project now to have one attorney
17 working with the Contract Compliance and Affirmative
18 Action Unit to have direct legal assistance.

19 As mentioned last month, we're taking over
20 the reconsiderations or at least the bulk of them, from
21 the housing unit and from David Teed. They each had some
22 that they're actively working on, but other than that
23 they are now with the legal department.

24 And 48 of those are pending, and there's

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1 about eight of those that are being actively worked on.
2 It's going to take some time before we actually bring
3 that number down to zero. Other than that, everything is
4 status quo.

5 CHAIRPERSON NORTON: Thank you very much.
6 Are there any questions of any Commissioners for Attorney
7 Brothers? Then Executive Director Pech's report?

8 MR. PECH: Good afternoon again. I guess
9 one of the advantages of going last is I don't have to
10 say as much because some people have referenced parts of
11 my report. And I did submit an actual written report,
12 which is in your supplemental folder this month, I
13 thought that might make it easier to follow for now and
14 in the future. And I won't certainly read it to you
15 anyway, I don't like to read my own writing, and you can
16 read it. I'll summarize, though.

17 I spoke last month that I was going to
18 speak to the Association of Affirmative Action
19 Professionals to straighten out some issues that have
20 come up with that organization over the last couple of
21 years regarding defaults when plans are reverted to six
22 months. That happened, we had a good meeting, I think I
23 cleared the air.

24 And we also devised some ways that that

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1 organization and we will work more closely in the future,
2 particularly with respect to the training that we have to
3 do pursuant to Public Act 03-151. We have begun the
4 rather lengthy and not terribly exciting -- I guess I
5 shouldn't say that, but process of reviewing our
6 affirmative action regulations, as you have heard
7 referenced several times in the past several months.

8 Some of them are out of date. Just as an
9 example, in '99 at our request the Legislature gave you
10 the authority to conditionally approve a plan. We don't
11 have any regulations to determine what would constitute a
12 plan that could be conditionally approved. All we have
13 right now is approve or disapprove, there is no middle
14 ground in the regs. So, included in regs have to catch
15 up with that.

16 The regs are, as currently written, are
17 lengthy. I wish I could say that they would be less
18 lengthy after our revisions, but I'm a lawyer, I doubt
19 that will happen. They will be amended I can tell you
20 that. There are a couple of points in the current regs
21 that are universally despised, I think, by both our
22 reviewers and by the poor folks at the agencies that have
23 to do the plans.

24 One of them has to do with adverse impact

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1 tests. I won't make any pledges that you can hold me to,
2 but they're being seriously looked at as to whether it is
3 important to continue with those. Anyway, it's a long
4 process, I don't anticipate we'll be done until next year
5 because once we finish we then have to go to the
6 Regulation Review Committee, that has to be passed, and
7 there's a whole process up there once we're happy with
8 the revisions.

9 And we're also going to include folks from
10 CTAAAP with us to help review the regs and get their
11 inputs since they're the ones that have to deal with them
12 every month along with our folks.

13 CHAIRPERSON NORTON: There will be
14 representation from the Affirmative Action Unit in this
15 process?

16 MR. PECH: Yeah, the entire unit is on the
17 committee.

18 CHAIRPERSON NORTON: Okay. That was
19 something which wasn't the case at a -- one stage.

20 MR. PECH: Well, yes the entire unit of
21 Paula and Valerie and Neva, but yeah.

22 CHAIRPERSON NORTON: And Alvin.

23 MR. PECH: Alvin is on it also.

24 CHAIRPERSON NORTON: Okay.

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1 MR. PECH: And Bob, and me, and a lot of
2 other folks. But we've already heard reference to the
3 MLK Commission, it went very well. She is not here, but
4 I would acknowledge Vergie Downer of our staff, she helps
5 every year put that together and make sure that all the
6 "T's" are crossed and "I's" are dotted and things run
7 well. And it ran well as Commissioner Norton said.

8 I was there, Commissioner Marshall was
9 there, Commissioner Norton was there, I think you were
10 there, weren't you, Commissioner Griffin?

11 MR. GRIFFIN: No, we were at another
12 location.

13 MR. PECH: Oh, I know I saw you.

14 MR. GRIFFIN: No, we went to the
15 dedication --

16 MR. PECH: Okay.

17 MR. GRIFFIN: -- at the Secretary of
18 State's Office.

19 MR. PECH: That's right, okay thank you.
20 That's right, I forgot about that, that was the
21 dedication in the State blue book to Rosa Parks, Coretta
22 Scott King and a Judge from Connecticut, I can't remember
23 her name. It's failing me. Thank you, yes.

24 The -- I did go to the annual meeting of

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1 the lawyer's Collaborative for Diversity at Commissioner
2 Clarke's place of employment ---

3 MS. CLARKE: I saw you.

4 MR. PECH: -- three weeks ago. I'm not
5 lying, I was there.

6 MS. CLARKE: I know.

7 MR. PECH: I made sure you saw me.

8 MS. CLARKE: That's the main thing to see
9 you out and about.

10 MR. PECH: The -- this is a group,
11 obviously by it's name, that is trying to get diversity
12 into law firms, not only into them, but keeping the firms
13 diverse, which has been an issue for years. We were
14 actually invited to become a sponsor in this
15 organization, several State Agencies are, two years ago.
16 And for whatever reason that invitation was not taken up,
17 I'm going to pursue it. I think it's something we should
18 be on the Board of support for.

19 Staff, as Nandi said that I would go
20 through that. Currently we have nine as of the 19th of
21 January. We have nine HR reps, investigators, people who
22 do investigation work in Waterbury, which is the goal
23 that you all were shooting for last fall. We have eight
24 in Capital, which is the goal we were shooting for, and

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1 we had four in fair housing, which is the goal we wanted.

2 We had eight in Bridgeport until the 19th
3 of January where we had a resignation. That position is
4 in the last stage of approval, and we're working on it as
5 quickly as we can. And we currently have seven in
6 Norwich, one of which we offered a job two weeks ago to a
7 gentleman who had been a great candidate. He is,
8 actually the Deputy Chief of Police in Norwich, but he
9 was trying to work out a deal for retiring, and then come
10 to work for us.

11 And he couldn't work it out, so he's going
12 to remain the Deputy Chief of Police in Norwich for a
13 little while longer. So, we're going to repost that
14 position so we can fill the Norwich vacancy. We are in
15 the final approval stage for a half time clerical
16 position in Norwich. I did have several conversations
17 with Chairman Norton.

18 We decided to convert the Curriculum
19 Manager position to an HRO position and fill that in
20 affirmative action with a desperate need for more than
21 one new person, but at least we'll get one. That has
22 been approved, it was posted yesterday for filling. I
23 did not feel very uncomfortable in doing that, because we
24 have plenty of other avenues for training.

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1 And I'm not going to go through them. I
2 wrote them in my report, but I didn't feel like I was
3 giving up something by losing a Curriculum Manager
4 position because we have several training venues out
5 there, some of which we have to use in order to maintain
6 our accredited status with the EEOC and HUD, and some of
7 which are available independently -- Bob referenced the -
8 - two of them went to John Marshall Law School this past
9 month for training.

10 That is, for everybody who's attended it,
11 that is supposed to be, probably the best program in the
12 country for training lawyers in litigating housing cases.
13 They've got a national reputation and everybody that goes
14 to that program comes out and they say boy that was the
15 most intensive three days I've been through, but I
16 learned a lot. So, it's a very, very good program.

17 CHAIRPERSON NORTON: I just wanted to jump
18 in, if I might, and say that you may recall that back in
19 the summer we had expressed an opinion, at least to the
20 agency, that with the vacant Curriculum Manager
21 position, because of a resignation, maybe we should sit
22 back and decide whether those resources, those dollars,
23 could be applied somewhere better in the agency where the
24 needs were greatest.

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1 And particularly we talked about Contract
2 Compliance and Affirmative Action. And in fact, one of
3 the things that created a little bit of tension was that
4 the agency leadership proceeded to try to fill that
5 vacancy even though we kind of expressed the opinion to
6 look elsewhere for a greater needs.

7 So, talking with Mr. Pech I -- you know,
8 remembered that well, and he said it looks like we could
9 make an attempt to reallocate those dollars to the
10 Affirmative Action Contract Compliance Unit, freeing up
11 and adding to the work there -- not adding to the work,
12 subtracting from them -- subtracting work from other
13 people, in any case, bolstering that commitment to both
14 those things.

15 But he gave me a sense -- a confident
16 sense that training wouldn't suffer, that there are other
17 ways -- and I'm not being too repetitive, but the
18 Curriculum Manager is about training, that there are
19 other people out there doing training in the agency,
20 other groups outside of the agency that provide training,
21 so it did seem pretty clear that bolstering the Contract
22 Compliance Affirmative Action Unit was the better buy,
23 was the better priority. I'm sorry, Commissioner --

24 MR. GRIFFIN: Going back to that, was

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1 there some mention of at one point that the legislature
2 had approved that specific position to be filled? You
3 know we had some discussion about that -- it doesn't have
4 anything to do with it right?

5 CHAIRPERSON NORTON: I believe that claim
6 made have been made at one point.

7 MR. PECH: The process would be, and the
8 process was, I believe, the former Executive Director
9 decided he would like that position. He went to DAS,
10 through the channels, however that works, there is a
11 generic state title called Curriculum Manager (tape
12 changed) and asked if one could be created -- I had no
13 knowledge of why the legislature would --

14 CHAIRPERSON NORTON: Well, Commissioner
15 Griffin's memory is right, that it was put to us at one
16 point that, I don't know how to put this, but at least a
17 suggestion was put forward that we be in some way perhaps
18 disobedient if we didn't fill the position or doing
19 something wrong because it was out there by the
20 legislature. You're -- I'm not familiar with all of the
21 details.

22 MR. GRIFFIN: And also to follow up on
23 that, that position could not be filled and -- with a
24 Contract Compliance and Affirmative Action person, that

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1 it was specifically earmarked for that and that we
2 couldn't utilize that position for anything else. That's
3 what my understanding was.

4 MR. PECH: I understand I wasn't privy to
5 those discussions, but --

6 CHAIRPERSON NORTON: No, you're memory
7 was, if not better, quicker than mine just then. You're
8 right, Mr. Griffin, we got told that. It apparently was
9 not true.

10 MR. PECH: To my knowledge, I don't think
11 anybody else --

12 MS. CLARKE: Well does it mean we still
13 have a vacancy that we can fill?

14 CHAIRPERSON NORTON: No.

15 MR. PECH: Well, we can turn a vacancy
16 into another position which we can now fill. We can no
17 longer have a Curriculum Manager position, we have a new
18 --

19 MS. CLARKE: I see.

20 MR. PECH: -- HR representative position
21 for the same money.

22 MS. CLARKE: Alright.

23 MR. PECH: Actually, we saved a few bucks.

24 MS. CLARKE: I thought if we were somehow

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1 mandated to have that position, it still allowed -- I'm
2 just trying to get another position out of it, that's
3 all.

4 MR. PECH: Listen, believe me, I'm trying
5 everything to get more positions.

6 MS. CLARKE: Just a little slight of hand.

7 MR. PECH: Hey, if it works.

8 MS. CLARKE: If it works.

9 MR. PECH: Lena referenced the meetings
10 with Legislatures in the last month. I think last month
11 I said I had two meetings scheduled, I actually met with
12 17 different folks now in the legislature in the past few
13 weeks. Chairs of various committees, judiciary which is
14 where our bills go, planning and development, which is
15 where some of the bills that we're interested in will go,
16 for the same stuff coming out of the Contracting
17 Standards Board.

18 Appropriations, obviously is -- Nandi
19 mentioned the budget and we washed, we didn't lose
20 anything, which makes us better off than some agencies,
21 but we didn't get anything either. And -- but I'm not
22 without hope. We have some pretty staunch allies on the
23 Appropriations Committee. And I'm not going to promise
24 the sky, but I think it's possible we will come out with

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1 a couple of positions once the actual -- I mean, the
2 budget that came out yesterday that's what the Governor's
3 recommending, the Legislatures got to adopt it, it's the
4 only way that may change.

5 But I'm not without hope, although I can't
6 say I'm sleeping soundly about the idea. But I think we
7 might get somewhere. We had a very interesting and
8 successful meeting with, as Lena mentioned, the Black and
9 Latino Legislative Caucus, and the African American
10 Affairs Commission and Latino Puerto Rican Affairs
11 Commission all in one meeting. And I think that's
12 probably the first time that's been done.

13 And we all think it would be beneficial to
14 us to continue to meet on a regular basis to get through
15 the session to give you some support and aide to bills,
16 issues that we have in common which obviously remain.
17 I'm going on too long.

18 We do have a meeting tomorrow which is
19 with DPW and the next month with DPW and the clinic
20 downstairs. As you know we, share the space with the
21 clinic, it has been an edgy proposition from time to
22 time, there are a lot of issues that come between them
23 and us. And the most recent is that Mr. Ingram last fall
24 and the Affirmative Action Program Manager, Ms. Sparver

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1 asked OSHA to come in and do a measure of the air quality
2 here.

3 CHAIRPERSON NORTON: Because of the
4 existence of the clinic?

5 MR. PECH: Because of the existence of the
6 clinic, because there was some speculation that our folks
7 here may get sick with things like respiratory issues
8 more than other folks. And was it due to the exposure in
9 the -- you've been in the elevators, you ride up and down
10 those elevators with the same folks from the clinic, and
11 they've all kinds of issues going on.

12 And I'm not a scientist but the report was
13 issued in the fall and -- November I think, and the air
14 quality here is not great. It's -- it actually, as I
15 understand it, again I'm not a scientist, we barely do
16 meet the standard for an office building. The problem is
17 that we share the space with a clinic, and the clinic is
18 way out of line with standards for a hospital type
19 setting.

20 The problem is we have to take action on
21 it because we're in the same building and share the air.
22 So, I'm meeting with DPW, who rents the building, and
23 then them. This organization, OSHA, made several
24 recommendations, the first being to move, which is

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1 obviously what we want to do, and we are trying to do.

2 Absent that, they made some other
3 recommendations, quite honestly, one of them I think is
4 impractical and the other I can't imagine anybody here at
5 the clinic will buy into, which is to have one elevator
6 for them, another elevator for everybody else. I don't
7 think that's going to happen.

8 So, I -- basically I don't want to say
9 we're going through the motions, but we have to try to
10 resolve it, I don't think it will resolve. And then
11 there are other steps we will have to take after that.

12 CHAIRPERSON NORTON: I would recommend, if
13 -- it sounds like it's your instinct that CHRO not
14 undertake any solutions which might suggest
15 discrimination.

16 MR. PECH: I would try to avoid that, I
17 think. Two final things, you all I hope got -- Bob and I
18 put together a survey, we talked about the Commissioner
19 Orientation last month.

20 CHAIRPERSON NORTON: Yeah.

21 MR. PECH: For each of you there are
22 different categories, boxes to check yes or no. If you
23 check those off, the areas you have interest in or don't
24 have interest in, we're going to collate things and try

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1 to come up with some times. What we thought was, you
2 know, realistically because of the legislature and so
3 forth, they're probably looking at April before we can
4 actually do some of this.

5 And what we thought was maybe we could get
6 together for two hours over lunch a couple of times so
7 that it doesn't take a whole chunk out of your day.
8 Don't feel that we're going to grade you if you don't
9 check off -- we don't want to know about everything. You
10 may have areas that interest you more than others. And
11 anyway, if you could hand those in at your leisure.

12 I will say we heard that Nandi's leaving,
13 I am very disappointed about that. When I was interim
14 director a few years ago, I tell the folks one of the
15 best things I did, and I believe that when I did it and I
16 believe it today, was to bring Nandi to this agency and
17 I'm very sad to see her go.

18 We will still be in touch and in her
19 typical way she has volunteered to come in and help us
20 along until we get somebody to replace her, because her
21 position is critical. And one of the other things, we
22 don't get paid, and you don't get your mileage, but It's
23 not quite as big as my paycheck, I hope.

24 And lastly, I am involved with a -- we'll

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1 both be on vacation next week so, Donald Newton is going
2 got be in charge, Consult with Dave if there's any legal
3 issues. I'm going skiing, I sure hope there's snow in
4 Vermont.

5 MS. CLARKE: Good luck to you.

6 MR. PECH: I have a brother and sister and
7 brother-in-law and sister-in-law and all their kids
8 coming and if there is no skiing, I have eight nieces and
9 nephews under 10, I am not going to come home a more
10 relaxed person. So, I am hopeful that there is good snow
11 up there so we can ski. That's it. And Commissioner
12 Clarke, I apologize I won't be at your Confirmation
13 Hearing, because I will be --

14 MS. CLARKE: Shucks.

15 MR. PECH: -- skiing.

16 MS. CLARKE: You'll be skiing.

17 MR. PECH: Normally, I would be there.

18 Thank you.

19 CHAIRPERSON NORTON: So, what's next in
20 our -- I'm sorry have you --

21 MR. PECH: Yeah, but you have to listen to
22 me some more anyway.

23 CHAIRPERSON NORTON: New business is
24 Contract Compliance Exemption Requests?

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1 MR. PECH: Yes. The first one is just
2 like the one last month. Central would like an exemption
3 for an exchange program with the University of
4 Hertfordshire in England. For all the reasons I've said
5 before, out of state, there's no money involved, it's out
6 of the country, there's no money involved, no state
7 employees involved. It's a sole source provider kind of
8 thing. I certainly recommend that you grant the
9 exemption.

10 MR. GRIFFIN: Do you want to discuss? I
11 was just going to make a motion.

12 CHAIRPERSON NORTON: Sure, is there a
13 motion to --

14 MR. GRIFFIN: Yeah, I make a motion that
15 we press for Central Connecticut State University --

16 CHAIRPERSON NORTON: Commissioner -- I'm
17 sorry, I cut you off.

18 MR. GRIFFIN: I guess you want to read the
19 contract as it is here? (Indiscernible, several voices)
20 for Central Connecticut State University regarding
21 proposed student exchange at the University of
22 Hertfordshire in England. I move.

23 MR. CONAWAY: I second.

24 CHAIRPERSON NORTON: The motion has been

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1 to accept recommendation that we allow this contract
2 exemption. Commissioner Conaway has seconded it. All
3 those in favor of that contract exemption please say aye?

4 VOICES: Aye.

5 CHAIRPERSON NORTON: Is there anyone
6 opposed? Is there anyone abstaining? It is granted.
7 Number two?

8 MR. BROTHERS: This contract exemption
9 actually may sound familiar to you. Back in December we
10 had this brought to us by UCONN who is engaging in, and
11 Commissioner Conaway, you particularly showed an interest
12 in this because you wanted the actual study that had to
13 do with special needs children --

14 MR. CONAWAY: Right.

15 MR. BROTHERS: -- with the University of
16 Colorado. When it was presented to us at that time, it
17 was actually the end. And they really should have come
18 to us at the beginning. Although it was at the end of
19 the contract period, the work had started, there were no
20 state funds that were spent. So, when you grant that
21 exemption, it really had to do with the end of that
22 contract period. They are now before us again doing what
23 they should have done originally at the beginning of it.

24

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1 This is for the contract period going from
2 January '07 through December 31, '07. So, it's exactly
3 the same contract, same parameters, same study, just the
4 current -- just current calendar year.

5 MR. CONAWAY: Did they get us the copy of
6 that last one?

7 MR. BROTHERS: Actually, I made that
8 request and they will do that. Once the study is done
9 and we actually have something in writing, it will be
10 presented to me, and I in turn will present it to you.

11 MR. CONAWAY: It's not done, it's like
12 half way through?

13 MR. BROTHERS: It's in progress.

14 MR. CONAWAY: Okay. So moved.

15 CHAIRPERSON NORTON: A motion by
16 Commissioner Conaway to approve the staff -- well, to
17 grant a request to UCONN for a contract compliance
18 exemption to have a contract in this matter with the
19 University of Colorado.

20 MR. GRIFFIN: Second.

21 CHAIRPERSON NORTON: Second from
22 Commissioner Griffin. All those in favor?

23 VOICES: Aye.

24 CHAIRPERSON NORTON: Is there anyone

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1 opposed? Is there anyone abstaining? The motion passes.
2 Old business?

3 MR. PECH: I actually discussed that
4 earlier, sorry.

5 CHAIRPERSON NORTON: Please don't
6 apologize. It's nice to just go -- jump right past it.
7 Now, I would accept a motion from the Commissioners to go
8 into executive session. I would like the motion to say
9 that Attorney Brothers and Mr. Pech should be invited for
10 at least some of that executive session. Is there a
11 motion?

12 MS. CLARKE: So moved.

13 MR. GEORGE MARSHALL: Second.

14 CHAIRPERSON NORTON: Commissioner Clarke
15 moves. Commissioner, actually I think Marshall came in
16 with the second first. And so all those in favor say
17 aye?

18 VOICES: Aye.

19 CHAIRPERSON NORTON: Is there anyone
20 opposed, is there anyone abstaining? Two-thirds having
21 been met, we will go into executive session for the items
22 on our agenda. Thank you very much. Bye Nandi.

23 CHAIRPERSON NORTON: Is there a motion to
24 return from Executive to regular session by anyone of the

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1 Commissioners --

2 MR. GRIFFIN: So moved, so moved.

3 MR. MAMBRUNO: Second.

4 CHAIRPERSON NORTON: A motion by
5 Commissioner Griffin, seconded by Commissioner Mambruno.
6 So, the motion has been made by Mambruno, seconded by
7 Griffin.

8 MR. GRIFFIN: No, Griffin then Mambruno.

9 CHAIRPERSON NORTON: Okay, you always have
10 to put in first. Okay, Commissioner Griffin has moved
11 that we return to regular session, Commissioner Mambruno
12 has seconded it. All those in favor?

13 VOICE: Aye.

14 CHAIRPERSON NORTON: All those opposed?
15 Any abstentions? The motion passes by two-thirds to come
16 back. The motion passes, we're in regular session. I
17 would like to report that we did not pass any vote during
18 the executive session. And we are now back to our
19 agenda, so we don't plan to vote on any of the actions
20 that came up in executive session.

21 Is there any business that needs to be
22 reported to us by the executive director, Mr. Brothers,
23 that we need to know?

24 MR. PECH: The only thing that I would

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1 like to try to figure out is several months ago you
2 nominated Commissioner Mambruno and -- did you nominate
3 or did he volunteer, I forget at this point?

4 CHAIRPERSON NORTON: That was a
5 legislative --

6 MR. PECH: A legislative thing. I mean,
7 we're in high season right now, and I don't know how to
8 handle -- we went you some stuff last week I think, I
9 don't know whether we heard from you --

10 MR. MAMBRUNO: I spoke with Lena.

11 CHAIRPERSON NORTON: We've got a whole
12 bunch of other stuff now that we've been asked to take
13 positions on and I don't know if it's possible that we
14 could meet fairly regularly for the next I'd say six
15 weeks, eight weeks.

16 For instance, I'll give you one right now.
17 I am writing testimony on a bill that we've been asked to
18 submit an opinion on, and it has to do with a proposal to
19 establish a specific set aside -- piece of the set aside
20 pie, if you will, for disabled veterans.

21 Now, there is already a piece of the set
22 aside pie for people with disabilities. And I have all
23 respect for people that serve our country, but the pie
24 can only be cut up in so many pieces.

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1 MR. GRIFFIN: Are you saying there's one
2 piece of pie and they want to take --

3 MR. PECH: Take another little piece,
4 right, the percentages aren't changing. And I just see
5 this is as potentially problematic. And I hate saying
6 something like that because I have absolutely respect for
7 veterans. But you know, and if another group comes
8 forward and says well how about this group and how about
9 that group?

10 CHAIRPERSON NORTON: What is it they're
11 trying to do with the veterans again?

12 MR. GRIFFIN: Set aside.

13 MR. PECH: A piece of the set aside pie,
14 which is so big --

15 CHAIRPERSON NORTON: Oh.

16 MR. PECH: Six and a quarter percent for
17 minority contractors. Including, there is already a
18 piece for ethnic minorities, and there's also a piece for
19 women minority contractors, there's already a piece for
20 disabled contractors. Now they want to make a separate
21 piece for disabled veteran contractors.

22 MR. GRIFFIN: But did not expand anything?

23 MR. PECH: But not expand the pie, you're
24 still eating out of the same size pie.

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1 MR. GRIFFIN: Well how could they --

2 MR. PECH: That's just the bill that's out
3 there.

4 CHAIRPERSON NORTON: Some definitions are
5 rather broad.

6 MR. GRIFFIN: When they define whatever a
7 protective class is, I guess that's what we're taking
8 about, right?

9 MR. PECH: Well, disabled veterans are not
10 in our protective class --

11 MR. GRIFFIN: What I'm saying --

12 MR. PECH: -- but disabled folks are.

13 MR. GRIFFIN: The original legislature or
14 whatever --

15 MR. PECH: Yeah.

16 MR. GRIFFIN: -- has in it who will be --

17 MR. PECH: Who will eat from that pie.

18 MR. GRIFFIN: That's right.

19 MR. PECH: And one of them is people with
20 disabilities -- contractors with disabilities.

21 MR. GRIFFIN: Alright, and you're saying
22 that now they're saying, or they've added disabilities to
23 that but they've kept the same legislation and added that
24 into the same piece of pie?

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1 MR. PECH: Well, they haven't done it yet,
2 but there's a proposal to add a fourth -- I hate this
3 word, I started down this road, a fourth mouth at the
4 table to eat from the same size portion of food.

5 MR. GRIFFIN: Yeah, but their argument is
6 that you can't have the same piece of pie.

7 MR. MAMBRUNO: Yeah but, do you have --

8 MR. GRIFFIN: Our argument is that you
9 can't have the same piece of pie.

10 MR. MAMBRUNO: If you have disabled people
11 -- disabled veterans --

12 MS. CLARKE: They're already covered.

13 MR. PECH: Well, that's -- yes, that is an
14 argument. That is an argument, but I need -- I raise
15 this just by way of example, this one is totally more
16 sensitive than some, but these are the kind of things
17 we're asked to take positions on, and I can't wait for
18 the next Commission meeting to determine what your sense
19 is.

20 We're asked sometimes -- this bill is up
21 Tuesday for instance, we were asked early today to take a
22 position on it. And --

23 MR. GRIFFIN: At this point, you know, at
24 this point I would just have to -- you know, I'd have to

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1 concede to staff. You know, just you know --

2 MR. MAMBRUNO: You have my cell phone.

3 CHAIRPERSON NORTON: This is a broad
4 policy plan, it's not just -- I mean it becomes -- it
5 makes life more difficult to monitor, I'm sure. It may
6 explode the numbers.

7 MR. PECH: Yeah, now it's possible that we
8 could say -- and again, I don't know because I don't know
9 where you -- I mean 90 percent of the bill is probably
10 more than that. I got a pretty good sense in my own head
11 where I stand and where you guys stand. I think -- I
12 know that. On both bills. This one I'm waxing back and
13 forth on.

14 For instance I could see maybe not
15 opposing it so strongly if it were amended to make the
16 piece of pie bigger, but you can't do that until we get
17 disparity study, because there's no numbers to support a
18 bigger piece of pie right now. That's why all the stuff
19 that we've been supporting like a disparity study, it all
20 dovetails, you know, you can't do this until you get the
21 disparity study.

22 So, until that's done the piece of pie
23 isn't going to change, the size of it. It's just another
24 mouth to feed.

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1 MR. CONAWAY: If I was asked to vote on it
2 right now, I would you know, I would be in opposition of
3 it.

4 MR. PECH: I mean, that's my gut, but I
5 don't want to take that unless --

6 MR. CONAWAY: Yeah, I'm going -- I'd go on
7 record, I'd say I'd be in opposition of it right now.

8 CHAIRPERSON NORTON: Well the other thing,
9 it would probably change -- my guess is that with all
10 these existing categories of preference for you know,
11 contracts, it's with the thought that those people have
12 been shorted historically.

13 MR. PECH: Right.

14 CHAIRPERSON NORTON: Or, under
15 represented. And in the case of veterans, I don't know
16 that there's any evidence to think that --

17 MR. PECH: And that's another issue that
18 you really need a disparity study for. Even if they
19 increase the piece of the pie, even if they had a
20 disparity study to show that the piece of pie ought to
21 get bigger, it also would not show the disabled veterans
22 had been historically slighted, if you will, that would
23 be unconstitutional -- it would be illegal.

24 MR. CONAWAY: But disabled veterans are

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1 disabled people, so they would be --

2 CHAIRPERSON NORTON: I'm sorry, I thought
3 you were saying veterans entirely.

4 MR. PECH: No, disabled veterans.

5 MS. CLARKE: Disabled veterans who are
6 already covered, technically, as disabled.

7 MR. PECH: That's right.

8 MS. CLARKE: So, that would just be --

9 MR. CONAWAY: I'd be in opposition of it
10 right now.

11 MS. CLARKE: That's almost like a double
12 dip. If you want to think about it, I mean because if
13 you're covered in one category, and we're not saying that
14 they couldn't be, but if the case was to be made for
15 veterans and not veterans with service related
16 disabilities, that would be one issue.

17 MR. PECH: Another point on the bill which
18 isn't even clear at this point. I think the intent is
19 probably veterans with service related disabilities, but
20 that's not what it says.

21 MS. CLARKE: It's not what it says. This
22 says, disabled veterans.

23 CHAIRPERSON NORTON: But I believe that
24 there are veterans or people who sometimes suffer

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1 workplace injuries not specifically someone who worked at
2 Pratt & Whitney --

3 MS. CLARKE: Exactly.

4 MR. PECH: There's lots of reasons that I
5 can list to why I have reservations. But I just want a
6 sense that you guys are with it. And I raise this
7 because we have to make decisions like this in the next
8 couple of months relatively frequently and relatively
9 quickly.

10 CHAIRPERSON NORTON: I'm uncomfortable
11 right now saying -- having you make a public statement,
12 the Commissioners of the CHRO have made it clear they
13 don't support this disabled Vet thing. I've got to tell
14 you --

15 MR. CONAWAY: That's not a good one.

16 CHAIRPERSON NORTON: I don't want to come
17 out and say the

18 MR. CONAWAY: There are times when people
19 take no position.

20 MR. PECH: And that's clearly an
21 alternative. If you prefer we take no position on it.
22 We can do that.

23 MR. GRIFFIN: I mean, veterans, disabled
24 veterans, we don't want to make the statement --

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1 MR. CONAWAY: No.

2 CHAIRPERSON NORTON: No.

3 MR. PECH: That's why I started out by
4 saying I have all respect for them, but --

5 CHAIRPERSON NORTON: But I would say that
6 if it came down to it, I couldn't comfortably represent
7 my position, I'm just talking about me, that it ought to
8 be combat related disability.

9 MR. GRIFFIN: Well, that's the only
10 disability you get in the service, it's service
11 connected.

12 MR. PECH: And I'm sure that that's
13 probably what they intended, Mr. Griffin. But right now
14 the draft of it doesn't make that clear.

15 MR. CONAWAY: I'd say add more to the pie,
16 that's what I'd say.

17 MR. GRIFFIN: Yeah, if you want to do this
18 --

19 CHAIRPERSON NORTON: That's probably as
20 good a direction as you're going to get at this point.

21 MS. CLARKE: Which is no direction at all.

22 MR. GRIFFIN: Why don't you pull out for
23 those bills that you find extremely difficult for you to
24 deal with, and the ones that ain't no problem, leave them

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1 and don't bring them to us. And just bring those ones
2 that you have controversies surrounding them.

3 MR. CONAWAY: At this point, won't you be
4 working with Ed and --

5 MR. PECH: I mean, that's the question --
6 that's the first question is you guys did want me to
7 (indiscernible, several voices) I don't know, five, six
8 months ago. And --

9 MR. CONAWAY: But I responded and talked
10 to Lena on some stuff but not this recent stuff.

11 MR. PECH: Right, and I -- right now we've
12 been asked to take a position, and I'm going to say
13 conservatively on 20 or 25 bills. Most of them are no
14 brainers. Okay?

15 MR. CONAWAY: Okay.

16 MR. PECH: I'm heading the disparity
17 study. I'll give you one that I'm strongly for, and I
18 don't think that I'm stepping out of bounds. There's
19 been a proposal to set a fund -- actually the current
20 bill is to set a fund only for Bridgeport. I'm
21 advocating doing it for the whole state of bonding money
22 for minority contractors, because that's the obstacle.

23 MR. CONAWAY: That's easy.

24 MR. PECH: You know?

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1 MR. CONAWAY: Yes.

2 MR. PECH: And to reserve a revolving
3 fund, they refund the money, it can come back once the
4 construction's done.

5 CHAIRPERSON NORTON: What do you mean the
6 money comes back?

7 MR. PECH: You get your bond back once
8 you've done your job.

9 MR. CONAWAY: It's a security deposit.

10 MR. PECH: It's like a security deposit,
11 that's a good word for it.

12 CHAIRPERSON NORTON: Oh, this isn't
13 bonding to pay --

14 MR. PECH: No, this is -- when a
15 contractor does a job, he posts a performance bond --

16 CHAIRPERSON NORTON: I understand, I
17 understand performance bond.

18 MR. PECH: Now, that's a no brainer. I
19 would assume that you guys would endorse that on a
20 statewide basis? See, I have no problem with that. This
21 one's a little easier.

22 MR. MAMBRUNO: Ray, why don't you just
23 call the Legislative Committee if you have any other
24 questions, alright?

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1 MR. PECH: Alright.

2 MR. GRIFFIN: I make a motion.

3 MR. PECH: That's all I had to say.

4 CHAIRPERSON NORTON: Is there a second to
5 the motion to adjourn?

6 MR. MAMBRUNO: Second.

7 CHAIRPERSON NORTON: There being no
8 discussion, all those in favor?

9 VOICES: Aye.

10 CHAIRPERSON NORTON: Anyone opposed?
11 Anyone abstain? We are adjourned, it is 5 -- 4:58.

12 (Whereupon, the meeting was adjourned at
13 4:58 p.m.)

14

15