

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES, THURSDAY, JULY 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 (participated telephonically)
Cheryl Lynn Clarke
Larry Conaway (joined the meeting in progress)
John Lobon
George A. Marshall (joined the meeting in progress)
Gloria Mengual (joined the meeting in progress)

COMMISSIONERS ABSENT

Jimmie Griffin

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
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 July 12, 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 June 14, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the June 14, 2007 Regular Commission Meeting. A motion was made by Commissioner Clarke and seconded by Commissioner Brown to approve the minutes of the June 14, 2007 Regular Commission meeting as presented. The motion carried with Commissioners Brown, Clarke and Mambruno voting in favor of the motion. Commissioner Lobon abstained, Commissioners Conaway, Marshall and Mengual were not present and Chairperson Norton did not vote. Commissioner Griffin did not attend the meeting.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Middlesex Community College
2. Naugatuck Valley Community College
3. Tunxis Community College
4. Capitol Region Mental Health Center
5. Commission on Culture and Tourism
6. Military Department
7. Office of the Child Advocate
8. Quinebaug Valley Community College
9. Three Rivers Community College

Chairperson Norton welcomed a motion accepting the staff recommendations to approve the affirmative action plans for Middlesex Community College, Naugatuck Valley Community College, Tunxis Community College, Capitol Region Mental Health Center, Commission on Culture and Tourism, Military Department, Office of the Child Advocate, Quinebaug Valley Community College and Three Rivers Community College. Commissioner Mambruno moved that the above-noted affirmative action plans be approved, as recommended by staff. Commissioner Clarke 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 President Wilfredo Nieves and Josephine Agnello-Veley, Affirmative Action Officer, from Middlesex Community College. The affirmative action plan for Middlesex Community College is being recommended for approval based on compliance with the following: 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 the prior plan review. During the reporting period, long-term goal achievement was 6 out of 10 or 60% and total goal achievement was 6 out of 10 or 60%. The affirmative action plan was approved in 2002, 2003 and 2004, disapproved in 2005 and approved in 2006. (**Commissioners Conaway and Marshall joined the meeting**) Commissioner Clarke commended the College for its exceptional workforce analysis numbers.

The following individuals were in attendance from Naugatuck Valley Community College: Richard Sanders, President; Doug Fichtel, Director of Finance and Administration; and Ron Clymer, Affirmative Action Officer. The plan is being recommended for approval based on the following: 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 in the Commission's prior plan review. Short-term goal achievement was 3 out of 9 or 33.3%, long-term goal achievement was 5 out of 5 or 100%, total goal achievement was 8 out 14 possible goals or 57% and promotion goal achievement was 4 out of 6 or 67%. The affirmative action plan for Naugatuck Valley Community College has been approved for each of the past five years. Commissioner Brown commented that she is very proud of Naugatuck Valley's record and what's happening at the College is very exciting.

David Welsh, Affirmative Action Officer, was in attendance representing Tunxis Community College. The affirmative action plan for Tunxis Community College is being recommended for approval based upon having demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 11 out of 17 possible goals or 65%, total goal achievement was 11 out of 17 or 65% and promotion goal achievement was 2 out of 2 or 100%. The five year history is as follows: the affirmative action plan was approved in 2002, disapproved in 2003 and approved in 2004, 2005 and 2006. In response to a question from the Chair, there was a short discussion regarding the threshold for goal achievement.

The following representatives were in attendance from Capitol Region Mental Health Center: Mental Health Superintendent Karen Evertson, EEO Specialist 2 Eric Smith, Leadership Apprentice (EEO Specialist 1) Tommy Wilson and Acting EEO Director Cynthia Ingraham. Mr. Bingham explained the affirmative action plan for Capitol Region Mental Health Center is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring, promotion and program goals, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan reviews. Short-term goal achievement was 8 out of 14 or 57%, long-term goal achievement was 3 out of 6 or 50%, total goal achievement was 11 out of 20 possible total goals or 55% and promotion goal achievement was 2 out of 2 or 100%. The affirmative action plan for this agency has been approved for each of the past five years.

At this point in the meeting Chairperson Norton expressed his desire to have motions regarding the affirmative action plans reflect not only the staff recommendation with respect to approval, disapproval or conditional approval of the plan, but filing status (biennial, annual or semi-annual) as well. Accordingly, the Chair recognized the motion made by Commissioner Mambruno and seconded by Commissioner Clarke be amended to be one that not only includes accepting staff recommendation for approval, but also staff recommendation for retention of annual filing status for seven of the nine plans, with the exception of the Commission on Culture and Tourism, which is being recommended for semi-annual filing, and the Office of the Child Advocate, which is being recommended for biennial filing.

Mr. Bingham introduced Karen Senich, Acting Executive Director; Natalie Shipman, EEO Manager; and Nicholas D'Agostino, EEO Specialist, who were in attendance representing the Commission on Culture and Tourism. This plan constitutes the first filing for this agency. There were no prior goals to achieve and no previous approval history. Accordingly, the plan is deemed to be in compliance with the requirements of the regulations. Once this plan has been approved, the agency will be eligible to petition the Commission for annual filing status.

The following individuals were in attendance representing the Military Department: Anthony Lewis, Personnel Manager; Laura Guilmartin, EEO Specialist; Walter Lippincott, Director, Joint Forces; and Thomas P. Thomas, Fiscal Administrative Manager. The plan is being recommended for approval because it 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 the prior plan review. Short-term goal achievement was 6 out of 10 or 60%, total goal achievement was 6 out of 12 or 50% and promotion goal achievement was 1 out of 1 or 100%. The affirmative action plan for this agency has been approved for each of the past five years. Chairperson Norton inquired if the federal government plays a role in hiring for the Military Department. Ms. Laura Guilmartin responded that state regulations control the hiring for the agency. Commissioner Mambruno commented that the set-aside program numbers for this agency are outstanding and asked if federal funds are accessed for this purpose from Homeland Security or other agencies. Mr. Thomas P. Thomas, Fiscal Administrative Manager, indicated that some federal funding is accessed through a cooperative agreement with the National Guard Bureau to support the Connecticut National Guard. Mr. Bingham clarified that set aside requirements are based on state dollars. Federal dollars are exempt.

Child Advocate Jeanne Milstein, Associate Child Advocate Mickey Kramer and EEO Specialist Alicia Nunez were in attendance from the Office of the Child Advocate. The agency is filing an affirmative action plan for the first time. As such, there were no prior goals to achieve and no previous approval history. The plan is in compliance with the requirements of the regulations. **(Commissioner Mengual joined the meeting)** There was a short discussion regarding the filing schedule for some new state agencies and those agencies that are filing a plan for the first time. Executive Director Raymond Pech indicated the portion of the regulations dealing with filing schedules was amended last year to include approximately nine agencies that are now required to file a plan. The Office of the Child Advocate, because of its size (fewer than 20 employees), is required to submit a plan on a biennial basis. There was also a short discussion regarding the utilization of the Department of Administrative Services' S.M.A.R.T. Unit, which provides human resources, affirmative action and payroll support to those agencies that fall under the S.M.A.R.T. umbrella. In response to a question from the Chairperson, Child Advocate Milstein clarified the Office of the Child Advocate is under the jurisdiction of the Department of Administrative Services for administrative purposes only. Prior to the passage of the statute creating the S.M.A.R.T. Unit, they were under the purview of the Freedom of Information Commission for administrative purposes only.

The following individuals were present representing Quinebaug Valley Community College: President Dianne Williams and Affirmative Action Officer Jerry Blazek. The affirmative action plan is being recommended for approval based upon having demonstrated every good faith effort to achieve its goals. In addition, the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. The affirmative action plan was approved in 2002, 2003 and 2004, conditionally approved in 2005 and approved in 2006. In response to a question from Commissioner Clarke, there was considerable discussion regarding the number of unidentified candidates referenced in the plan review, how the College obtains racial/ethnic information from applicants and whether some type of penalty could be incurred if someone changes or provides false information regarding their ethnicity.

Mr. Bingham introduced George Rezendes, Affirmative Action Officer, and Louise Summa, Director of Human Resources, from Three Rivers Community College. The plan is recommended for approval based on compliance with the following: 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 the prior plan review. Short-term goal achievement was 3 out of 5 or 60%, long-term goal

achievement was 3 out of 5 or 60%, total goal achievement was 6 out of 10 or 60% and promotion goal achievement was 2 out of 2 or 100%. The affirmative action plan has been approved for each of the past five years. The Chair noted the workforce analysis graphs are designed differently from agency to agency and inquired if they can be standardized. Executive Director Pech indicated the substantive affirmative action regulations are in the process of being redrafted by staff and this is an area that can be discussed. Commissioner Clarke commended the College on doing an exceptionally good job in justifying hires -- whether they were goal candidates or not -- and added their workforce analysis numbers are excellent.

There was no further discussion on this Item. The motion approving the nine affirmative action plans, as amended, carried with the following Commissioners voting in the affirmative: Brown, Clarke, Conaway, Mambruno, Marshall and Mengual. Commissioner Lobon abstained and the Chairperson did not vote.

Chairperson Norton thanked all the agency heads and agency representatives for attending today's meeting.

IV. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Affirmative Action Program Manager, provided a status update for the Commissioners. A copy of her report was included in the Commission mailing. Ms. Sparveri indicated that with the exception of filling the Fiscal Administrative Supervisor position, which met a goal, not much has changed since last month's report. She reviewed current vacancies, which include the Legislative and Regulations Specialist position and two Secretary II positions. Recruitment has begun for the Secretary II vacancies. Commissioner Lobon requested information regarding the current status of senior management at CHRO. Discussion followed concerning the race/sex breakdown of CHRO's Officials and Administrators, as well as promotional and hiring goals for the agency in this category. The Executive Director explained the Assistant Director position constitutes an Official/Administrator vacancy. The Legislative and Regulations vacancy does not due to its union status.

B. Fiscal Report

Sal Marino, Interim Fiscal Administrative Manager, provided the fiscal status report for the Commissioners. For the fiscal year ending June 30, 2007, the

agency has expenditures as follows: Personal Services - \$6,241,221 and Other Expense - \$552,403. The surpluses in the accounts are: Personal Services - \$590,984 and Other Expense - \$165,941. In addition, \$155,000 of the Other Expense monies will be carried forward to fiscal year 2008. For fiscal year 2008, which began July 1, the following monies were appropriated for CHRO – Personal Services - \$7,177,319 and Other Expense - \$743,717.

Executive Director Pech and Chairperson Norton thanked Mr. Marino for returning to the Commission on an interim basis during the absence of a permanent business manager.

C. Field Operations Report

Executive Director Pech indicated Donald Newton, Chief of Field Operations, is on vacation. He referred the Commissioners to Mr. Newton's *Report on Caseload Statistics*, which was provided in their mailing. Executive Director Pech noted there has been another slight drop in pending cases, which may be attributed to having a full complement of Human Rights and Opportunities Representatives in the regional offices.

D. Managing Director's Report

Robert Brothers, Jr., Managing Director and Commission Attorney, provided a brief report for the Commissioners. He indicated that case activity in the Legal Division is basically status quo. He noted the staff will commence visits to the regional offices for investigator training. As a result of recently passed legislation, staff is in the process of working with the Department of Administrative Services to develop and implement a procedure for affirmative action investigations. Staff is also working closely with the Affirmative Action and Contract Compliance Unit regarding a piece of legislation concerning contract compliance deficiencies when there is a violation. The Division will begin the process of reviewing applications for the vacant secretary position.

E. Executive Director's/Legislative 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. With respect to staffing, a new Fiscal Administrative Supervisor has been hired. Michelle Provost will transfer from the Banking Department to CHRO effective Friday, July 20. Other

than the Fiscal Administrative Services position, vacancies remain the same as reported at last month's meeting. Also included in the Director's report is a paragraph outlining the state hiring process.

At last month's meeting, Executive Director Pech informed the Commissioners that all three of CHRO's legislative proposals passed during the session. The Governor has now signed all three bills. The act reforming the contract compliance complaint process became effective on July 1, and the bill which transfers the investigation of internal complaints against agency heads to DAS became effective upon passage. The other bill – deprivation of rights on account of sexual orientation – will become effective October 1. The agency will likely pursue the bill addressing the deletion of the municipal exemption from contract compliance mandates, which did not pass during this Legislative session.

Other items discussed by the Executive Director included the number of new positions (3) granted to CHRO in the recently adopted budget, the amount appropriated for a state-wide disparity study (\$150,000), an update regarding the Central Office move, his attendance at the "Making Women Visible" dinner sponsored by PCSW and a speaking engagement before the Waterbury Human Relations Commission on July 5. In addition, Executive Director Pech indicated Mr. Bingham met with Scot Esdaile of the NAACP to update him on contract compliance issues. In closing, Executive Director Pech noted he is scheduled to meet with DAS Commissioner Gnazzo to discuss concerns related to certain DAS policies which may impact the upward mobility aspect of affirmative action.

Commissioner Brown indicated she would no longer be able to participate in the meeting. She expressed her disappointment in the loss of Lena Ferguson, CHRO's former Legislative and Regulations Specialist, to the Department of Correction.

In response to inquiries from Commissioner Lobon, Executive Director Pech reviewed the delay in filling the Fiscal Administrative Services position and indicated he would welcome a discussion in the near future with the Commissioners regarding the feasibility of holding a public hearing this year.

Commissioner Conaway asked if the agency is making progress in correcting the deficient areas of its affirmative action plan in light of the recent disapproval. Executive Director Pech stated he has been meeting with Ms. Sparver on an ongoing basis, and both he and Ms. Sparver have had two meetings with Neva Vigezzi, the analyst, to review, point-by-point, how the weaknesses in the plan can be addressed. In response to the seriousness of the issue and due to the

fact that the Commissioners requested a monthly update, Chairperson Norton indicated the Affirmative Action Program Manager's report has been reinstated as part of the Commission meetings beginning last month.

Executive Director Pech suggested the Commissioners consider amending the agenda for the limited purpose of discussing the potential need to change the location of the August Commission meeting as the Clinic is scheduled to hold its annual health fair during the week of the regularly scheduled meeting. It was moved by Commissioner Conaway and seconded by Commissioner Mambruno to open the agenda for this purpose. The motion carried unanimously. Commissioner Brown was no longer participating in the meeting and Chairperson Norton did not vote. A motion was made by Commissioner Mambruno authorizing the Executive Director to change the location of next month's meeting if the situation requires it. The motion was seconded by Commissioner Mengual and carried unanimously, with the exception of the Chairperson who did not vote.

V. OLD BUSINESS

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

The Chair requested an update from Commissioner Clarke. Commissioner Clarke reported the process is going well. The position has been posted and the deadline for submission of applications is Tuesday, July 24, 2007. She received a status report today from the Department of Administrative Services and responses are coming in. Commissioner Clarke expects to have a full complement of highly qualified individuals from which to choose. Chairperson Norton thanked the members of the Search Committee for their work.

VI. EXECUTIVE SESSION

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

VII. RETURN TO RETURN SESSION

It was moved by Commissioner Conaway and seconded by Commissioner Marshall to return to Regular Session. The motion carried unanimously. Commissioner Mambruno was no longer present and the Chairperson did not vote. Chairperson Norton noted for the record that the following individuals participated in all or part of 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.

VIII. VOTE ON EXECUTIVE SESSION ITEMS

A. Report on Pending Claims or Pending Litigation

There was no discussion or votes taken regarding pending claims or pending litigation.

B. Personnel Matters

There was no discussion or votes taken regarding personnel matters.

IX. 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 4:35 p.m. The motion carried unanimously. The Chair did not vote.