

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES, THURSDAY, APRIL 12, 2007, 2:00 P.M.,
21 GRAND STREET, HARTFORD, CONNECTICUT 06106,
LARGE CONFERENCE ROOM**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Lillian Brown
Cheryl Lynn Clarke
Larry Conaway
Jimmie Griffin
John Lobon
George A. Marshall (participated telephonically)

COMMISSIONERS ABSENT

Gloria Mengual

STAFF PRESENT

Raymond P. Pech, Executive Director
Robert B. Brothers, Jr., Managing Director and Commission Attorney
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor
Sal Marino, Interim Fiscal Administrative Manager
Donald Newton, Chief of Field Operations
David Teed, Assistant Attorney General
Linda Civitillo, Administrative Assistant

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the April 12, 2007 Regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:04 p.m. He noted for the record that Commissioner George Marshall would be participating in the meeting telephonically.

II. SECRETARY

A. Review and Approval of Transcript of March 8, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion approving the transcript of the March 8, 2007 Regular Commission meeting. It was moved by Commissioner Griffin and seconded by Commissioner Marshall to approve the transcript of the March 8, 2007 Regular Commission meeting. The motion carried with Commissioners Brown, Clarke, Conaway, Griffin and Marshall voting in favor of the motion. Commissioner Lobon abstained and Chairperson Norton did not vote.

Chairperson Norton recognized Commissioner Griffin's request for a motion to add an item to the agenda. It was moved by Commissioner Griffin and seconded by Commissioner Brown to open the agenda for the purpose of discussing the Don Imus/Rutgers issue and a letter written to CBS Radio by Executive Director Pech related to this matter. The motion carried unanimously with the exception of the Chairperson, who did not vote. The agenda was now open for the single purpose of discussing this issue. Commissioner Griffin moved that the Commissioners adopt, in resolution form, a statement, which was read into the record. Commissioner Conaway seconded the motion. Chairperson Norton recommended a minor amendment be made to the statement and also suggested it be reflected that it's from the Commissioners by including the names of all nine Commission members at the bottom of the statement. By way of clarification, Executive Director Pech indicated he wrote the letter yesterday under his name, but on behalf of the Commission, and sent it to the President of CBS Radio this morning. Commissioner Brown suggested confirming whether Mr. Imus has been fired by CBS prior to sending the letter. If it is determined that he has been fired, Chairperson Norton asked that the statement be revised commending CBS for taking that action. There was no further discussion on this matter. The motion carried unanimously. Chairperson Norton did not vote. A copy of the statement, with the noted changes, has been attached to these minutes as **Attachment A**.

III. DIVISION REPORTS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Connecticut Valley Hospital
2. Department of Information Technology
3. Department of Revenue Services
4. Division of Special Revenue
5. Office of the State Treasurer

Chairperson Norton requested a motion to approve all five affirmative action plans. It was moved by Commissioner Conaway and seconded by Commissioner Griffin to accept the staff recommendations to approve the affirmative action plans for Connecticut Valley Hospital, Department of Information Technology, Department of Revenue Services, Division of Special Revenue and Office of the State Treasurer. Chairperson Norton invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to note the names of the agency representatives in attendance and provide an overview regarding each approval recommendation.

Mr. Bingham introduced Luis Perez, Superintendent; Eric Smith, Affirmative Action Program Manager; and Lorraine Collazo-DeLeon, Affirmative Action

Secretary, as the representatives in attendance from Connecticut Valley Hospital. Connecticut Valley Hospital's affirmative action plan is being recommended for approval based on the following: the plan contains all of the elements required and the agency has demonstrated every good faith effort to achieve its goals. During the reporting period, their short-term goal achievement was 26 out of 37 possible goals or 70%, long-term goals were 4 out of 10 or 40%, total goal achievement was 30 out of 47 or 64%, promotion goal achievement was 5 out of 7 or 71%. The affirmative action plan for Connecticut Valley Hospital has been approved for the each of the past five years.

Chairperson Norton requested clarification as to what job titles comprise the para-professional and technical job categories, and whether the potential for upward mobility exists for individuals holding these positions. Superintendent Perez responded that para-professionals include positions such as mental health workers, who provide direct care to patients, and LPNs. With regard to career advancement, further education is generally required.

The following individuals were in attendance from the Department of Information Technology: Diane Wallace, Chief Information Officer; Toby Bates, Personnel Manager; Karen Wassell, Chief Administration Officer; and Tricia Johnson, Chief of Staff. The Department of Information Technology's Affirmative Action Plan is being recommended for approval based on the fact that it contains all elements required, the agency has demonstrated every good faith effort to achieve hiring and promotion goals and the agency substantially addressed deficiencies noted in the Commission's prior plan review in accordance with section 46a-68-62(c). Short-term goal achievement was 4 out of 12 possible goals or 33.3%, long-term goals were 10 out of 11 or 91% and total goal achievement was 14 out of 23 or 61%. The five-year approval history is as follows: the affirmative action plan was approved in 2002, 2003 and 2004, was approved by default in 2005 and approved in 2006.

Commissioner Pam Law and Equal Employment Opportunity Manager Penny Potter were in attendance from the Department of Revenue Services. Mr. Bingham reviewed the approval recommendation. The affirmative action plan for the Department of Revenue Services is being recommended for approval based on compliance with the following: the plan contains all elements required, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted in the prior plan review. Short-term goal achievement was 7 out of 9 possible goals or 77.8%. All goals were established with a short-term goal timetable. Total goal achievement was 7 out of 9 possible goals or 77.8% and promotion goal achievement was 18 out of 26 or 69.2%. The agency's affirmative action plan was approved for each of the past five years.

Chairperson Norton inquired what types of job titles comprise the professional job category in the Department of Revenue Services. Penny Potter, Equal

Employment Opportunity Manager addressed the Commissioners and indicated that professionals include Accountant, Tax Correction Examiner, Tax Correction Principal Examiner, as well as Revenue Examiner 1, 2, 3 and 4.

Mr. Bingham introduced Paul Young, Executive Director, and Leroy Watson, Equal Employment Opportunity Manager, from the Division of Special Revenue. This agency's affirmative action plan is being recommended for approval because it contains all of the required elements, the agency has met all or substantially all of its hiring, promotion and program goals and the agency substantially addressed deficiencies noted in the prior plan review. In addition, short-term goal achievement was 4 out of 6 possible goals or 67% and total goal achievement was 4 out of 6 possible goals or 67%. The affirmative action plan for the Division of Special Revenue was approved in 2002, 2003, 2004 and 2005. The affirmative action plan was disapproved in January 2006 and, as a result, the agency went on a semi-annual filing schedule. Their next plan submittal was in July 2006 and the plan was approved. There was a short discussion concerning the Division of Special Revenue's filing schedule. Neva Vigezzi, Affirmative Action Program Analyst, confirmed the agency is still on a semi-annual filing schedule and it was recommended that they petition the Commission to be reinstated to an annual filing schedule. Once the agency files the petition, the Commissioners will be able to act on the request.

Howard Rifkin, Deputy State Treasurer; Linda Hershman, Chief of Staff; Ted Janiszewski, Human Resources Specialist; and Leah Glende, Equal Employment Opportunity Specialist, were in attendance representing the Office of the State Treasurer. The affirmative action plan for the Office of the State Treasurer is being recommended for approval based on compliance with the following: the plan contains all of the elements required and the agency has demonstrated every good faith effort to attain goal achievement. Goal achievement was 3 out of 6 short-term goals or 50%, 3 out of 5 long-term goals or 60% and 6 out of 11 possible total goals or 60%. No promotions occurred during the reporting period. The affirmative action plan for the Office of the State Treasurer has been approved for each of the past five years.

Chairperson Norton inquired what job titles are included in the professional job category. Deputy State Treasurer Howard Rifkin indicated professionals include: debt management area classes, investment officer classes within the Pension Fund Division, Accounting class, primarily in Cash Management, as well as the Second Injury Fund, and Cash Management Specialist.

Chairperson Norton thanked all of the agency heads that attended today's meeting. There was no further discussion on the recommended approvals. The motion approving all five affirmative action plans carried unanimously except for the Chair, who did not vote.

B. Fiscal Report

Sal Marino, Interim Fiscal Administrative Manager, provided the fiscal status report for the Commissioners. For the period ending March 31, 2007, the department is projecting a surplus in the amount of \$500,000 in Personal Services and a surplus in the amount of \$158,000 in Other Expenses, of which \$155,000 is to be transferred to fiscal year 2008 as a cost in moving the Bridgeport office. An additional \$53,000 was appropriated in fiscal year 2008 to fund the move.

C. Field Operations Report

Donald Newton, Chief of Field Operations, referred the Commissioners to the *Report on Caseload Statistics*, which was included in their Commission mailing. The current caseload has dropped approximately 145 from the prior month. In addition, the overall case filings are down slightly from last year. Mr. Newton also provided a breakdown of monetary settlements, which was also attached to the report. As of the end of March 2007, Field Operations obtained \$1,519,531.58 in known settlements. This figure does not include confidential monetary settlements that are obtained through the efforts of CHRO staff but remain confidential at the request of the parties. Mr. Newton updated the Commissioners on the status of the Bridgeport office move. He also indicated the Department of Public Works is currently negotiating with the Colt Gateway owners regarding obtaining space at that location for the Commission's Central Office.

D. Legislative Report

Executive Director Pech provided the Legislative Report. He directed the Commissioners' attention to their handout materials, which included a copy of the report. In summary, Executive Director Pech highlighted several bills, including: *SB 1048, AAC the Investigation of a Discrimination Complaint Against or by an Agency Head or State Commission or Board Member*, which was reported out of the Labor Committee and is now on the Senate Calendar; *HB 5975*, which provides for an appropriation to CHRO to conduct a statewide disparity study; *SB 1250*; *SB 1109, AAC Deprivation of Rights on the Basis of Sexual Orientation*; and *SB 1431*, which has been reported favorably and would transfer agency hearing officers, including CHRO's referees, to a newly-created Office of Administrative Hearings. In closing, Executive Director Pech reported that four Human Rights Referees were scheduled to appear before the Executive and Legislative Nominations Committee today and one new referee has gone through the confirmation hearing process and he will start tomorrow. Chairperson Norton took the opportunity to thank and congratulate Leonard Trojanowski for his eight and a half years of service with the Commission as a Human Rights Referee. Mr. Trojanowski's last day with CHRO is today.

E. Managing Director's Report

Robert Brothers, Jr., Managing Director and Commission Attorney, provided a brief report. Currently, there are 76 active cases in the Legal Services Division with about 40% of those being involved in Court. There are 32 housing cases; 18 are in Court or 56%. There is one pending reopening request and 52 reconsideration requests pending. One case is going before the Supreme Court next month dealing with housing. The office has begun a round of field visits to conduct training sessions.

F. Executive Director's Report

Executive Director Pech highlighted significant activities of the past month. A copy of his complete report was included in the Commissioners' handout materials.

A meeting was held on March 9 with the Department of Public Works and representatives from the health clinic to discuss ongoing issues regarding coexisting with the clinic. Beginning next week, one elevator will be used for patients of the clinic and all others will ride the other elevator. Each elevator will be marked with appropriate signage and a stanchion will be set up. In addition, air purifiers will be set up on the third and fourth floors.

On March 15, the Executive Director, Chief of Field Operations and Managing Director and Commission Attorney met with representatives from local municipal human rights agencies from throughout the state. The meeting was primarily a "get to know you" session and it was agreed that continued meetings – three or four times a year – would be productive.

Executive Director Pech reviewed issues surrounding Senate Bill 1250. He indicated several meetings have been held with the Chairs of the Judiciary and Planning and Development Committees. CHRO is working collaboratively on a few issues relating to contract compliance.

Interviews for the Fiscal Administrative Manager position will take place next week. Three HRO Representative positions have been filled in Norwich, Bridgeport and the Affirmative Action/Contract Compliance Unit, along with the newly appointed Referee. These individuals will start tomorrow. The agency currently has four vacancies – Assistant Director, Fiscal Administrative Manager, part-time clerical position in Norwich and one referee. There was a short discussion regarding staffing levels, in general, and how the additional staff will help the Commission meet its statutory timeframes investigating complaints and reviewing affirmative action plans. Executive Director Pech indicated the Chief of Field Operations and Managing Director and Commission Attorney will be

reporting to him by mid-May on changes that would be conceivable to undertake to make the complaint process more efficient.

There was a brief discussion regarding the current Commission roster. It was noted that while Andrew Norton's appointment as Commissioner was by the House Minority Leader, his appointment as the Chair was by the Governor.

IV. NEW BUSINESS

A. Discussion and Implementation of Search Process for Selection of an Assistant Director for the Commission

Chairperson Norton suggested holding this item for discussion until after the Executive Session to allow for the arrival of invited guest Martin Anderson from the Department of Administrative Services.

V. EXECUTIVE SESSION

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Brown and seconded by Commissioner Marshall that the Commission go into Executive Session for the purpose of discussing pending litigation and personnel matters. The motion carried unanimously. Chairperson Norton did not vote. All members of the public were excused from the Executive Session.

VI. RETURN TO REGULAR SESSION

It was moved by Commissioner Clarke and seconded by Commissioner Brown to return to Regular Session. The motion carried; Commissioner Griffin was not present for the vote on the motion to return to Regular Session and Chairperson Norton did not vote. Chairperson Norton noted for the record that the following individuals participated in the Executive Session: Executive Director Pech, Managing Director and Commission Attorney Brothers and Assistant Attorney General David Teed.

VII. VOTE ON EXECUTIVE SESSION ITEMS

- A. Report on Pending Claims or Pending Litigation
- B. Personnel Matters

Chairperson Norton reported that no votes were taken during Executive Session. No personnel matters were discussed at this time.

The Commission returned to Item IV.A. under New Business, Discussion and Implementation of Search Process for Selection of an Assistant Director for the Commission. Chairperson Norton introduced Dr. Martin Anderson, Director of

Administration for the Department of Administrative Services. He was invited to today's meeting to assist the Commissioners with the implementation of a formal process for hiring an Assistant Director for the Commission. Dr. Anderson is currently involved in advising in the hiring process for a new Commissioner for the Departments of Economic and Community Development and Children and Families. Dr. Anderson addressed the Commissioners and provided them with four documents for their review and information: the official job description for the Assistant Director of the Commission on Human Rights and Opportunities, a job announcement for the recently hired Deputy Commissioner of the Department of Transportation and job announcements for the Commissioners of DECD and DCF. He described the types of assistance DAS has rendered in conducting executive search and recruitment activities. Dr. Anderson explained that the Assistant Director for CHRO is an unclassified position, established by statute and, accordingly, recruitment can be done independently of the normal job and hiring system through DAS. The salary range is \$70,370 (minimum) to \$107,700 (maximum). Dr. Anderson described the various avenues the Commission may want to take to find an individual for this position. He explained that DAS worked with the leadership of the Governor's Office, through the two other state agencies, and explored with them some of the more important features and qualifications of the job duties in order to develop the job announcements. He did not recommend using print ads to advertise the position, but recommended utilizing list services, e-mail communications systems through professional organizations, trade journals and magazines and other human rights agencies. This method generally ensures the job posting gets widely distributed to all the target markets and tends to be more cost effective than print ads.

There was considerable discussion among the Commissioners surrounding setting a timeframe for the process and whether it would be useful to form a sub or search committee of Commissioners to facilitate this process. Dr. Anderson recommended setting a timetable for each of the distinct steps in the process – crafting the announcement, running the ads, setting a deadline for candidates to respond, reviewing and responding to applicants, etc. The Commissioners agreed it would be beneficial to continue a discussion regarding this item at the next Commission meeting.

VIII. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Conaway and seconded by Commissioner Clark to adjourn the meeting at 4:30 p.m. The motion carried unanimously. Commissioners Brown and Mambruno were no longer present and Chairperson Norton did not vote.

Attachment A

April 12, 2007

The Connecticut Commission on Human Rights and Opportunities took issue today with the insulting remarks of radio talk show host Don Imus, and called for CBS to fire him immediately.

Raymond P. Pech, at the request of a unanimous vote of the oldest State Civil Rights Commission in the nation, released the following statement to CBS:

On behalf of this agency, we write to object, in the strongest possible terms, to the recent comments of Don Imus on his morning radio program. I must also protest the inadequacy of the two-week suspension as CBS's response to his insulting and outrageous comments. Don Imus has been an extremely well paid radio host for many years. A two-week suspension, even assuming it is without pay, does not even amount to a slap on the wrist. He deserves much more.

Mr. Imus has a long history of making insulting and degrading comments on the air. He has a history of later mouthing apologies for some of those comments. His continuing resort to such comments, however, puts the lie to the sincerity of his apologies.

This time, he has gone too far. His comments regarding the Rutgers' women's basketball team represent a blasphemy of racial and sexual stereotyping. His recent apologies, attempting to justify the remarks in the name of humor, are further evidence that he simply doesn't get it. Discrimination is not a laughing matter; it goes against one of the core values of this nation. Comments such as those made by Imus serve only to glorify such discrimination, elevating it to some sort of national joke, all in the name of entertainment. They are an insult, not only to African-American women, but also to anyone who holds dear the premises on which this nation was founded.

CBS Radio recently appointed a new president. As such, this is an opportunity to set a different tone at CBS. The permanent removal of Don Imus from your airways would send a clear message to the diverse citizens of this nation, and to your competitors, that sometimes principle must override profits, and that CBS Radio is truly committed to the vision expressed by the founders of this nation, and will not tolerate the filth espoused by Don Imus or his imitators. We urge you to give serious consideration to this recommendation.

Thank you for your attention.

By: Connecticut Commission on Human Rights and Opportunities Commissioners:

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