

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES, THURSDAY, MAY 10, 2007, 2:00 P.M.,  
LEGISLATIVE OFFICE BUILDING – ROOM 1D  
HARTFORD, CONNECTICUT 06106**

**COMMISSIONERS PRESENT**

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

**COMMISSIONERS ABSENT**

Lillian Brown

**STAFF PRESENT**

Raymond P. Pech, Executive Director  
Robert J. Brothers, Jr., Managing Director and Commission Attorney  
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor  
David Teed, Assistant Attorney General  
Linda Civitillo, Administrative Assistant

**I. CHAIRPERSON**

**A. Convene Meeting**

Chairperson Andrew Norton convened the May 10, 2007 Regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:01 p.m. He stated that after consultation with the Executive Director yesterday, it was decided the meeting should be moved to another location to accommodate an anticipated larger crowd than the Commission's Central Office conference room can hold. Accordingly, it was moved by Commissioner Griffin and seconded by Commissioner Marshall to recess the meeting and relocate to Room 1D of the Legislative Office Building. The motion carried with the following Commissioners voting in favor of the motion: Clarke, Griffin, Lobon, Marshall and Mengual. The Chair did not vote.

Chairperson Norton requested a motion to come out of recess and begin the meeting. It was moved by Commissioner Griffin and seconded by Commissioner Marshall to come out of recess. The motion carried unanimously (Commissioners Conaway and Mambruno joined the meeting at the Legislative Office Building), with the exception of the Chairperson who did not vote.

## II. SECRETARY

### A. Review and Approval of Minutes of April 12, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the April 12, 2007 Regular Commission Meeting. It was moved by Commissioner Clarke and seconded by Commissioner Marshall to accept the minutes of the April 12, 2007 Regular Commission meeting. The motion carried unanimously. Chairperson Norton did not vote.

## III. AFFIRMATIVE ACTION RECOMMENDATIONS

### A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Board of Trustees of Community-Technical Colleges
2. Charter Oak State College
3. Department of Consumer Protection
4. Department of Emergency Management & Homeland Security
5. Office of the Governor
6. Office of Health Care Access
7. Department of Veterans' Affairs

Chairperson Norton requested a motion accepting the staff recommendations to approve the affirmative action plans for the following state agencies: Board of Trustees of Community-Technical Colleges, Charter Oak State College, Department of Consumer Protection, Department of Emergency Management and Homeland Security, Office of the Governor, Office of Health Care Access and Department of Veterans' Affairs. Commissioner Mambruno moved that the above-noted affirmative action plans be approved, as recommended by staff. Commissioner Griffin seconded the motion. 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 Chancellor Marc Herzog and Ken Armstrong, Affirmative Action Officer, from the Board of Trustees of Community-Technical Colleges. The affirmative action plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met its hiring and program goals and the agency has substantially addressed deficiencies noted in the Commission's prior plan review. During the reporting period, the agency's short-term goal achievement was 2 out of 2 or 100% and total goal achievement was 2 out of 2 or 100%. The affirmative action plan for the Board has been approved for each of the past five years.

The following individuals were in attendance from Charter Oak College: Merle Harris, Executive Director and President, and Cliff Williams, Chief Financial/Administrative Officer. The affirmative action plan for Charter Oak College is being recommended for approval based on compliance with the regulatory standard of review and the agency has demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 3 out of 4 possible goals or 75% and total goal achievement was 3 out of 6 or 50%. The five-year history is as follows: the affirmative action plan was conditionally approved in 2006, disapproved in 2005, approved in 2004, approved by default in 2003 and approved in 2002.

Commissioner Jerry Farrell, Jr. and Affirmative Action Officer Alicia Nunez were in attendance from the Department of Consumer Protection. The plan is recommended for approval based on compliance with the following: the plan contains all elements required by Sections 46a-68-31 through 46a-68-74, the agency has demonstrated every good faith to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in its prior plan review. Short-term goal achievement was 3 out of 7 or 43%, total goal achievement was 3 out of 7 or 43% and promotion goal achievement was 1 out of 1 or 100%. The affirmative action plan for the Department of Consumer Protection has been approved for each of the past five years. Chairperson Norton thanked Commissioner Farrell for attending today's meeting. The Chair commented that there are not many Black or Hispanic males in the upper echelon of the DCP.

Mr. Bingham introduced Commissioner James Thomas; Alicia Nunez and Tim Geary from the DAS S.M.A.R.T. Unit; Brenda Bergeron, Legal Advisor; William Hackett, Director; and Scott DeVico, Legal Affairs, representing the Department of Emergency Management and Homeland Security. The affirmative action plan is being recommended for approval based on the following: the plan contains all the required elements. As this is the first filing of the Department of Emergency Management and Homeland Security's affirmative action plan, there are no hire, promotion or program goals from a prior submission. In addition, there is no five-year history and short-term goal achievement does not apply. Commissioner Mambruno commented that the numbers for the agency's set asides were outstanding for a first plan. Chairperson Norton noted that although the agency is new and small in comparison to other agencies, there are no Blacks or Hispanics in the higher-level job classifications within the agency.

The following representatives were in attendance from the Office of the Governor: Anne Noble, Deputy Counsel, and Natalie Shipman, Affirmative Action Officer from the DAS S.M.A.R.T. Unit. Mr. Bingham explained the affirmative action plan for the Office of the Governor is being recommended for approval based on compliance with the regulatory standard of review and the agency has demonstrated good faith effort to achieve its goals. Short-term goal achievement was 5 out of 9 or 56%, long-term goals were 3 out of 7 or 43% and

total goal achievement was 8 out of 16 or 50%. The affirmative action plan was approved in 2002, conditionally approved in 2003 and approved in 2004, 2005 and 2006. Chairperson Norton observed that, according to the narrative, six white males were hired in upper echelon positions in several agencies – DEP, DMV, DOT, Veterans' Affairs, Labor and Banking. All the noted appointments met hiring goals. There was a short discussion regarding the establishment of goals. Paula Ross, Human Rights and Opportunities Representative, explained goals are established based on a mathematical formula, which is specifically laid out in the regulations, and heavily influenced by the availability that is a reflection of who is available in the state workforce with the requisite skills. Executive Director Pech indicated that CHRO is in the process of revising the affirmative action regulations and this is one of several issues being reviewed.

Mr. Bingham introduced Isabelle McKinney, Affirmative Action Designee; Melanie Dillon, Staff Attorney; Susan Cole England, Public Health Services Manager; and Marybeth Bonadies, Manager of Research and Planning, from the Office of Health Care Access. Mr. Bingham conveyed Commissioner Vogel's regret that she was unable to attend today's meeting. The affirmative action plan for the Office of Health Care Access is being recommended for approval because it contains all the required elements, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in its prior plan review. Short-term goal achievement was 2 out of 2 or 100%, long-term goals were 0 out of 1 or 0% and total achievement was 2 out of 3 or 67%. The affirmative action plan for the Office of Health Care Access has been approved for each of the past five years.

Deputy Commissioner John Wiltsie and Agency Personnel Administrator Noreen Sinclair were in attendance from the Department of Veterans' Affairs. Mr. Bingham reviewed the approval recommendation. The affirmative action plan for the Department of Veterans' Affairs is being recommended for approval based on compliance with the regulatory standard of review and the agency has achieved all or substantially all of its hiring, promotion and program goals. Short-term goal achievement was 15 out of 19 possible goals or 79%, long-term goals were 3 out of 6 or 50% and total goal achievement was 18 out of 25 or 72%. In addition, promotion goal achievement was 2 out of 2 or 100%. The affirmative action plan for the Department of Veterans' Affairs has been approved for each of the past five years. Both Chairperson Norton and Commissioner Marshall noted the agency's workforce is well represented across a number of the job classes by the target groups.

There was no further discussion on this item. A motion having been made and properly seconded to accept the staff recommendations to approve the seven affirmative action plans, Chairperson Norton called for a vote. The motion carried unanimously, with the exception of the Chair who did not vote.

## Staff Recommendation: **Conditional Approval**

### 1. Department of Public Works

Mr. Bingham introduced Doug Moore, Chief of Staff; Jeffrey Beckham, Managing Attorney; and Natalie Shipman, Affirmative Action Administrator, in attendance from the Department of Public Works. The affirmative action plan for the Department of Public Works is being recommended for conditional approval. The plan contains all the elements required, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in its prior plan review. Short-term goal achievement was 3 out of 7 or 43%, long-term goal achievement was 1 out of 1 or 100% and total goal achievement was 4 out of 8 possible goals or 50%. The affirmative action plan was approved each of the past five years. Chairperson Norton requested a motion accepting the staff recommendation for conditional approval. It was moved by Commissioner Conaway and seconded by Commissioner Marshall to accept the staff recommendation to conditionally approve the affirmative action plan for the Department of Public Works. Chairperson Norton requested discussion from both staff of CHRO and DPW.

Mr. Doug Moore, Chief of Staff, addressed the Commissioners and indicated he was in attendance on behalf of Commissioner Fleming who was unable to attend. Mr. Moore stated the agency reviewed the executive summary forwarded by CHRO staff and they understand there are certain errors noted in the analysis. Mr. Moore conveyed Commissioner Fleming's commitment to correcting the errors and bringing those sections in question into full compliance. Mr. Moore stated his agency's belief that their plan meets the criteria to receive an approval status, and requested the Commissioners consider approving the plan. Ms. Natalie Shipman, Affirmative Action Administrator, also addressed the Commissioners and indicated that the plan seems to have met the standard of review requirements and believes the noted errors could have been corrected with technical assistance. Valerie Kennedy, Human Rights and Opportunities Representative, emphasized the plan is being recommended for **conditional** approval because it does meet the standard of review, however, it contained a number of significant errors in the availability analysis, utilization analysis and hiring and promotion goal setting sections, which are key components of the plan. If these sections contain inaccuracies, then goals are set inaccurately. Ms. Kennedy added that some of the technical errors were crucial in determining availability. In some instances, the numbers presented were totally incorrect for the categories that they were using for comparison for their jobs. In response to a question from Commissioners regarding the prior approvals for this agency, Ms. Kennedy stated the affirmative action plan was approved for each of the past five years because the plans did not contain the serious errors found in this plan.

A motion having been made and properly seconded to conditionally approve the affirmative action plan for the Department of Public Works, Chairperson Norton

called for a vote. The motion carried with Commissioners Clarke, Conaway, Mambruno, Marshall and Mengual voting in favor of the motion. Commissioners Griffin and Lobon opposed the motion and the Chair did not vote.

Staff Recommendations: **Disapproval**

1. Commission on Human Rights and Opportunities
2. Office of Protection and Advocacy for Persons with Disabilities

Mr. Bingham introduced Executive Director Raymond Pech and Assistant Attorney General David Teed representing the Commission on Human Rights and Opportunities. The affirmative action plan is being recommended for disapproval based on non-compliance with the following: the workforce is not in parity with the relevant labor market area, the agency has not met all or substantially all of its hiring, promotion and program goals and the agency has not demonstrated every good faith effort to achieve its unmet goals. Short-term goal achievement was 4 out of 7 possible goals or 57%, long-term goal achievement was 0 out of 1 possible goals or 0% and total goal achievement was 4 out of 8 or 50%. The plan was approved in 2002, 2003, 2004 and 2005 and was conditionally approved in 2006. Chairperson Norton requested discussion on the disapproval recommendation.

Assistant Attorney General David Teed addressed the Commission. He indicated he was asked by the Commission many years ago to conduct the managerial review of the Commission's affirmative action plan because it was felt there was a conflict of interest in having the entire review conducted by Commission employees. Neva Vigezzi conducted the initial review and Attorney General Teed reviewed her disapproval, with retention of annual filing status, recommendation. The reasons for the recommendation are clearly set forth in the summary and both the Executive Director and he concur with the recommendation. Attorney General Teed stated that the application of the facts to the affirmative action regulations requires the plan be disapproved. In closing, Attorney General Teed thanked Joanne Steinnagel, CHRO's former Affirmative Action Officer, who is now retired, for assisting the agency in correcting the technical deficiencies and weaknesses found in last year's plan and for assisting with this year's plan as well. Chairperson Norton also extended a thank you to Ms. Steinnagel.

In addition to Attorney General Teed, both Executive Director Pech and Neva Vigezzi discussed the disapproval recommendation. Executive Director Pech thanked Chairperson Norton and stated the disapproval recommendation is an embarrassment, particularly for CHRO. During his initial review of the plan, Executive Director Pech indicated he became aware of issues regarding the justifications for some of the agency's non-goal hires during the last reporting year. He pledged that, in the future, any justification for non-goal hires will be both sound and accurate. In addition, to the extent warranted, corrective

measures to agency policies and practices, or lack thereof, which may have contributed to the recommendation, will be made. Ms. Vigezzi stated she conducted her review of CHRO's affirmative action plan with the same standard as every other affirmative action plan. She encouraged CHRO, as with all other agencies, to contact her to seek technical assistance as much as possible.

Prior to a motion being made on the recommendation, several Commissioners voiced their disappointment and embarrassment regarding the recommendation to disapprove the Commission's plan. Several Commissioners suggested this is an overall agency issue, which should not be blamed on any one individual or administration and, going forward, they become more directly involved in the process. Chairperson Norton suggested the Commissioners be informed of a non-goal hire.

There was no further discussion on this item. A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept the staff recommendation for disapproval of the Commission on Human Rights and Opportunities' affirmative action plan. The motion carried with Commissioner Lobon abstaining. Commissioner Griffin was not present for the vote and the Chairperson did not vote.

Mr. Bingham introduced James McGaughey, Executive Director, and Laura Guilmartin, Affirmative Action Designee from the Department of Administrative Services, representing the Office of Protection and Advocacy for Persons with Disabilities (OPA). The affirmative action plan is being recommended for disapproval based on non-compliance with the regulatory standard of review in that the agency has not demonstrated every good faith effort to achieve its program goals. Short-term goal achievement was 1 out of 4 or 25%, long-term goals were 0 out of 2 or 0% and total goal achievement was 1 out of 6 possible goals or 17%. The affirmative action plan was approved in 2002, approved by default in 2003 and approved in 2004, 2005 and 2006. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to accept the staff recommendation to disapprove the affirmative action plan for OPA.

Executive Director McGaughey addressed the Commissioners and requested they consider conditionally approving the plan as the CHRO staff review indicated the agency has made every good faith effort in achieving its hiring goals. Past plans have demonstrated, in some cases, the agency has achieved all its goals or, in other cases, has had substantial goal achievement. In addition, the agency's MBE & SBE history has been very good. Executive Director McGaughey expressed his belief that weaknesses found in the plan could be addressed through technical assistance and a conditional approval. Ms. Guilmartin also addressed the Commissioners and indicated a desire to have had the opportunity to work with staff of CHRO to address the problem area.

Paula Ross conducted the review of OPA's affirmative action plan and briefly discussed the disapproval recommendation. She indicated there were four program goals set in the prior plan that were not addressed in good faith effort. The regulations require an analysis of all activity undertaken to reach goals in a detailed, searching and complete manner.

Chairperson Norton requested the Executive Director and Mr. Bingham review approvals historically to ascertain whether the outcome changes if there is a different reviewer and to investigate the issue of communication to determine what historically were the protocols/levels of communication between CHRO and affected agencies. There was a short discussion regarding whether CHRO conducts training for individuals who prepare affirmative action plans. Commissioner Clarke suggested training, beyond what is provided in a technical assistance session, might be beneficial.

Chairperson Norton called for a vote on the motion. The motion carried with the following Commissioners voting in the affirmative: Mambruno, Marshall and Mengual. Commissioners Griffin and Lobon opposed the motion, Commissioners Clarke and Conaway abstained and the Chair did not vote.

Chairperson Norton briefly discussed the total workforce composition for CHRO for the relevant year, which was last year. In the categories of Officials/Administrators and Professionals, CHRO had 25 of 58 Black, Hispanic and Other males and females in these job categories.

B. Petition for Annual Filing

1. Division of Special Revenue

By letter dated April 13, 2007, Mr. Paul Young, Executive Director, requested the Division of Special Revenue be reinstated to annual filing status inasmuch as the agency has had two consecutive affirmative action plan approvals. A motion was made by Commissioner Griffin and seconded by Commissioner Mambruno to approve the petition for annual filing submitted by the Division of Special Revenue. The motion carried unanimously. Chairperson Norton did not vote.

**IV. NEW BUSINESS**

A. Comments from Scot X. Esdaile, President, NAACP Connecticut Chapter

The Executive Director reported that he and Lena Ferguson, Legislative and Regulations Specialist, met with Scott Esdaile, President of the Connecticut Chapter of the NAACP, on May 2. In addition to Mr. Esdaile, Chris Cloud, NAACP Lobbyist, and Dr. Fred McKinney, Connecticut Minority Supplier Development Council, attended the meeting. At that time, Mr. Esdaile asked to speak to the Commissioners at today's meeting. Chairperson Norton extended a

welcome to Mr. Esdaile. Mr. Esdaile thanked both the Executive Director and Chairperson for the opportunity to attend today's meeting and address the Commissioners. In addition to meeting with the Executive Director last week, Mr. Esdaile came before the Commission when he first became President of the NAACP two years ago to discuss his major concern and disappointment with the Commission's lack of effectiveness. He reiterated his concerns regarding the lack of resources CHRO has been able to devote to the contract compliance area in the last few years. Mr. Esdaile expressed a willingness to partner and work collectively with the Legislative Black and Hispanic Caucus, the Connecticut Minority Supplier Development Council and other civil rights agencies on ways to make CHRO more effective and pertinent in the areas of affirmative action and contract compliance. Chairperson Norton thanked Mr. Esdaile for sharing his concerns with the Commissioners and briefly discussed recent efforts on the part of CHRO to enhance its contract compliance responsibilities. Chairperson Norton also suggested Mr. Esdaile consider designating one or two individuals from the NAACP who could serve as a regular liaison with the leadership of CHRO to work on issues of mutual concern. Commissioner Griffin also thanked Mr. Esdaile for his comments and stated the need for the Legislature's Minority Business Enterprise Committee to resume its statutory mandate and support CHRO in its efforts.

## **V. DIVISION REPORTS**

- A. Fiscal Report
- B. Field Operations Report
- C. Legislative Report
- D. Managing Director's Report
- E. Executive Director's Report

Written Division Reports were provided to the Commissioners in either their Commission meeting materials or in the additional handout packets provided at today's meeting. There was no discussion on any of the reports.

## **VI. OLD BUSINESS**

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

Chairperson Norton indicated that several Commissioners expressed an interest in serving on a Search Committee for the purpose of implementing a process for selecting an Assistant Director. A motion was made by Commissioner Marshall and seconded by Commissioner Griffin to form a Search Committee consisting of Chairperson Norton, Commissioners Mambruno, Griffin, Clarke and Conaway to undertake the task of filling the vacant Assistant Director position. The motion carried with the following Commissioners voting in favor of the motion: Clarke, Conaway, Griffin, Mambruno, Marshall and Mengual. Commissioner Lobon

abstained and the Chair did not vote. Chairperson Norton stated he may not be able to participate in each meeting held for this purpose, but would participate to the extent possible. Chairperson Norton also requested staff provide administrative assistance, as needed, to facilitate this process. Linda Civitillo agreed to assist.

## **VII. EXECUTIVE SESSION**

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Lobon and seconded by Commissioner Conaway 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.

## **VIII. RETURN TO REGULAR SESSION**

It was moved by Commissioner Clarke and seconded by Commissioner Marshall to return to Regular Session. The motion carried unanimously. The Chairperson did not vote. Chairperson Norton noted for the record that the following individuals participated in the Executive Session: Executive Director Raymond Pech, Managing Director and Commission Attorney Robert Brothers and Assistant Attorney General David Teed. The following individuals participated in the Executive Session for the purpose of discussing the pending reopening request in the matter of Zygmunt Kurylo v. Gros-Ite, Inc./EDAC Technologies: Attorney Maria K. Tougas and Attorney Robert Noonan. The Chairperson indicated no votes were taken during the Executive Session.

## **IX. VOTE ON EXECUTIVE SESSION ITEMS**

### **A. Report on Pending Claims or Pending Litigation**

There was no discussion regarding pending claims or pending litigation.

### **B. Reopening Request**

A motion was made by Commissioner Griffin and seconded by Commissioner Clarke to accept the staff recommendation to grant the reopening request in the matter of Zygmunt Kurylo v. Gros-Ite, Inc./EDAC Technologies, Case #0510380. Chairperson Norton clarified it is the understanding of the Commissioners that the recommendation is based on a problem with the U.S. mail, which did not allow the complainant the appropriate time to act, and not on the submission of new evidence. The motion carried unanimously, with the exception of the Chairperson who did not vote.

C. Personnel Matters

There was no discussion regarding personnel matters.

X. ADJOURNMENT

Prior to adjourning the meeting, Chairperson Norton indicated several Commissioners requested the Executive Director design an action plan and present to the Commissioners, on a monthly basis, a status report regarding the progress of the agency's affirmative action plan. Executive Director Pech agreed to do so.

There being no further business to come before the Commission, it was moved by Commissioner Lobon and seconded by Commissioner Marshall to adjourn the meeting at 5:39 p.m. The motion carried unanimously. The Chair did not vote.