

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
MONDAY, SEPTEMBER 10, 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
Donald Newton, Chief of Field Operations
Michelle Provost, Fiscal Administrative Supervisor
Gloria Sparveri, Affirmative Action Program Manager
David Teed, Assistant Attorney General
Linda Civitillo, Executive Secretary

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the September 10, 2007 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:05 p.m.

II. SECRETARY

A. Review and Approval of Minutes of August 9, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the August 9, 2007 Regular Commission meeting. A motion was made by Commissioner Clarke and seconded by Commissioner Marshall to approve the minutes of the August 9, 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. Central Connecticut State University
2. Office of the State Comptroller
3. Connecticut State University System
4. Department of Economic and Community Development
5. Department of Education
6. Office of the Chief Medical Examiner
7. Western Connecticut Mental Health Network

Chairperson Norton requested a motion accepting the staff recommendations for approval of the affirmative action plans, with retention of annual filing status, for Central Connecticut State University, Office of the State Comptroller, Connecticut State University System, Department of Economic and Community Development, Department of Education, Office of the Chief Medical Examiner and Western Connecticut Mental Health Network. Commissioner Griffin moved that the above-noted affirmative action plans be approved with retention of annual filing, as recommended by staff. Commissioner Marshall seconded the motion. Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, introduced the state agency representatives in attendance and provided a brief overview regarding the justification for each approval recommendation. Clarification was provided regarding the five-year history for the Office of the State Comptroller (the plan was approved for each of the past five years) and one correction was noted concerning the five-year history for the Connecticut State University System. The motion carried unanimously with the exception of the Chairperson who did not vote.

Staff Recommendation: **Disapproval**

1. Manchester Community College

A motion was made by Commissioner Mambruno and seconded by Commissioner Marshall to accept the recommendation for disapproval for Manchester Community College. The Chairperson acknowledged receipt of a letter from President Daube, which indicated he was unable to attend today's meeting due to a prior commitment. Mr. Bingham introduced the representatives in attendance from Manchester Community College. Discussion followed regarding the disapproval recommendation and the staff recommendation to place the College on semi-annual filing. In the absence of President Daube, Ms.

Deborah Wilson reaffirmed the College's commitment to affirmative action, as well as their willingness to work with staff of the Commission to rectify the deficiencies in the plan. The motion accepting the staff recommendation to disapprove the affirmative action plan for Manchester Community College with a friendly amendment to move the College to semi-annual filing status carried with Commissioners Clarke, Mambruno, Marshall and Mengual voting in favor of the motion. Commissioner Griffin was not present for the vote and the Chairperson did not vote. The next two plans for the College are due on December 15, 2007 and June 15, 2008.

IV. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Affirmative Action Program Manager, provided an update for the Commissioners. Her complete report was included in their mailing. Ms. Sparveri reported there were two hires since the previous report. Two Secretary II vacancies were filled in the Legal Division and the Affirmative Action and Contract Compliance Unit, respectively. One of the hires met a goal. Chairperson Norton suggested, going forward, Ms. Sparveri's report separate the information provided by title as "year to date" and "last month." Commissioner Mambruno asked that her report explain the term "red circled" for the benefit of those Commissioners who are not state employees. Discussion followed regarding the definition of the term as it relates to the Legislative and Regulations Specialist position, as well the Assistant Commission Counsel positions.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, reported there were no significant changes from last month's financial status and personnel reports other than the two hires noted by Ms. Sparveri. In addition, one Administrative Assistant vacated a position.

C. Field Operations Report

Donald Newton, Chief of Field Operations, indicated the *Report on Caseload Statistics* was provided to the Commissioners in their mailing. The report provides a breakdown of the caseloads in the regions. Mr. Newton noted there was an increase in the amount of money collected in settlements from the prior August. In addition, the pending caseload is 40 higher than it was the prior month, which may be due to an unusually large number of housing complaints filed against a developer.

D. Managing Director's Report

Managing Director and Commission Attorney Robert Brothers provided a brief update. He indicated the caseload in the Legal Division remains about the same at 90, including 37 housing cases, of which 27 are pending in Court. One housing case was argued by Attorney Cheryl Sharp before the Connecticut Supreme Court last week. There are 27 pending reconsideration requests within the Legal Division. There are also two pending reopening requests, which may be presented next month, along with another two, which may be presented in November or December. In closing, Attorney Brothers introduced Lisa Belmonte who was hired effective August 31 to fill the vacant Secretary II position in the Division.

E. Executive Director's/Legislative Report

A copy of Executive Director Pech's written report was provided to the Commissioners in their supplemental folder. He highlighted significant activities, including the following: the status of refilling the Legislative and Regulations Specialist position, proposed legislation for the upcoming Legislative session, steps that have been taken with respect to the transmittal of affirmative action plans to agencies in response to issues raised at last month's meeting and a meeting held with the Chairperson of the Martin Luther King, Jr. Holiday Commission. Executive Director Pech pointed out two letters that were included in the mailing to the Chancellors of the Connecticut State University System and the Board of Trustees of Community-Technical Colleges requesting data on student enrollment. The letters were sent out because, on a national level, the numbers of minority students enrolled in public institutions have been declining. One potential outcome once the data is received, should it reflect the national trends, would be to hold a fact-finding hearing to explore the problem. In closing, Executive Director Pech indicated he has begun to consider where best to deploy the three HRO Representative positions granted in the new budget.

Chairperson Norton suggested the Commissioners revisit the decision made at last month's Commission meeting to have a transcript of Commission meetings. In light of the cost (\$8,000 – \$10,000 annually), he thought it might be beneficial to discuss the issue when Commission Lobon was present since he supported having a verbatim transcript of the meetings. The Executive Director reiterated that the meetings are taped and the tapes could be made available for review or duplicated should a Commissioner make such a request. Executive Director Pech offered to include this matter on next month's agenda under Old Business.

V. NEW BUSINESS

A. Blanket Exemption Request for Out-of-State Student Affiliation Agreements – University of Connecticut

Managing Director and Commission Attorney Brothers addressed this Item. By letter dated July 17, 2007, the University of Connecticut requested a blanket exemption from CHRO's contract compliance statutes for out-of-state student affiliation agreements for student clinical placements. The staff is recommending that the Commissioners grant the blanket exemption request, with the following conditions: 1) only contracts between UCONN and out-of-state facilities/institutions utilized for student practicums/internships are covered; 2) only contracts in which UCONN sends students to such facilities/institutions for the purpose of fulfilling educational requirements are covered; 3) UCONN will provide to the Commission quarterly reports, beginning January 1, 2008, which shall consist of copies of any and all contracts subject to this limited exemption that have been executed in the three months preceding each report. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to grant the blanket contract compliance exemption request submitted by the University of Connecticut with the conditions outlined in Attorney Brothers' August 31, 2007 memorandum to the Commission. The motion carried unanimously. Chairperson Norton did not vote.

B. Request for Contract Compliance Exemption Between University of Connecticut and Cadence Design Systems, Inc.

By letter dated August 27, 2007, the University of Connecticut requested an exemption from compliance with certain contracting provisions of the general statutes with respect to a proposed agreement between UCONN and Cadence Design Systems, Inc. The staff is recommending the exemption be granted. Brief discussion followed regarding the request. Mr. Erling Smith, Interim Dean of Engineering, from the University of Connecticut was in attendance and provided additional information and clarification regarding the request. A motion was made by Commissioner Griffin and seconded by Commissioner Mambruno to grant the requested contract compliance exemption between the University of Connecticut and Cadence Design Systems, Inc. The motion carried unanimously with the exception of the Chair who did not vote.

C. Petition for Declaratory Ruling in the matter of John Amaning v. Town of Newington Planning and Zoning Commission, et al

Managing Director and Commission Attorney Brothers provided background information for the Commissioners on this Item. A complete packet of information related to the Petition for Declaratory Ruling was provided to the

Commissioners as part of their mailing. Attorney Brothers explained the complainant (John Amaning) filed a complaint with the Commission on or about May 25, 2007 alleging the Respondent (Town of Newington Planning and Zoning Commission, et al) denied him a special exception permit to develop an interior lot on his property because of his race, which constituted discriminatory denial of a public accommodation. The complaint is currently pending investigation in the Commission's Capitol Region.

By letter dated July 24, 2007 Attorney Jonathan Sterling, who represents the Respondent, submitted a Petition for Declaratory Ruling in the matter. The Petition asks the CHRO to determine whether a zoning permit is a "public accommodation" pursuant to Conn. Gen. Stats. 46a-64, and to rule on this jurisdictional issue prior to an investigation. The complainant was informed of the request for the Declaratory Ruling and his right to request to intervene. He did so, through his attorney, on August 14, 2007. Attorney Brothers suggested the Commissioners rule on the Complainant's Motion to Intervene. It was moved by Commissioner Clarke and seconded by Commissioner Griffin to grant the Complainant's Motion to Intervene in Respondent's Petition for Declaratory Ruling. The motion carried unanimously. Chairperson Norton did not vote. With respect to the Petition for Declaratory Ruling, staff is recommending the matter be set down for a specific proceeding, namely, the investigation of the complaint filed by Mr. Amaning.

Additional discussion and a brief presentation by the Respondent's attorney followed. A motion was made by Commissioner Mambruno and seconded by Commissioner Mengual that the matter be set down for a specified proceeding, the investigation of the complaint filed by Mr. Amaning. The motion carried with the following Commissioners voting in favor of the motion: Clarke, Mambruno, Marshall and Mengual. Commissioner Griffin abstained and the Chairperson did not vote.

VI. OLD BUSINESS

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

Commissioner Clarke provided a brief summary on the status of the Assistant Director search. From the 167 applicants, ten candidates were interviewed and three have been identified for a second interview. Commissioner Clarke indicated she will request additional dates from the other Commission members to schedule the second interviews. She will share a copy of the questions used in the first round of interviews with the other Commissioners who did not participate in them.

VII. 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 Clarke 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.

VIII. RETURN TO REGULAR SESSION

It was moved by Commissioner Marshall and seconded by Commissioner Mambruno 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 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 Chair also noted that 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 Mambruno and seconded by Commissioner Marshall to adjourn the meeting at 5:02 p.m. The motion carried unanimously. The Chair did not vote.