

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
THURSDAY, NOVEMBER 8, 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 (joined the meeting in progress)  
Larry Conaway  
Jimmie Griffin  
John Lobon  
George A. Marshall (participated telephonically)  
Gloria Mengual

**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 November 8, 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 October 11, 2007 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the October 11, 2007 Regular Commission meeting. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to approve the minutes of the October 11, 2007 Regular Commission meeting. The motion carried with the following Commissioners voting in favor of the motion: Conaway, Griffin,

Mambruno, Marshall and Mengual. Commissioner Lobon abstained and Commissioner Clarke was not present for the vote. The Chair did not vote.

### III. AFFIRMATIVE ACTION RECOMMENDATIONS

#### A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Connecticut Siting Council
2. Department of Labor
3. Freedom of Information Commission
4. Southern Connecticut State University
5. Workers' Compensation Commission
6. State Elections Enforcement Commission
7. Office of State Ethics

Chairperson Norton requested a motion accepting the staff recommendations to approve the affirmative action plans for the Connecticut Siting Council, Department of Labor, Freedom of Information Commission, Southern Connecticut State University, Workers' Compensation Commission, State Elections Enforcement Commission and the Office of State Ethics. Commissioner Mambruno moved that the above-noted affirmative action plans be approved as recommended by staff. Commissioner Marshall seconded the motion. The Chair asked Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to note the names of the agency representatives in attendance and provide a summary regarding each approval recommendation.

Mr. Bingham introduced Derek Phelps, Executive Director, and Laura Guilmartin, EEO Specialist (DAS S.M.A.R.T. Unit), representing the Connecticut Siting Council. The affirmative action plan for the Connecticut Siting Council is being recommended for approval based on compliance with the following: the plan contains all elements required. This plan represents the first filing for the Connecticut Siting Council; therefore, there were no goals set and no five-year filing history. Executive Director Raymond Pech noted the regulations were amended to include a number of small and new agencies, including four on today's agenda, not previously on the filing schedule. Commissioner Mambruno asked for a brief overview for the record of the Siting Council's mission. **(Commissioner Clarke joined the meeting)** Executive Director Derek Phelps briefly reviewed the role of the Siting Council. He noted the agency is statutorily an adjunct of the Department of Public Utility Control, however, it primarily operates as a stand-alone agency with a staff consisting of ten members. The agency was established in 1981 as a successor agency to the Power Evaluation Commission. Commissioner Griffin inquired if there has ever been an African-

American or Hispanic staff person at the Siting Council. Mr. Phelps responded the agency was just given its first opportunity to meet an affirmative action goal since the development of this plan, and did so by hiring a Hispanic female. There have been no African-American employees. Mr. Phelps added that the agency is exceedingly compliant with its Small and Minority Business goals. There was no further discussion.

Mr. Haskill Kennedy, Director of Diversity and Equity Programs, was in attendance from the Department of Labor. Mr. Bingham stated the affirmative action plan for the Department of Labor is being recommended for approval because it is in compliance with the B3 standard. 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 for the reporting period was 3 out of 6 or 50%, long-term goals were not set, total goal achievement was 3 out of 6 or 50% and promotion goal achievement was 15 out of 37 or 40%. The five-year history is as follows: the plan was disapproved in 2002, approved in 2003, conditionally approved in 2004, disapproved in 2005 and approved in 2006. Chairperson Norton noted while the Department's total workforce is 870, only six individuals were hired and asked for clarification. Mr. Kennedy indicated the agency is under budget constraints and, as a result, has done very little hiring. Most human resource activity has been in promotions. The Chairperson also asked the Executive Director if, going forward, staff could indicate which hires met a goal on the hiring goal analysis table. Mr. Pech said he would talk to staff to determine whether it would be possible to incorporate the Chair's request. Commissioner Clarke raised several questions regarding the information provided on pages 5 and 6 of the summary under Promotions. Paula Ross, HRO Representative, reviewed the information contained on those pages with the Commissioners. Ms. Ross agreed to check the accuracy of the information contained in the summary and further agreed to provide corrected pages for the Commissioners if she confirmed the current information is incorrect. There was no further discussion on this Item.

The following individuals were in attendance from the Freedom of Information Commission: Colleen Murphy, Executive Director and General Counsel; Eric Turner, Managing Director and Associate General Counsel; Kathleen Ross, Affirmative Action Officer and Commission Counsel, and two interns from the Central Connecticut State University Scholars Program from Shandong Province in People's Republic of China, Mr. Jung and Ms. Fu. The affirmative action plan for the Freedom of Information Commission is being recommended for approval based on compliance with the requirements of the regulations. This is the first filing for the Freedom of Information Commission. Accordingly, there were no prior goals set and no five-year history.

Mr. Bingham introduced Dr. Cheryl Norton, President; Marcia Smith Glasper, Director of Diversity; and Dr. Paula Rice, Associate Director, from Southern Connecticut State University (SCSU). The affirmative action plan for SCSU 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 by the Commission in the prior plan review. Short-term goal achievement was 19 out of 36 possible goals or 53%, total goal achievement was 19 out of 36 or 53% and promotion goal achievement was 11 out of 18 or 61%. The affirmative action plan for SCSU was approved in 2002, 2003 and 2004 and conditionally approved in 2005 and 2006. Chairperson Norton noted of the seven categories in the workforce analysis there are no women in the skilled craft category and requested comment from the College. Dr. Paula Rice, Associate Director, indicated there are typically very few openings in this job category and added most skilled craft positions are filled internally with promotions from the maintenance category as upward mobility. There was no additional discussion on this Item.

The following individuals were in attendance from the Workers' Compensation Commission: John Mastropietro, Chairman; Sandra Cunningham, Personnel Director; and Peter Miecznikowski, Research Analyst. This affirmative action plan is recommended for approval as it 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. Goal achievement for the reporting period is as follows: short-term goal achievement, 2 out of 2 or 100%, long-term goal achievement, 1 out of 1 or 100% and total goal achievement, 3 out of 3 or 100%. The affirmative action plan has been approved for each of the past five years. Chairperson Norton asked staff to explain why female goals are set within the office/clerical category in light of the fact that females comprise 57 of the 60 total number of employees in this category. Neva Vigezzi, Affirmative Action Program Analyst, responded to Chairperson Norton's question and explained the process used to establish goals. They are established by comparing the agency's workforce with the availability base percentage. The availability base generally is made up of data which is taken from the 2000 census data, published by the Labor Department, and it is people in the workforce who have the requisite skills, not the general population. Agencies also factor in the latest unemployment statistics for individuals who have registered with the Labor Department and it is based on what they list as being their occupation or skill area. In addition, some agencies use promotable and transferable figures, this is who in the agency is in a position to be promoted to a higher occupational category. These are the three factors agencies use in determining their availability base. Agencies then compare this availability with the present workforce by occupational category and determine where they are underutilizing or overutilizing certain race/sex groups. If an

agency is underutilizing by .5 or more, it sets a goal to either hire or promote to address that area of underutilization. Ms. Vigezzi added that males in the clerical field may not necessarily be reflected in the employment and unemployment data, therefore, they would not be reflected in the availability that agencies use to base their statistics on. Ms. Vigezzi also went on to say that, generally speaking, agencies give the highest percentage to the employment data. Comment followed from Commissioners Griffin and Lobon concerning potential problems relying on the available data in that census data may not capture everyone. Commissioner Lobon also asked what occurs when individuals fall off the unemployment role. Ms. Vigezzi indicated her understanding that there is a formula that takes into account when people no longer collect unemployment compensation, as well as data collected on people registered at the job service. Executive Director Pech reiterated that this is one area that is being carefully looked at as the agency moves forward with a review of the affirmative action regulations. There was no further discussion on this Item.

Mr. Bingham introduced Jeffrey Garfield, Executive Director and General Counsel, Jean Love, Joan Andrews and William Smith, who were in attendance from the State Elections Enforcement Commission. The plan is recommended for approval based on compliance with the B2 standard. This is the first filing for the State Elections Enforcement Commission. There were no goals to meet, accordingly, the plan is deemed to be in compliance with the substantial goal achievement standard, and there is no five-year filing history. As this is the first filing for this agency, Commissioner Mambruno asked for an overview of the agency's role. Mr. Garfield addressed the Commissioners and indicated the agency was established in 1974. The agency's primary mission is the enforcement of all state election laws, including primaries, referenda and elections, both on the state and local level. Mr. Garfield added that the agency has recently been given a significant mandate by the Connecticut General Assembly to administer and enforce a new public financing program for qualified candidates for the General Assembly in statewide office. In light of this new mandate and due to the fact that the agency's budget request is subject to the General Assembly's approval, Mr. Garfield noted it is likely the agency's staffing levels will increase. There was no further discussion.

The following individuals were in attendance from the Office of State Ethics: Beverly Hodgson, Interim Executive Director; George Edelman, Accounts Examiner; and Cynthia Isales, Affirmative Action Officer. This is the first filing for the Office of State Ethics. The plan is recommended for approval based on compliance with the B2 standard. There were no goals to meet and no five-year filing history.

Prior to a vote approving all seven affirmative action plans, Chairperson Norton asked if Commissioners Mambruno and Marshall, who made and seconded the

motion, respectively, would be willing to accept a friendly amendment to the motion to include not only approving the plans, but specifying the filing status for each agency as follows: the Department of Labor, Southern Connecticut State University and the Workers' Compensation Commission will retain annual filing status; the Freedom of Information Commission will retain biennial filing status; the State Elections Enforcement Commission will be approved for semi-annual filing status; and the recommendations for the Office of State Ethics and the Connecticut Siting Council will be changed and these two agencies will be approved for biennial filing status. Commissioners Mambruno and Marshall indicated their willingness to accept a friendly amendment to the motion as noted. After some discussion and clarification regarding the statutory compliance concerning the filing schedule for the new agencies, the Chairperson called for a vote. The motion, as amended, carried with the following Commissioners voting in the affirmative: Clarke, Conaway, Griffin, Mambruno, Marshall and Mengual. Commissioner Lobon abstained and the Chair did not vote. Chairperson Norton asked Mr. Bingham and his staff to work with the new agencies that have been placed on biennial filing status to ensure no harm transpires. Commissioner Lobon asked the staff to rectify the issues that arose with respect to the filing schedules for the new agencies.

#### **IV. DIVISION REPORTS**

##### **A. Affirmative Action Program Manager's Report**

Gloria Sparveri, Affirmative Action Program Manager, indicated her report consists of two parts. Part 1 includes information for the reporting period covering November 1, 2006 through October 31, 2007. The second part includes a breakdown by each job category, the staff person in each position and their race and gender. Chairperson Norton reviewed the hires for each job category for the year as follows: two Officials/Administrators, nine professionals, one para-professional and two office/clericals. Ms. Sparveri explained any activity that occurred from the previous month's meeting in reflected under "current monthly activity." The Chairperson thanked Ms. Sparveri for incorporating the requested changes in her report.

Commissioner Lobon requested information regarding the para-professional position that is reflected as "requiring comprehensive justification from the hiring/selection manager." Executive Director Pech indicated that in the case of an Executive Secretary, which is the position to which the report refers, there is an exception to the posting requirement. At the request of Commissioners Lobon and Griffin, the Executive Director agreed to provide further explanation regarding this exception.

One staff member commented that, in her opinion, the position of Affirmative Action/Contract Compliance Supervisor should be included under Professionals, rather than Officials/Administrators.

Commissioner Mambruno suggested, and Chairperson Norton concurred, that in light of the large volume of contract compliance exemption requests requiring action under **Item V., New Business**, the remaining Division Reports under Item IV. -- Fiscal Report, Field Operations Report, Managing Director's Report and Executive Director's/Legislative Report -- continue following the completion of Item V.

**V. NEW BUSINESS**

A. Request for Contract Waiver Between the Department of Developmental Services (DDS) and the UMASS Memorial Medical Center

Executive Director Pech provided background on this Item, which involves a request from the Department of Developmental Services regarding a contract with the University of Massachusetts Memorial Medical Center. Executive Director Pech's recommendation on this Item sets forth the problem which has resulted in a number of these requests coming before the Commission. The statutes, generally, that control most of the contracts and most of the exemptions, 4a-60 and 4a-60a, require any contractor with the state to include language in the contract that they don't discriminate on the basis of all the bases that CHRO prohibits discrimination on, as well as a number of other requirements, including that CHRO can have access, upon request, to their records to see if they follow through on what they are supposed to be doing. Prior requests for an exemption have usually been from an out-of-state contractor or sole source provider that will not follow our law because they are subject to another jurisdiction. During this year's Legislative session, the Legislature passed an amendment to 4a-60 and 4a-60a, Public Act 07-142, which requires that any contractor with the state, in addition to signing off on all the language in the contract, to also provide extrinsic evidence of their non-discriminatory policies to support the undertakings they committed to by the contract. The nature of that extrinsic evidence changed from a copy of the policy that might be contained in the handbook to a corporate certification by the board of directors. This new requirement has posed a number of difficulties for many state agencies in that boards of directors typically meet only a few times per year. Executive Director Pech indicated he has written to the Co-Chair of the Judiciary Committee requesting an opportunity to work together to make it easier for agencies to deal with the new requirements of the law. Executive Director Pech went on to say that without some change in the law or blanket, limited action on the part of the Commission, a large number of requests will continue to

be received until the statute is changed. An additional alternative would be to grant a somewhat tailored, limited blanket exemption when it comes to the language issue or to empower the Executive Director or Managing Director and Commission Attorney the authority to grant the requests. Commissioner Conaway suggested addressing the Items on today's agenda and seek counsel at another point in time to address the larger issue.

The Chairperson requested a motion granting the exemptions requested in Items V.B. – N. A motion was made by Commissioner Conaway and seconded by Commissioner Griffin to grant the contract compliance exemption requests in Items V.B. – N. Before discussion began, the Chair asked for a friendly amendment to the motion to take up Items B. – K. and M. and N. Commissioners Conaway and Griffin agreed to amend the motion as noted. Discussion followed.

B. Request for Contract Compliance Exemption from the Board for State Academic Awards Regarding an Agreement with Blackboard, Inc.

Executive Director Pech provided background on this Item. The request involves an agreement from the Board for State Academic Awards with Blackboard, Inc. This is an organization under the Academic Awards Board to promote e-learning among the various colleges. Blackboard is a company that provides software that is used and is a sole source provider. The sole request made in this matter is an exemption from the corporate resolution requirements that were enacted in P.A. 07-142. The Executive Director is recommending the request be granted.

C. Request for Contract Compliance Exemption from Southern Connecticut State University Regarding an Agreement with the Mac-Gray Corporation

Executive Director Pech explained this request involves a contract that generates revenue for the state. It deals with the provision of laundry services at SCSU by the Mac-Gray Corporation. The only exemption sought is from the corporate resolution language of the new Public Act. The Executive Director is recommending the request be granted.

D. Request for Amendment to Blanket Exemption of March 9, 2006 from Certain Contract Compliance Requirements – University of Connecticut

This request is a spin-off of the blanket exemption granted by the Commission at its regular meeting on March 9, 2006 to the University of Connecticut (UCONN) involving federal research grants where UCONN would, in turn, contract out portions of the projects to other universities that had specific equipment and/or specific knowledge to perform portions of the overall research. UCONN inquired

if the previous exemption covers the certification requirement of the Public Act. Rather than address the larger legal issues related to their inquiry, the Executive Director is recommending that the blanket exemption granted in March of 2006 be amended to exempt compliance with P.A. 07-142.

E. Request for Contract Compliance Exemption from Southern Connecticut State University Regarding an Agreement with North Carolina Baptist Hospital

Managing Director and Commissioner Attorney Robert Brothers indicated this Item deals with SCSU and an agreement with North Carolina Baptist Hospital (NCBH). The purpose of the proposed agreement is to permit students of SCSU to participate in clinical programs at NCBH. Neither SCSU nor the NCBH will receive any monetary compensation for performing their respective obligations under the agreement. It is recommended the requested exemption be granted.

F. Request for Contract Compliance Exemptions from Central Connecticut State University Regarding Five Student Exchange Agreements With: Pontifical Catholic University of Ecuador (Ecuador), Universidade do Estado de Santa Catarina (Brazil), Universidade Federal do Rio Grande do Sul (Brazil), The University of Pecs (Hungary), and Kansai Gaidai University (Japan)

This request is for five student and faculty exchanges dealing with the countries and universities as noted. No money is involved. It is recommended that the requested exemptions be granted.

G. Request for Contract Compliance Exemption by UCONN Regarding a Proposed Agreement with the Imasonic Company of France

H. Request for Contract Compliance Exemption by UCONN Regarding a Proposed Agreement with Checkpoint Systems, Inc. of New Jersey

I. Request for Contract Compliance Exemptions by UCONN Regarding Two Proposed Agreements with Oracle USA of California

Executive Director Pech explained all of the above are requests for a complete exemption, not just with the new Public Act, but with all provisions of 4a-60 and 4a-60a. Item V.G. deals with a request from UCONN for an agreement with the Imasonic Company of France, which is a manufacturer of a sophisticated laboratory instrument. It is a sole source provider.

Item V.H. is similar. The proposed agreement is a service contract allowing UCONN to purchase maintenance services for its radio-frequency identification system at the University's main library. The University has represented that this contractor installed the system, and has provided maintenance of it, but that the

agreement expired in September of 2007. Based on these representations, it is recommended that the request be granted.

In response to a question from Commissioner Clarke as to why most of the requests are coming up, for the most part, as sole source providers rather than competitive bid, Attorney Brothers indicated most of the requests fall within the parameters of either a sole source provider or meet the criteria where an exemption can be granted. Executive Director Pech elaborated by stating that there are number of bases where an exemption can be granted – one is sole source provider, another is will the contract involve recruitment and employment of workers within the state of Connecticut and the more generic one is for the good of the state.

Item V.I. involves two similar, but separate, proposed agreements between UCONN and Oracle USA, a computer software company located in Redwood Shore, California. The first proposed agreement is for an upgrade of UCONN's PeopleSoft Campus Solutions project and was put out to bid, but no Connecticut companies bid on the project. The second proposal, which involves the provision of software services for UCONN's Data Warehouse project, is represented to be a sole source provider. No other contractor can provide the needed services. Executive Director Pech is recommending the Commission grant all of the above-requested exemptions.

J. Request for Contract Compliance Exemptions for Agreements Between the Department of Transportation and the New England Transportation Consortium (NETC) and the Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO)

Attorney Brothers explained this Item involves two requests from the Department of Transportation (DOT). One request is somewhat similar to a request granted by the Commission at last month's meeting. DOT is a member of the New England Transportation Consortium (NETC) and is one of the six New England states looking at the highway infrastructure system. DOT is contracting with state universities from the New England states to be able to do this research. The other request involves a software company that DOT has an existing contract with and is renewing. The first request with NETC would be a blanket exemption for 18 months. As with other blanket exemptions that have been granted, DOT would be required to submit copies of all contracts to which the exemption has been applied to the Commission for review on a quarterly basis. Any problems that may arise would be brought to the Commission's attention. Attorney Brothers' recommendation is that both requests be granted.

K. Request for a Blanket Contract Compliance Waiver by the Connecticut Community Colleges from the Certification Requirements of Public Act 07-142

This request is from the Community Colleges and Executive Director Pech explained the actual request is for an exemption from the certification requirements of the new Public Act for every contract they enter into. Executive Director Pech stated his reluctance in recommending granting the broad blanket waiver, however, the most pressing concern involves clinical site agreements for student placements. He is recommending, with conditions, that the clinical placement agreements for students in the community college system be granted. The exemption would require the Connecticut Community Colleges to report to the Commission, on a quarterly basis beginning January 1, 2008, all agreements subject to this waiver that have been exempted in the prior three months. The waiver would be time limited and will expire on October 1, 2008. With respect to the broader request to be exempted from all of their contracts having to comply with the certification requirements, Executive Director Pech stated he is not prepared to recommend it be granted at this time.

M. Request for Contract Compliance Exemptions for Four Proposed Agreements Involving the University of Connecticut Health Center

Executive Pech noted these are four complete exemption requests from the University of Connecticut Health Center. One is for servicing a very technical, sophisticated piece of equipment. The contractor is Carestream Health, which produced and installed the equipment and is the only vendor capable of performing preventive maintenance on it. Carestream is a sole source provider. The other proposed agreements with three universities -- University of Rochester, University of Pennsylvania and University of Minnesota -- all involve research into arcane medical areas. Executive Director Pech is recommending all four requests be granted.

N. Request for Contract Compliance Exemption from the Connecticut Commission on Culture and Tourism Involving the University of Massachusetts

This is a request from the Connecticut Commission on Culture and Tourism. Attorney Brothers explained the request deals with the University of Massachusetts, which is a sovereign state and has different laws than Connecticut. It is for a training contract and would not involve the utilization of state employees during the course of the contract. Attorney Brothers' recommendation is that the exemption request be granted.

There was no further discussion on the above Items. A motion having been made and properly seconded to accept staff recommendations for contract waiver exemptions for Items V.B. – K. and M. and N., the Chairperson called for

a vote. The motion carried unanimously with the exception of Chairperson Norton who did not vote.

A. Request for Contract Waiver Between the Department of Developmental Services (DDS) and the UMASS Memorial Medical Center, (continued)

A motion was made by Commissioner Mengual and seconded by Commissioner Clarke to grant the contract waiver between the Department of Developmental Services and the University of Massachusetts (UMASS) Memorial Medical Center. Executive Director Pech further described the request, which sets forth that UMASS Memorial Medical Center, which is a sole source provider, is the only hospital that has the facility to care for some of the clients of DDS that have certain neurological handicaps. It is an entity of another jurisdiction, the state of Massachusetts, that is willing to include the language of 4a-60 and 4a-60a as it existed prior to amendment. They are requesting an exemption from the certification requirements. The Executive Director is recommending the exemption be granted. The motion granting the waiver request carried with the following Commissioners voting in the affirmative: Clarke, Conaway, Griffin, Lobon, Marshall and Mengual. Commissioner Mambruno abstained and the Chairperson did not vote.

L. Request for Contract Compliance Waiver from the Department of Mental Health and Addiction Services (DMHAS) Regarding Yale University

A motion was made by Commissioner Griffin and seconded by Commissioner Mambruno to grant the contract compliance waiver from the Department of Mental Health and Addiction Services (DMHAS) and Yale University. Executive Director Pech indicated this Item involves a request from DMHAS for a contract it wishes to enter with Yale University. The two entities have, for many years, jointly operated the Connecticut Mental Health Center located in New Haven. The proposed agreement involves the expansion of that building and would set the terms of the project, including DMHAS providing to Yale a grant of five million dollars towards the construction of the addition. What is being requested is a very short-lived exemption from the requirements of the new Public Act. Yale's Board of Trustees' next meeting is December 8, 2007, and the resolution required by the new Public Act would be enacted at that time. The parties would like to begin construction prior to the onset of winter. Based on the representations made in the request, the Executive Director's recommendation is that it be granted, effective through December 31, 2007. The motion granting the waiver request passed with the following Commissioners voting in favor of the motion: Clarke, Conaway, Griffin, Lobon, Mambruno and Mengual. Commissioner Marshall abstained and the Chairperson did not vote.

O. Discussion of Public Act 07-142

A detailed discussion of Public Act 07-142 did not take place at this time. A representative from UCONN was present and a short discussion followed regarding the exemption request concerning Oracle USA. The Executive Director briefly reiterated problems encountered with the provisions of the new Public Act and several Commissioners indicated the need for further discussion and consultation with legal counsel regarding this matter.

IV. **DIVISION REPORTS, continued**

B. Fiscal Report

A copy of the fiscal report was provided to the Commissioners in their mailing. Michelle Provost, Fiscal Administrative Supervisor, indicated there were no new activities to report from the previous month.

C. Field Operations Report

A copy of the *Report on Caseload Statistics* was included in the Commission mailing. Mr. Newton updated the Commissioners regarding the Southwest Regional Office and Central Office moves. Mr. Newton indicated he has been in contact with CHRO's liaison at the Department of Public Works regarding the Bridgeport move. The owner of the property has started the build out of the facility. It is anticipated the move may occur by January 2008. With respect to the Central Office move, nothing definitive has been received on the Colt Gateway complex.

D. Managing Director's Report

Managing Director and Commission Attorney Robert Brothers reported activities in the Legal Division are status quo from the prior month's report.

E. Executive Director's Report

Executive Director Pech's written report was included in the Commissioners' supplemental packet. An item not included in his report was that he and Attorney Brothers attended the service for Commissioner Lillian Brown, which was held on Saturday, November 3 in Waterbury.

VI. **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, including Executive Director Pech, Managing Director and Commission Attorney Brothers and Assistant Attorney General David Teed, for the purpose of discussing any and all pending litigation, a reopening request and personnel matters as they may arise. 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 REGULAR SESSION**

It was moved by Commissioner Marshall and seconded by Commissioner Conaway to return to Regular Session. The motion carried unanimously. The Chairperson did not vote. Chairperson Norton noted the Commission discussed pending litigation, personnel matters of no specific nature and a reopening request. He also noted no votes were taken during Executive Session.

**VIII. VOTE ON EXECUTIVE SESSION ITEMS**

A. Report on Pending Claims or Pending Litigation

There was nothing to report.

B. Reopening Request

1. Devin Latney v. State of Connecticut, Department of Children and Families – CHRO Case #0510441

A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno to deny the reopening request in the matter of Devin Latney v. State of Connecticut, Department of Children and Families. The motion carried unanimously with the exception of Chairperson Norton who did not vote.

C. Personnel Matters

There was nothing to report.

The Chairperson requested a motion to open the agenda for the purpose of adopting a resolution defining the membership of the Assistant Director Search Committee. A motion was made by Commissioner Clarke and seconded by Commissioner Conaway to open the agenda for this purpose. The motion carried with Commissioners Clarke, Conaway, Griffin, Mambruno, Marshall and Mengual voting in favor of the motion. Commissioner Lobon opposed the motion and the Chairperson did not vote.

A motion was made by Commissioner Clarke to approve the three members of the Search Committee -- Gloria Mengual, Edward Mambruno and Cheryl Clarke. Commissioner Conaway seconded the motion. The motion carried with the following Commissioners voting in the affirmative: Clarke, Conaway, Mambruno, Marshall and Mengual. Commissioner Griffin abstained and Commissioner Lobon opposed the motion. Chairperson Norton did not vote. For purposes of clarification, it was noted that the Search Committee previously consisted of five Commissioners -- Cheryl Clarke, Larry Conaway, Edward Mambruno, George Marshall and Gloria Mengual. Commissioners Conaway and Marshall could no longer serve on the Committee due to timing and scheduling conflicts.

**IX. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Mambruno and seconded by Commissioner Clarke to adjourn the meeting at 4:41 p.m. The motion carried unanimously. The Chair did not vote.