

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES, THURSDAY, JUNE 14, 2007, 2:00 P.M.,  
21 GRAND STREET, HARTFORD, CONNECTICUT 06106,  
LARGE CONFERENCE ROOM**

**COMMISSIONERS PRESENT**

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

**COMMISSIONERS ABSENT**

Lillian Brown  
Larry Conaway  
John Lobon

**STAFF PRESENT**

Raymond P. Pech, Executive Director  
Robert J. 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  
Gloria Sparveri, Affirmative Action Program Manager  
David Teed, Assistant Attorney General  
Linda Civitillo, Administrative Assistant

**I. CHAIRPERSON**

A. Convene Meeting

Chairperson Andrew Norton convened the June 14, 2007 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:07 p.m.

**II. SECRETARY**

A. Review and Approval of Minutes of May 10, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the May 10, 2007 Regular Commission Meeting. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to accept the minutes of the May 10, 2007 Regular Commission meeting as presented. Commissioner Clarke requested a correction be made to the minutes on page 9 under Item IV, New Business. The Connecticut Minority Supplier Purchasing Council should read the Connecticut Minority Supplier **Development** Council. No vote was taken on the original motion. Chairperson Norton requested an amended motion. It was moved by Commissioner Griffin and seconded by Commissioner Marshall to

accept the minutes of the May 10, 2007 Regular Commission meeting, as amended. The motion carried unanimously. The Chair did not vote.

### III. **AFFIRMATIVE ACTION RECOMMENDATIONS**

Prior to discussing the affirmative action recommendations, Executive Director Raymond Pech requested a moment to introduce a new employee, Jeri Floyd. Ms. Floyd is a Human Rights and Opportunities Representative in the Affirmative Action and Contract Compliance Unit. In addition, Mr. Pech acknowledged the work of that Unit for completing a total of ten plans that were on the May 10, 2007 meeting agenda, as well as completing the reviews of this month's plans in advance of his attendance at the EEOC Conference.

#### A. **Agencies Proposed Affirmative Action Plans**

Staff Recommendations: **Approvals**

1. Connecticut State Library
2. Department of Social Services

Chairperson Norton requested a motion accepting the staff recommendations to approve the affirmative action plans for the Connecticut State Library and the Department of Social Services. 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 the approval recommendations.

Mr. Bingham introduced Kendall Wiggin, State Librarian; Louise Carey, Human Resources/Affirmative Action Manager; and Rich Kingston, Fiscal Administrative Manager 2, from the Connecticut State Library. The affirmative action plan for the Connecticut State Library is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all of its hiring and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. During the reporting period, short-term goal achievement was 4 out of 4 possible goals or 100% and total goal achievement was 4 out of 4 or 100%. The affirmative action plan for the Connecticut State Library has been approved for each of the past five years. Chairperson Norton requested discussion from Commissioners and staff of both CHRO and the State Library.

Commissioner Clarke raised a concern regarding the workforce analysis for this agency, specifically, the fact that the numbers of ethnic minorities seem extremely low. She also inquired what types of job titles comprise the para-professional job category within the State Library. Staff of both CHRO and the

State Library responded to Commissioner Clarke. Neva Vigezzi, Affirmative Action Program Analyst, conducted the review of the plan and explained the library sciences field is one that is a predominantly white female type of career path. She also discussed the educational criteria required for this career path. State Librarian Kendall Wiggin and Louise Carey addressed the Commissioners and discussed some of the obstacles the State Library encounters with respect to recruitment and retention of librarians of color. Mr. Wiggin indicated the turnover rate for the Library is currently extremely low and the competition to hire librarians of color is often very difficult. He stated colleges and larger public libraries are often more successful in recruiting minority candidates. Job titles that comprise the para-professional job category include Library Aide, Library Technician, Fiscal Administrative Assistant and Library Technical Assistant. No special degree is required for these positions, but potential candidates must take state exams. Mr. Wiggin stated the State Library makes available, and encourages, continuing education to all staff. Mr. Wiggin also stated the agency has had several work sessions for those individuals who participate on hiring teams to better explain the process and has utilized the assistance of Ms. Vigezzi in this regard.

The following individuals were in attendance from the Department of Social Services: Commissioner Michael Starkowski, Deputy Commissioner Amalia Vazquez Bzdyra and Daniel Milton, Equal Employment Opportunity Manager. The affirmative action plan is being recommended for approval based on compliance with the following: the plan contains all the elements required and the agency has demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 73 out of 135 possible goals or 54.1%, total goal achievement was 73 out of 135 or 54.1% and promotion goal achievement was 30 out of 66 or 45.5%. The plan was conditionally approved in 2002 and was approved in 2003, 2004, 2005 and 2006.

Commissioner Clarke raised a question regarding a quote attributed to a non-goal hire found on page 6 of the Commission's review under Search #5. Daniel Milton stated he did not monitor this particular search, but provided an overview of the Department of Social Services' interview process, which involves selecting candidates from certified lists after having passed an exam. The interview process is done by a panel comprised of two to three individuals. A series of questions is asked and each candidate is judged by not only the individual interviewer, but by a consensus of the panel. Candidates are ranked as unacceptable, marginal, acceptable or superior. All of this information is included in an applicant flow form, which is sent to the Affirmative Action Office for review. If there is a goal candidate who is qualified and has been interviewed and not selected, the interviewing panel must explain why the individual has not met the requirements for the position. As the person who prepares the affirmative action plan, Mr. Milton uses the comments provided by the individuals who sat on the panel for the various searches for inclusion in the plan. The Affirmative Action Office staff monitors approximately 25% of the interviews. In addition to the

Affirmative Action Office, members of the Employee Advisory Committee are able to volunteer their time to sit in on selected interviews. In response to a question from Commissioner Clarke regarding whether there are any skilled or trained interviewers within the Department, Mr. Milton went on to say the Department has instituted a working group made up of the Human Resources Department, Affirmative Action Office and selected managers. The working group will look at items such as interviewing techniques, relevancy, job relatedness, etc. In addition, contracted employees from the University of Connecticut do training for staff. They are currently conducting training for employees for interviewing. Their next task is going to be training for those individuals who will be doing the interviews.

Commissioner Starkowski briefly addressed the Commissioners and stated his commitment to the Department's affirmative action program, but acknowledged there are some deficiencies in the process which they hope to continue addressing. He added that Irene Mason, the Affirmative Action Director, was unable to attend today's meeting because she is on medical leave.

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

Staff Recommendation: **Disapproval**

1. Capital Community College

Mr. Bingham introduced Dr. Calvin Woodland, President, and Rubin Fisher, Director of Human Resources and Affirmative Action, from Capital Community College. The affirmative action plan is being recommended for disapproval based on the following: the workforce is not in parity with the relevant labor market, 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 goals. Short-term goal achievement was 3 out of 7 or 43%, total goal achievement was 3 out of 7 or 43% and total promotion goal achievement was 1 out of 3 possible goals or 33.3%. The five-year history is as follows: the plan was approved in 2002, conditionally approved in 2003, disapproved in 2004, approved in 2005 and disapproved in 2006. Chairperson Norton requested discussion on the disapproval recommendation.

Dr. Woodland addressed the Commissioners and indicated that upon receiving notice of the disapproval recommendation, he contacted CHRO to reaffirm the College's commitment to affirmative action and also to identify some of the strategies implemented during the past year to address some ongoing technical issues. He noted that budget resources were allocated to hire a part-time

consultant to assist with screening and interview committee processes. He added that there have been a number of ongoing efforts to sustain recruitment, but noted it became necessary to reallocate institutional resources to cover the costs of expanded recruitment efforts.

There was considerable discussion from the Commissioners regarding the disapproval recommendation, including whether the College utilizes free resources for advertising and recruitment and what kind of results are achieved through publications currently being used. In response to a question from the Chairperson, Valerie Kennedy, Human Rights and Opportunities Representative, confirmed the deficient section noted in the prior plan review – hiring and promotional goals and timetables – was corrected. She further clarified that although the current plan contains all the sections and any deficiencies from the previous plan were fixed, the College ran into problems with parity, substantial goal achievement and they did not demonstrate every good faith effort to achieve goals. Additional discussion from Commissioners included the fact that repeated disapprovals of an agency's plan can lead to the issuance of a certificate of non-compliance, which would result in a hiring freeze for the foreseeable future. The Chairperson recommended the regulations allow for the hiring of a goal candidate even when an agency is under the status of non-compliance. Executive Director Pech indicated a statutory change would likely be necessary to effect the change. Commissioner Marshall commented the workforce analysis section totals for the College are good.

Before a motion was made on the recommendation, President Woodland reiterated his commitment to affirmative action and his willingness to continue to work with staff to correct problems with the plan. He requested the Commissioners consider conditionally approving the plan. Mr. Bingham commended the College for immediately initiating a technical assistance session upon learning of the disapproval recommendation.

There was no further discussion on the disapproval recommendation. A motion was made by Commissioner Mambruno to accept the staff recommendation to disapprove the affirmative action plan for Capital Community College. He thanked President Woodland for his efforts to work with staff, but indicated his belief that the plan, on its merits, does not warrant a conditional approval. The motion was seconded by Commissioner Clarke and carried with the following Commissioners voting in the affirmative: Clarke, Mambruno, Marshall and Mengual. Commissioner Griffin abstained and the Chairperson did not vote.

Chairperson Norton requested that in the future when an agency is being recommended for disapproval or conditional approval and the previous year's plan was either disapproved or conditionally approved, that plan be included in their packets so Commissioners can make comparisons.

B. Petition for Annual Filing

1. Department of Emergency Management and Homeland Security

Executive Director Pech noted the first affirmative action plan filing for the Department of Emergency Management and Homeland Security was approved by the Commission at last month's meeting. By letter dated May 11, 2007, Commissioner James Thomas requested the plan be filed on an annual basis. Executive Director Pech indicated the staff is recommending the request be granted. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to approve the petition for annual filing submitted by the Department of Emergency Management and Homeland Security. The motion carried unanimously. The Chairperson did not vote.

IV. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Affirmative Action Program Manager, called the Commissioners' attention to two documents provided in their handout materials – a status report relating to the goals and activities for this reporting year (November 1 – October 31) and a narrative discussing last year's plan and the agency's overall affirmative action program. As requested by the Commissioners at the last meeting, the status report details where the agency is with respect to its goals for the current year and, going forward, it will be provided to the Commissioners monthly. In response to an inquiry from the Chairperson regarding outreach efforts currently underway, Ms. Sparveri indicated there were 17 public speaking/training engagements in the past year that are considered ongoing, as well as participation in job fairs for recruitment. There was a short discussion regarding the implementation of a 2-tier interview process, which takes away the projected goal candidate and makes the job opportunity open to everyone that applies who has the basic qualifications for the job. Both the Chairperson and Commission Clarke expressed their belief that this type of interview process does not necessarily enhance the agency's affirmative action program.

B. Fiscal Report

Sal Marino, Interim Fiscal Administrative Manager, provided the fiscal status report for the Commissioners. For the month ending May 31, 2007, the agency is projecting a \$587,000 surplus in the Personal Services account and a \$152,000 surplus in the Other Expense account. The agency has requested that \$155,000 be carried forward to the next fiscal year to fund the Bridgeport office move. Because this left a \$3,000 shortfall in this account, the Office of Policy and Management has approved a \$25,000 transfer from the Personal Services account to the Other Expense appropriation. This transfer was approved on June 13, 2007.

C. Field Operations Report

Donald Newton, Chief of Field Operations, referred the Commissioners to the *Report on Caseload Statistics*, which was provided in their handout materials. The current overall caseload as of June 1, 2007 is down slightly from the previous month from 2123 (prior month) to 2115 (current month). Cases that are exceeding the timeframes have increased slightly. To date, monetary awards received by complainants total over one and a half million dollars. That figure does not include almost another million and a half dollars in confidential settlements.

D. Managing Director's Report

Robert Brothers, Jr., Managing Director and Commission Attorney, reported there are currently 77 pending cases in the Legal Services Division. Of that number, 42% are in Court at some level. That number is down slightly from where it normally is. Of the 77 cases, 36 are housing cases. In January 2007, the Legal Division took over the responsibility of reconsideration requests. Since that time, a number have been completed, however, there are approximately 59 pending. As of March, the number of requests received equaled the number completed, but since that time, the number completed has exceeded the number received. Staff is conducting seminars with each of the regional offices and is working to update outdated content on the website. In closing, Attorney Brothers indicated one attorney has been designated to work specifically with the Affirmative Action and Contract Compliance Unit, which is relevant in that recent legislation streamlines the complaint process where a violation is found for contract compliance.

E. Legislative/Executive Director's Report

Executive Director Pech provided a brief Legislative Update and also highlighted significant activities of the past month. A copy of his complete report was included in the Commissioners' handout materials.

Executive Director Pech discussed current vacancies, including the Fiscal Administrative Supervisor position. The process of reviewing applications for this position will begin next week. In addition, he reported Lena Ferguson, CHRO's Legislative and Regulations Specialist, recently transferred to the Department of Correction for a promotional opportunity. Ms. Ferguson has agreed to assist CHRO, as needed, until after the Special Legislative Session is over.

All three of CHRO's bills passed in both houses, two with minor amendments. One, the deprivation of rights bill that adds sexual orientation to Section 46a-58, has already been signed. The other two – reform of the contract compliance process and transferring the investigation of internal complaints against agency

heads to DAS – will most likely be signed. The Executive Director also highlighted other bills of interest, including one that involves rebuilding the MDC infrastructure and the other involves municipal exemption from contract compliance.

In closing, Executive Director Pech reported he and Donald Newton attended the EEOC / FEPA Conference in Memphis, TN. He also noted the Commission is a sponsor to the “Coexistence” outdoor exhibit currently on display on the grounds of The Hartford. He attended the opening ceremonies on May 30.

## **V. NEW BUSINESS**

1. Requests for Contract Compliance Exemptions from Central Connecticut State University Regarding Proposed Agreements with Shandong Normal University (People’s Republic of China), Notre Dame University (Lebanon), and Northwest University (Xi’an, People’s Republic of China)
2. Request for Contract Compliance Exemption from the University of Connecticut Regarding Proposed Agreement with Cleveland Medical Center, Cleveland, OH and New York Presbyterian Hospital, Manhattan, NY

Executive Director Pech addressed Items V. 1. and 2. By letters dated May 10 and May 23, 2007, Central Connecticut State University (CCSU) requested exemptions from compliance with certain contracting provisions of the general statutes. The exemptions are being sought with respect to proposed agreements between CCSU and Notre Dame University in Lebanon, and Shandong Normal University and Northwest University, both located in the People’s Republic of China. The purpose of all of the proposed agreements is to establish student and faculty exchanges between CCSU and the noted universities. Connecticut is paying no money to the contracting universities. The staff is recommending the exemptions be granted.

With respect to Item V.2., by letter dated May 25, 2007, the University of Connecticut (UCONN) Department of Communication Sciences requested exemptions from compliance with certain contracting provisions of the general statutes. The requested exemptions relate to two proposed agreements between UCONN and the Cleveland Medical Center in Cleveland, Ohio and the New York Presbyterian Hospital in Manhattan, NY. The purpose of the proposed agreements is to provide opportunities for UCONN students enrolled in the Department of Communication Sciences to pursue clinical residencies with the contractors in the field of hearing impairments and diseases. No exchange of money is involved in the contracts. The staff is also recommending the exemptions requested by UCONN be granted.

A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to grant the contract compliance exemption requests regarding proposed agreements submitted by Central Connecticut State University with Shandong Normal University (People's Republic of China), Notre Dame University (Lebanon), and Northwest University (Xi'an, People's Republic of China) and the University of Connecticut with Cleveland Medical Center, Cleveland, OH and New York Presbyterian Hospital, Manhattan, NY. The motion carried unanimously. Chairperson Norton did not vote.

Ms. Susan Bartlett, Clinic Director, Department of Communication Sciences from UCONN, attended the meeting and indicated that similar requests may be made in the future and requested guidance as how to proceed. Executive Director Pech recommended if broader contract compliance exemptions are anticipated, a blanket exemption request should be made in writing and submitted to him for consideration by the Commission.

3. Consideration of Extension of Memorandum of Understanding Between CHRO and the Department of Transportation Regarding Contract Compliance

The Executive Director reported on Item V.3. By way of background, a number of years ago the Department of Transportation requested, and was granted, permission to conduct its own contract compliance program. As a result, a Memorandum of Understanding between CHRO and DOT was entered into and DOT's contracts do not come before CHRO for approval. The Memorandum of Understanding is renewed every year, however, this year one of CHRO's bills that passed may impact how the MOU goes forward. Executive Director Pech indicated DOT requested a two-year extension of the MOU, but the staff is recommending that the extension be granted for one year. The Executive Director will also be authorized to sign the MOU on behalf of the Commission. The Chairperson requested a motion granting an extension of the MOU. It was moved by Commissioner Mambruno and seconded by Commissioner Marshall to extend the Memorandum of Understanding between CHRO and DOT regarding contract compliance by one year. The motion carried unanimously, with the exception of the Chairperson who did not vote.

4. Request for Contract Compliance Exemption for CHRO/EEOC Contract

Executive Director Pech explained CHRO has contracts with the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD), by which CHRO is paid for every case that is investigated and dual-filed. The agency will sign the EEOC contract, but because the statute is written more broadly, it does not fit neatly into the types of contracts that are normally granted exemptions. Staff is recommending that the exemption be granted. It was moved by Commissioner Griffin to grant the contract compliance exemption for the CHRO/EEOC contract. The motion was

seconded by Commissioner Marshall and carried unanimously. Chairperson Norton did not vote.

The Executive Director indicated that issues have come up within the last month regarding contracts with the federal government in general and how to handle them statewide. The Executive Director, Managing Director and Commission Attorney and Assistant Attorney General David Teed will be working on a possible response to address the issue in the future.

## **VI. OLD BUSINESS**

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

Chairperson Norton indicated Commissioners Clarke, Conaway, Griffin and Mambruno, as well as himself, comprise the Search Committee for selection of an Assistant Director for CHRO. He asked Commissioner Clarke to provide an update. She reported that multiple teleconferences have taken place to date and they have been productive. During the last teleconference, the Search Committee invited Patsy McLaughlin from the Department of Administrative Services to work with them to assist with formulating a complete job description for the position. The Committee also thought it would be beneficial for Ms. McLaughlin to work directly with the Executive Director to accomplish this task. It is the hope of the Search Committee to complete the search as expeditiously and economically as possible. DAS will also assist with a plan that has been used successfully in other agencies to not only develop the job description, but to prepare a flyer advertising the position which will cite CHRO's attributes. The Committee plans to restrict the recruitment to the northeastern geographic area and hopes to accomplish the search by utilizing as many free networks and resources as possible. There was a short discussion regarding available funds for advertisement purposes. In closing, Commissioner Clarke stated the Committee will be requesting assistance from Assistant Attorney General David Teed in this endeavor.

## **VII. EXECUTIVE SESSION**

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

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

It was moved by Commissioner Griffin and seconded by Commissioner Marshall to return to Regular Session. The motion carried unanimously, with the exception of the Chairperson who 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 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. Personnel Matters**

There was no discussion regarding personnel matters.

## **X. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Marshall and seconded by Commissioner Clarke to adjourn the meeting at 4:40 p.m. The motion carried unanimously. The Chair did not vote.