

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

SPECIAL COMMISSION MEETING

21 Grand Street

Hartford, Connecticut

December 27, 2007

H e l d B e f o r e :

ANDREW NORTON, Chairperson

1 A p p e a r a n c e s :

2 For the CHRO:

3 Commissioners:

4 ANDREW NORTON, Chairperson

5 CHERYL LYNN CLARKE

6 JIMMIE GRIFFIN

7 GLORIA MENGUAL

8 LARRY CONAWAY

9 ALEXIA CRUZ

10 JOHN LOBON

11 EDWARD MAMBRUNO, Secretary

12

13 Staff present:

14 RAYMOND P. PECH

15 ROBERT J. BROTHERS

16 ALVIN K. BINGHAM

17 REUBEN E. JONATHAN-LUSACK

18 GLORIA SPARVERI

19 VALERIE KENNEDY

20 PAULA S. ROSS

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25

1 2:07 P.M.

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3 THE CHAIRPERSON: Hello, my
4 name is Andrew Norton, and I'm the chairman
5 of the Commission on Human Rights and
6 Opportunities, and I am going to convene this
7 special meeting, Thursday December 27th at
8 2:07 in the afternoon. And that having been
9 done, our next item of business is to --
10 actually let me cheat and introduce our
11 newest member who has been appointed to fill
12 the vacancy of Lillian Brown, rest in peace.
13 Alexia Cruz from Manchester has just joined
14 us as our newest member and gubernatorial
15 appointee. And welcome aboard.

16 COMM. CRUZ: Thank you.

17 THE CHAIRPERSON: So now we
18 turn to the secretary, Commissioner Mambruno.

19 COMM. MAMBRUNO: You want to
20 just explain the revised agenda that's on
21 folks' desks because it's different than what
22 you got in the mail a couple weeks ago.

23 THE CHAIRPERSON: You've been
24 handed a revised agenda. The only difference
25 between it and what you received in the mail

1 is or are items O, P and Q under new business
2 Roman numeral 5, so you may want to use this
3 to consult. We've got another contract
4 compliance exemption making it letter O, some
5 discussion about legislation regarding
6 contract compliance, and then Commissioners
7 asked for item Q to be added regarding the
8 governor's task force study CHRO. So that's
9 the new agenda.

10 And I'll point out that while
11 this is like a regular meeting because we're
12 taking up the same business that was
13 scheduled for the 13th, and of course the
14 snowstorm canceled just about everything,
15 including us, nonetheless this is a special
16 meeting, and so we're now not able to add
17 items to the agenda under laws regarding
18 freedom of information so that people can
19 know what's on the agenda. They'll quickly
20 call a meeting and we can't add to it no
21 matter how -- normally with a two-thirds vote
22 we could in the middle of a meeting, but the
23 law stops us in a special meeting from doing
24 that. So now Mr. Secretary, Commissioner
25 Mambruno.

1 COMM. MAMBRUNO: Thank you,
2 Mr. Chair. I'd like to request a motion to
3 accept the minutes for November 8th.

4 THE CHAIRPERSON: Is there a
5 motion from any member to approve the minutes
6 from November 8th.

7 COMM. CLARKE: So moved.

8 THE CHAIRPERSON: Commissioner
9 Clarke.

10 Is there a second?

11 COMM. GRIFFIN: Second.

12 THE CHAIRPERSON: Commissioner
13 Griffin seconds the motion.

14 Is there any discussion of
15 those minutes or proposed amendments to those
16 minutes?

17 If there isn't, then I'll call
18 for a vote. All those in favor of approving
19 those minutes say aye.

20 Is there anyone opposed?

21 Is there anyone abstaining?

22 COMM. LOBON: Abstaining.

23 THE CHAIRPERSON: Commissioner
24 Lobon abstains. The motion carries. The
25 minutes are approved.

1 Item number 3, Roman numeral 3
2 are affirmative action recommendations from
3 our staff. They review our affirmative
4 actions plans from the various state
5 agencies. We have six agencies in front of
6 us. I would entertain a motion from any
7 Commissioner to accept staff recommendation
8 for approval for the five agencies,
9 Department of Administrative Services,
10 Department of Agriculture, Department of
11 Mental Health and Addiction Services,
12 Department of Motor Vehicles, and Department
13 of Public Safety. Is there a motion from any
14 Commissioner?

15 COMM. MENGUAL: Yes.

16 THE CHAIRPERSON: Commissioner
17 Mengual makes the motion to accept approval
18 of recommendation of our staff.

19 Is there a second?

20 COMM. MAMBRUNO: Second.

21 THE CHAIRPERSON: Commissioner
22 Mambruno seconds. So for the purposes of
23 discussion we have a motion. And I'd like to
24 say now that many people have come to the
25 meeting from these various agencies and

1 signed in. Mr. Bingham will read your names
2 off as we come to each of them. If you
3 wouldn't mind indulging us by standing up
4 when that happens so we can put faces to
5 names and then certainly feel free to sit
6 right back down, that would be super.

7 Mr. Bingham.

8 MR. BINGHAM: The first agency
9 we have is Department of Administrative
10 Services, and I have a note. It states that
11 Commissioner Ann Gnazzo and Deputy
12 Commissioner Brenda Sisco from DAS sends
13 their apologies for not being able to attend
14 the Commission meeting today. Both wanted to
15 be here, however they had a prior commitment
16 that could not be changed. Present
17 representing DAS is Nicholas D'Agostino, the
18 EEO specialist and Natalie Shipman, the EEO
19 manager.

20 THE CHAIRPERSON: Welcome.

21 MR. BINGHAM: This plan is
22 recommended for approval based on the
23 following: The plan contains all the
24 elements required, the agency has
25 demonstrated every good faith effort to

1 achieve such goals, and the agency has
2 substantially addressed deficiencies noted by
3 the Commission in their prior plan review.

4 Goal achievement: Short-term
5 goals, 8 out of 11 or 73.7 percent; long-term
6 goal achievement, 4 out of 11 or 36.4
7 percent; total goal achievement, 12 out of 22
8 or 54.5 percent; promotion goal achievement,
9 1 out of 3, and that's 33 percent.

10 Five-year history, the plan
11 had been approved all five years.

12 THE CHAIRPERSON: Are there
13 any questions from any Commissioner of either
14 our staff and/or of the agency itself? And I
15 would point out, if I'm not mistaken, that
16 the motion to approve those plans includes
17 implicitly that each of these agencies would
18 also retain their annual filing status. That
19 is also the second part of the recommendation
20 from our staff. So as I understand it, by
21 our recent tradition, that motion includes
22 accepting staff recommendation for retention
23 of annual filing status, if that can be clear
24 in the record.

25 But back to my question, does

1 anyone have questions? If there aren't,
2 thank you for being here, but I guess we'll
3 move on to the Department of Agriculture.

4 MR. BINGHAM: And here
5 representing the Department of Agriculture is
6 Commissioner Prelli and Alicia Nunez, EEO
7 specialist.

8 THE CHAIRPERSON: Welcome.

9 MR. BINGHAM: The plan is
10 recommended for approval based on compliance
11 with the following: The plan does contain
12 all the elements required. The agency has
13 demonstrated every good faith effort to
14 achieve its hiring and promotion goals. The
15 agency has substantially addressed
16 deficiencies noted by the Commission in a
17 prior plan review.

18 Goal achievement: Short-term
19 goals, 1 out of 6 or 16.7 percent; long-term
20 goal achievement, zero for zero; total goal
21 achievement, 1 out of 6 or 16.7 percent.

22 Five-year history, the plan
23 had been approved all five years.

24 THE CHAIRPERSON: Are there
25 any questions of any Commissioners for either

1 our staff -- and I guess Reuben did this
2 plan, reviewed this plan -- or anyone from
3 the agency? I guess Susan did the last plan.
4 But are there any questions from
5 commissioners for staff or the agency?

6 COMM. CLARKE: Yes.

7 THE CHAIRPERSON: Commissioner
8 Clarke.

9 COMM. CLARKE: Yes. I have a
10 couple of questions, and this is probably for
11 our agency, because maybe these are typos,
12 but I have a question on page 4 under good
13 faith efforts for professionals and in the
14 narrative statement. Would you be able to
15 answer those questions?

16 MR. BINGHAM: I'll have Reuben
17 Jonathan-Lusack.

18 COMM. CLARKE: Okay.

19 MR. JONATHAN-LUSACK: My name
20 is Reuben Jonathan-Lusack, HRO.

21 COMM. CLARKE: Hi there,
22 Reuben. My question is that in the narrative
23 under professionals you list one white female
24 goal candidate and three white male nongoal
25 candidates, and my question is where -- I

1 guess I'm looking for some kind of qualifying
2 statement, some information as to where folks
3 looked. In this search for qualified persons
4 to fill these vacancies, where are they
5 looking?

6 MR. JONATHAN-LUSACK: The
7 agencies generally, by and large, list the
8 areas where they've looked, where they've
9 placed advertisements like newspapers, radio
10 stations across the country or locally,
11 wherever it is they desire to concentrate
12 their efforts.

13 COMM. CLARKE: So it's not
14 that they didn't provide this information?

15 MR. JONATHAN-LUSACK: That's
16 right.

17 COMM. CLARKE: You just didn't
18 provide this --

19 MR. JONATHAN-LUSACK: That's
20 right.

21 COMM. CLARKE: And that's
22 fine. Then I have another question for you
23 under the ship's engineer, and it lists that
24 there are no goal candidates that applied for
25 the position and that there's -- you went on

1 to say there's an acute shortage of qualified
2 personnel. And I'd just like to know what's
3 being done to develop a feeder pool. Was
4 that in their information too, what they are
5 doing to --

6 MR. JONATHAN-LUSACK: What we
7 were provided was the efforts that they have
8 put into securing a candidate for this
9 position.

10 COMM. CLARKE: But not what
11 they are going to be doing in the future?

12 MR. JONATHAN-LUSACK: That's
13 right. That's for them to elaborate on.

14 COMM. CLARKE: I see, okay.
15 I'm satisfied with that.

16 MR. JONATHAN-LUSACK: Okay.

17 THE CHAIRPERSON: Thank you
18 very much, Commissioner Clarke. Thank you,
19 Reuben. Then if there are no other questions
20 about the Department of Agriculture, we then
21 move on to the Department of Mental Health.

22 COMM. CLARKE: Excuse me.

23 THE CHAIRPERSON: I'm sorry,
24 Commissioner Clarke.

25 COMM. CLARKE: I did have a

1 question, but this is actually for the
2 Department of Agriculture because I was a
3 little disturbed over this work force
4 analysis because there is an absence of
5 diverse people at practically every category,
6 and I just wanted someone to speak to that,
7 what you're doing to close this gap.

8 MR. PRELLI: For the record,
9 I'm Philip Prelli, Commissioner of
10 Agriculture. One of the problems is that
11 we've had limited numbers of hires in a lot
12 of years, and these are long-term employees.
13 I can tell you that this Christmas we gave
14 out awards, and of a staff of about 60 people
15 I gave out sixty 30-year awards and four
16 25-year awards, so you can see there's not a
17 high turnover in the agency.

18 We are doing our best to try
19 to advertise in a lot of different areas of
20 the state and different types of ethnicity
21 papers and publications. We are trying to
22 broaden the -- we have broadened the job
23 specifications so that when we go out to
24 enlist to pull people in we have a larger
25 list to pull from. We brought up the ship's

1 engineer in the prior discussion. The
2 problem with that is it's a very specialized
3 field, and there are limited people and
4 there's no state training for it, so there's
5 no place to go for it so the pool will drop.

6 So we are looking at trying to
7 diversify and as much as possible go out and
8 ask DAS to get that information out so when
9 we do a list. The other problem is a lot of
10 times we have to draw from the already
11 approved list from DAS, and as you can see,
12 in a couple of those there are no minority
13 candidates. That was the list that was
14 provided to us. Yes, we have a position we
15 have to fill so, again, the move there is to
16 look and try to diversify.

17 COMM. CLARKE: Okay. Thank
18 you very much.

19 MR. PRELLI: I hope that
20 answers your question.

21 COMM. CLARKE: Yes.

22 THE CHAIRPERSON: Are there
23 any other questions of the Commissioner or
24 anyone else about the Department of
25 Agriculture? Quick, he's getting away.

1 If not, then we move on to the Department of
2 Mental Health.

3 MR. BINGHAM: Here
4 representing the Department of Mental Health
5 is Eric Smith, Equal Opportunity Specialist,
6 and Deputy Commissioner Peter Rockholz.

7 THE CHAIRPERSON: Welcome.

8 MR. BINGHAM: This plan is
9 recommended for approval based on compliance
10 with the following: The plan contains all
11 the elements required; the agency has
12 demonstrated every good faith effort to
13 achieve such goals; and the agency has
14 substantially addressed deficiencies noted
15 from the Commission in their prior plan
16 review.

17 Short-term goal achievement,
18 17 out of 22, 77 percent; long-term goal
19 achievement, 18 out of 23, 78 percent; total
20 goal achievement 35 out of 45, 78 percent;
21 promotion goal achievement, 3 out of 4 or 75
22 percent.

23 In the five-year history of
24 2002, '03, '04, the plan was approved. In
25 '05 the plan was approved by default, and '06

1 it was approved.

2 THE CHAIRPERSON: Are there
3 any questions of the agency or --
4 Commissioner Clarke.

5 COMM. CLARKE: Yes. Where is
6 all of the information because there seems to
7 be quite a few hires. Where is that
8 narrative?

9 THE CHAIRPERSON: Can I jump
10 in and give a guess just to see if I win?

11 COMM. CLARKE: Okay.

12 THE CHAIRPERSON: Is this
13 because they so substantially met their
14 goals? I believe that by tradition here --
15 maybe by regulation but maybe by tradition --
16 if an agency -- and this is for the benefit
17 of everyone -- reaches 70 percent or more of
18 their goals --

19 COMM. CLARKE: They don't have
20 to explain it? Okay.

21 THE CHAIRPERSON: Yes. If an
22 agency has a work force which is as diverse
23 as it ought to be, then they pass the test.
24 If they don't, then the next test they pass
25 is are they hiring people at the rate of at

1 least 70 percent of goals then they pass the
2 test. And if they don't do that, which is
3 almost all agencies, then they have to show
4 good faith effort like we tried and we
5 advertised and the person we hired who wasn't
6 a goal was just a better typist or the doctor
7 was more experienced. That's where we're
8 usually discussing the issues.

9 COMM. CLARKE: All right.

10 THE CHAIRPERSON: But in this
11 case, which is not too common, that they
12 achieved over 70 percent in both short-term
13 and long-term.

14 COMM. CLARKE: Yes.

15 THE CHAIRPERSON: So I guess
16 perhaps they're to be commended for no other
17 reason than we have a lot less paperwork we
18 have to look at.

19 COMM. CLARKE: That's
20 satisfactory.

21 THE CHAIRPERSON: But I got
22 that right?

23 MR. BINGHAM: Yes.

24 THE CHAIRPERSON: Excellent.

25 So then if there aren't any other questions,

1 then we're on to the Department of Motor
2 Vehicles.

3 MR. BINGHAM: Representing the
4 Department of Motor Vehicles is Commissioner
5 Robert Ward and Carmen Arroyo, the EEO
6 manager.

7 THE CHAIRPERSON: Welcome.

8 MR. BINGHAM: This plan is
9 recommended for approval based on compliance
10 with the following: The plan contains all
11 the elements required; the agency has
12 demonstrated every good faith effort to
13 achieve such goals; and the agency has
14 substantially addressed deficiencies noted by
15 the Commission in the prior plan review.
16 Short-term goal achievement, 20 out of 39 or
17 51 percent; long-term goal achievement, 9 out
18 of 13 or 69 percent; total goal achievement,
19 29 out of 52 or 56 percent; and promotion
20 goal achievement, 21 out of 43, 49 percent.

21 Five-year history, the plan
22 had been approved all five years.

23 THE CHAIRPERSON: Are there
24 any questions for either our agency or that
25 agency?

1 Commissioner Clarke, you have
2 a question.

3 COMM. CLARKE: Yes, I do. And
4 it has to do with -- it's actually on page 6.
5 It's for our agency in Hartford County.
6 Who's going to answer that question.

7 MR. BINGHAM: I believe it's
8 Valerie.

9 COMM. CLARKE: This could just
10 be a typo, Valerie. It says there were no
11 black male, other male or other female
12 applicants for the position, and it shows
13 they hired another female. So I just need to
14 know what --

15 MS. KENNEDY: You said there
16 was no.

17 COMM. CLARKE: It says in
18 Hartford County there were no black male,
19 other male or other female applicants for the
20 positions into which nongoal candidates were
21 hired. It shows that we had a goal of one
22 white male; we hired one white male. We had
23 four Hispanic females as goals; we hired five
24 Hispanic females. And we had two other
25 females as goals, and we hired one. So my

1 question is what part is incorrect?

2 MS. KENNEDY: Okay. This is
3 for the Hartford County office clerical.

4 COMM. CLARKE: Uh-huh.

5 MS. KENNEDY: So in that
6 instance anywhere we hired the black female
7 and the two white females there were no goal
8 applicants in those searches. Do you see
9 that?

10 COMM. CLARKE: Yes.

11 MS. KENNEDY: Where there was
12 a white male and where there were Hispanic
13 females and where there was another female,
14 there were goal candidates in those searches
15 which resulted in the hire of a goal
16 candidate. In the three searches where there
17 were nongoal applicants hired, there were no
18 goal applicants in those searches. So those
19 three searches did not have any goal
20 candidates in them, whereas the black female
21 and two white females were hired.

22 COMM. CLARKE: Okay.

23 MS. KENNEDY: Did that help?
24 So again, because in this instance we're
25 trying to summarize in a way that you

1 wouldn't have to read through a lot of
2 things.

3 COMM. CLARKE: I see.

4 MS. KENNEDY: So instead of
5 listing --

6 COMM. CLARKE: All of the
7 candidates that were available, both the goal
8 and nongoal.

9 MS. KENNEDY: Exactly.

10 COMM. CLARKE: You only listed
11 -- oh, I see. Okay, fine.

12 MS. KENNEDY: So in those
13 three searches there were no goal candidates
14 so we didn't discuss any of them.

15 COMM. CLARKE: All right,
16 thank you.

17 THE CHAIRPERSON: So are there
18 any other questions?

19 Commissioner Lobon.

20 COMM. LOBON: This is for the
21 department itself. You have for black males
22 you have 2.9 percent, 24 hires out of 830
23 jobs. Can somebody tell me what's going on
24 here?

25 THE CHAIRPERSON: Would anyone

1 from the department care to come forward? I
2 think you said the department.

3 COMM. LOBON: Yes. Somebody
4 tell me 2.9 percent.

5 MR. WARD: Mr. Chairman,
6 Commissioner Robert Ward. A certain number
7 of hires out of 800. Obviously we didn't
8 hire in this past year.

9 THE CHAIRPERSON: He's asking
10 about the total work force, which is
11 something that comes of interest to
12 Commissioners even as we're charged with
13 looking at the last year's record,
14 nonetheless it grabs our attention when we
15 look at the whole agency just to review sort
16 of a history of what's being accomplished.

17 MR. WARD: I think it
18 indicates that two goals were met of black
19 males. In fact, there were three other black
20 males hired which didn't meet -- they were
21 diversity hired, but they didn't meet
22 affirmative action goals. So in terms of the
23 number hired in the last year there were five
24 black males.

25 In terms of

1 underrepresentation, I would agree with the
2 gentleman that the nature of the question is
3 that we are underrepresented in terms of
4 black males and have taken some steps that I
5 think are appropriate to try to fill those.
6 The first is from a commissioner level is to
7 indicate to managers that are doing hiring
8 that I expect them to meet the goals of the
9 plan, and there will be continued pressure
10 from my office to meet goals of the plan.

11 In fact, I think when you
12 review us next year you'll see, for example,
13 in different areas of the agencies we're
14 doing better than others. In the law
15 enforcement and what we call our commercial
16 vehicle safety division we are least diverse.
17 The four recent hires were all goal
18 candidates, although I don't recall off the
19 top of my head whether they were black males
20 or Hispanic males entirely. I'm not sure
21 what the makeup was, but I know they were all
22 people of color and were goal candidates.

23 In addition, I created a
24 diversity action council to bring together
25 managers across the agency to discuss the

1 issue, to talk about the issue, in an attempt
2 to change the culture of the agency from the
3 top to the bottom in terms of accepting both
4 the legal and moral responsibility that our
5 work force reflect our customers. And at DMV
6 our customers are all the people of the state
7 so our work force ought to be taking steps to
8 reflect all those people of the state. And I
9 would agree if we look at the total numbers
10 in the agency one group in particular stands
11 out as being underrepresented would be black
12 males, and some other areas we are a
13 majority, women, so the majority of employees
14 are women. So in that sense we would meet
15 that goal, 41 percent are white women, 24
16 percent are minority members, but within the
17 subset we have more work to do with regard to
18 the number of black male employees.

19 COMM. LOBON: Thank you.

20 THE CHAIRPERSON: Are there
21 any other questions?

22 Commission Conaway.

23 COMM. CONAWAY: Could you just
24 reiterate? What is it that you say -- you
25 said you're making management aware?

1 MR. WARD: We created an
2 affirmative action or diversity action
3 council consisting of about 15 managers
4 across the agency. And I've asked them to
5 develop for me, in addition to a formal
6 affirmative action plan, informal steps that
7 can be taken by managers to be sure that we
8 meet goals and we talk about these issues,
9 that we emphasize to all managers the
10 importance of meeting those goals. And that
11 committee is made up of a group of our
12 managers. And we're also working with an
13 outside consultant, really I would say, in
14 all aspects of affirmative action, not just
15 in hiring and promotion, but just in terms of
16 trying to have good employee relations.

17 I had sensed when I arrived at
18 the agency in January early on got a sense
19 that amongst employees there was some tension
20 over affirmative action issues and that the
21 best way to deal with the tension, besides
22 set a good example at the top by reminding
23 them to comply with the law, was to put
24 together a group of managers so that we could
25 speak openly about the issue and find best

1 ways to do a better job of meeting goals,
2 because I wasn't satisfied when I first came
3 in and got a review of where we were that we
4 were doing absolutely as much as we could do
5 to meet goals.

6 COMM. CONAWAY: And you think
7 in year two that this will be more effective?
8 You say next year when we look at the plan --
9 you alluded to that earlier.

10 MR. WARD: Certainly some of
11 the recent hiring, particularly amongst all
12 the law enforcement officers, the four recent
13 hires were all goal candidates. And we also
14 in the early part of this year, I think, met
15 all of the white female goals for
16 professional hires. There was a new class of
17 job created. I think it's called CCT, if I
18 remember right. But what it allow us to do
19 is to hire recent -- it doesn't have to be
20 recent, but hire college graduates which
21 allowed us to reach a different audience, and
22 I'm hoping we can also do that when we go to
23 fill a few more of those positions to also
24 meet some of the black male candidates that
25 we may be able to do some recruiting by -- we

1 can fill a position in ways we didn't before,
2 and we can go to a college campus and try to
3 recruit somebody to apply for the job.

4 COMM. CONAWAY: Thank you.

5 THE CHAIRPERSON: Are there
6 any other questions from any Commissioners to
7 the agency or to our staff?

8 Then if not, thank you
9 Commissioner Ward.

10 MR. WARD: Thank you. Good to
11 see you, Commissioner Norton.

12 THE CHAIRPERSON: Then we
13 should move on to the Department of Public
14 Safety.

15 MR. PECH: If I could just
16 interject. I did receive a letter from
17 Commissioner Danaher yesterday with his
18 apologies and regrets. He is not able to be
19 here today due to a prior commitment with his
20 family. As you recall, this meeting was
21 originally scheduled for two weeks ago. It
22 messed up a few people's plans.

23 THE CHAIRPERSON: This is a
24 tough week it has to be noted. He also did a
25 special cameo appearance.

1 MR. PECH: Yes, he did.

2 THE CHAIRPERSON: So maybe he
3 gets credit for that. I don't know. But in
4 any case, who might be here from that --

5 MR. BINGHAM: We have Colonel
6 Thomas Davoren, the deputy commissioner, and
7 we have Barbara Lynch, the EEO manager.

8 THE CHAIRPERSON: Welcome.

9 MR. BINGHAM: The plan is
10 recommended for approval because it's in
11 compliance with the B3 standard. The agency
12 has demonstrated every good faith effort to
13 achieve such goals, and the agency has
14 substantially addressed deficiencies noted by
15 the Commission in a prior plan review.

16 Short-term goal achievement,
17 16 out of 53 or 30 percent; total goal
18 achievement, 16 out of 53 or 30 percent;
19 promotion goal achievement, 49 out of 60 or
20 82 percent.

21 Five-year history, 2002, '03,
22 '04, the plan was approved; '05 it was
23 conditionally approved -- strike that. It
24 was approved by default in 2005. In 2006 it
25 was a conditional approval.

1 THE CHAIRPERSON: Are there
2 any questions from Commissioners?

3 I have one. If I'm in the
4 right spot, I guess it says that long-term
5 goals were not set. Is that discretionary or
6 how does that -- up to us, up to them? It's
7 up to them, I take it. I guess Paula is
8 going to -- thank you very much.

9 MS. ROSS: Paula Ross. It is
10 discretionary; however, we usually recommend
11 now that they just set one set of goals.
12 Long-term goals were designed to meet over a
13 period of five years, and we don't feel that
14 since the plan -- we feel that since the plan
15 is recalculated every year that it doesn't
16 make any sense to set long-term goals. And
17 the other thing I feel rather strongly about
18 is why give an agency the right to set two
19 classes of employees to hire? Why make some
20 more important than others? All goal
21 candidates are important. So we just told
22 them if they want to set short-term goals
23 only, go ahead.

24 THE CHAIRPERSON: So the
25 calculation involving setting short-term

1 goals is based on current, as current as it
2 may be, census data, labor pool data and
3 agency employment data --

4 MS. ROSS: Uh-huh.

5 THE CHAIRPERSON: And it is
6 those same data which feed into the
7 calculation of long-term goals?

8 MS. ROSS: Exactly, yes.

9 THE CHAIRPERSON: Say if they
10 had a -- just to make it very simple, they
11 have a short-term goal of hiring five black
12 females and a long-term goal of hiring
13 another five black females, would they have
14 come to the conclusion that, oh, well, this
15 year we'll try to hire five and over the next
16 we'll try to hire five or --

17 MS. ROSS: It may be based
18 upon the anticipated turnover. It may be
19 based on current vacancies. It may be based
20 on the number of employees, hires, that is
21 currently permitted by OPM.

22 THE CHAIRPERSON: Okay. So if
23 they then in this circumstance took heed of
24 the idea that you could just set short-term
25 goals, would that mean, in my example, that

1 they would have five black female short-term
2 goals or they just make it ten?

3 MS. ROSS: Ten.

4 THE CHAIRPERSON: Which then
5 they'd be setting a pretty high bar then?

6 MS. ROSS: It's the same thing
7 because once we calculate short-term goals
8 and long-term goals, we add them together for
9 a total percentage.

10 THE CHAIRPERSON: To get to
11 that 70 perhaps as an example?

12 MS. ROSS: Uh-huh.

13 THE CHAIRPERSON: Got you. I
14 don't have any other questions. I just had
15 that one. Thank you, Paula.

16 Does anyone else have a
17 question?

18 COMM. LOBON: Yes,
19 Mr. Chairman.

20 THE CHAIRPERSON: Commissioner
21 Lobon.

22 COMM. LOBON: Yes. It was
23 delightful to have the Commissioner at a
24 meeting early in the year in relationship to
25 public safety, but the issue still arises in

1 relationship to you have all the numbers in
2 the categories of employees that are just
3 making a little bit over 10 percent based on
4 people of color. I don't think that
5 represents the state of Connecticut. And I
6 know the Commissioner said that he would be
7 looking into that issue. I just want to
8 reassure him that we will be looking at it as
9 well and that I would hope that there would
10 be every push to more diversify the work
11 force in public safety to reflect the
12 population of the state of Connecticut.

13 MS. ROSS: Commissioner Lobon,
14 if you're interested, the plan itself does
15 provide extensive numbers on the recruiting
16 and the testing and at which point people
17 drop out from the testing or don't pass the
18 test, and they do have a substantial number
19 of people they've recruited who simply don't
20 show up and take them. You see a lot more
21 diversity in those who are applying, but
22 you'll also see a lot of them just simply not
23 showing up even before they have a chance to
24 fail the test, but I didn't feel that you
25 needed to be burdened with 15 or 20 pages of

1 those numbers. I'd be glad to get them for
2 you.

3 COMM. LOBON: Well, then my
4 question is is why are these people not
5 showing up.

6 MS. ROSS: I couldn't answer
7 that.

8 COMM. LOBON: Well, then I
9 think we should get that answer then. I'd
10 appreciate that. If you're saying to me that
11 there's a diverse hiring pool but they're not
12 coming to take them, why are they not
13 proceeding forward.

14 THE CHAIRPERSON: It looks
15 like we have volunteers from the agency who
16 would like to address this. So if you'll
17 identify yourself before you answer, that
18 would be great.

19 MR. DAVOREN: My name is
20 Colonel Tom Davoren, Deputy Commissioner of
21 Public Safety. I will tell you that we're
22 one of the few state agencies that hires
23 large groups of people at one time. And
24 unlike an agency where we can hire
25 individuals one at a time where we can pretty

1 much move fairly quickly through the testing
2 process, when we hire a class of say 60 to 80
3 trooper recruits it takes some time to do
4 that, sometimes up to two years from the date
5 of the written test, and that's one of the
6 problems that accounts for some of our loss
7 of interest. I shouldn't say loss of
8 interest, but some of the folks that we're
9 recruiting are a commodity and we're
10 competing with over a hundred police
11 departments just in this state alone, the
12 same pool of candidates, and if they have a
13 faster, more efficient hiring process, we
14 sometimes lose out to that.

15 THE CHAIRPERSON: And the
16 greater status of working for a municipal
17 police department I think too.

18 MR. DAVOREN: People are
19 looking for work. We do keep our folks
20 waiting two years.

21 THE CHAIRPERSON: Is the
22 turn-around a lot quicker applying to be a
23 Hartford or New Haven police officer, is that
24 a quicker life span?

25 MR. DAVOREN: Yes, it is.

1 Yes, it is. And we also recognize, you know,
2 women of color are a particular issue that
3 our agency faces. We're trying to
4 accommodate our goals in those areas. We
5 have made a petition to DAS to shorten the
6 recruiting time line. We've also petitioned
7 that we would take over the physical agility
8 testing. The idea there is that we would be
9 able to hold the agility in close proximity,
10 if not on the same day, as the written test
11 and offer -- we would like to see the test
12 offered on Saturdays in the different
13 locations throughout the state, which is not
14 always the case because of budgetary
15 constraints and things of that nature.

16 When people have to take days
17 off from work to spend a whole day taking the
18 test, that's somewhat of a disincentive,
19 especially if the period of time has passed
20 for the time to initially file their
21 application. For the next recruiting cycle,
22 for example, we plan to increase the number
23 of recruiters. Of course I'm speaking to the
24 sworn positions, which are the positions that
25 are more visible to the people in the state

1 of Connecticut.

2 On a long-term plan we're
3 stakeholders in the Greater Hartford Public
4 Safety Academy magnet school which is in the
5 planning stages now, but I will tell you that
6 we have a lot of stakeholders that are
7 interested in that, the law enforcement
8 community, and we hope to be top dog in that
9 one and have first dibs with the recruits
10 that go to this school. We realize the need
11 to target younger folks. We need to help
12 mentor these folks to avoid disqualifying
13 errors in judgment that sometimes comes up in
14 background investigations and to help
15 establish some core values. We're looking at
16 civilianization. The Department of Public
17 Safety, we have a number of positions that
18 for a variety of reasons, et cetera, that we
19 have sworn people filling those positions.
20 We have put in some requests to civilianize
21 those positions which we hope will give us an
22 opportunity to do some recruiting for
23 civilian folks as well and increase the
24 diversity in that area.

25 The Commissioner at that end,

1 and I believe he may have spoken to you about
2 this, he's made extraordinary efforts. He's
3 met with every group, folks representing
4 minority candidates within the department and
5 sought a great deal of ideas, and he for the
6 most part plans to implement about 80 percent
7 of them, many of which are already
8 implemented. So, that's what I wanted to
9 pass on to the Commission.

10 COMM. LOBON: Thank you.

11 THE CHAIRPERSON: Commissioner
12 Griffin.

13 COMM. GRIFFIN: How receptive
14 have they been to shorten the time frame that
15 you're talking about? Are they receptive
16 or --

17 MR. DAVOREN: Well sir, we are
18 currently in a cycle now where the class
19 that's currently in was off the list, the
20 last group off the list that expired. The
21 next class that's going to go in will be off
22 a test that was given about four to five
23 months ago. So we expect two classes to come
24 off that list. So we won't begin our
25 recruiting season for almost a year from now

1 for the next eligibility of written test.
2 And we hope that by that point that we'll
3 have that in place so we'll be able to
4 shorten up the recruiting time. We feel that
5 the length of the recruiting process is one
6 of the biggest hindrances we have to
7 recruiting a diverse pool of candidates.

8 THE CHAIRPERSON: To take on a
9 sworn position you have to have like
10 absolutely zero as far as a criminal
11 background?

12 MR. DAVOREN: It's not
13 absolutely zero, sir.

14 THE CHAIRPERSON: And I'm just
15 kind of wondering if that's part of the --
16 you were saying something about -- I forget
17 the words you used -- sort of mentoring
18 people through earlier in life so that they
19 don't make mistakes that kind of stop the
20 whole idea of becoming a police officer, I
21 guess.

22 MR. DAVOREN: That's correct,
23 sir. We're looking at national programs that
24 in other agencies have worked. And our
25 experience is not that much different. We

1 have found that a lot of agencies around the
2 country, law enforcement agencies at the
3 state level and local levels, realize that
4 this is a problem. We're all facing the same
5 problems. We have certain disqualifying
6 acts. They vary agency by agency and state
7 by state. We want well qualified folks. And
8 we find that some of them are just a product
9 of poor life choices. And if we can get that
10 early in life then, like I said, the magnet
11 school or the Greater Hartford Public Safety
12 Academy, which is in the planning stages now,
13 is an opportunity to do that. We certainly
14 want to take advantage of that and have a
15 presence there.

16 THE CHAIRPERSON: Do we have a
17 higher level -- by the way, I'm not
18 advocating anything, but do we have a higher
19 or lower level of -- you use the term
20 "disqualifying act." Is Connecticut tougher
21 than Illinois or Wyoming, as far as you know,
22 as far as saying gee, sorry, you did this?

23 MR. DAVOREN: I don't believe
24 we're necessarily tougher. There are
25 certainly agencies that have more liberal

1 standards than we do, but I don't think we're
2 by any means the toughest standards. We also
3 know that certain agencies, the integrity of
4 their law enforcement agency is the first
5 most important thing in the public's mind,
6 and it's important to do our best to maintain
7 that integrity with well qualified candidates
8 as well.

9 THE CHAIRPERSON: Commissioner
10 Griffin, was that satisfactory?

11 COMM. GRIFFIN: That's fine.

12 THE CHAIRPERSON: Any other --
13 I'm sorry, please proceed.

14 MS. LYNCH: Barbara Lynch, the
15 EEO manager. I'd just like to add on to what
16 the deputy commissioner has said. There is a
17 great improvement going on now. In fact, I
18 had a selection board meeting today which
19 looked at recruits coming in for the next
20 coming class, not the class that's already
21 in, and this recruitment has shortened far
22 better than it has been. When I first came
23 to the agency it was two years to two and a
24 half years for anyone to even get in. This
25 last class that was in this reporting period

1 got in within six months to eight months.
2 The class that's in now we started out
3 with 57. Who is remaining because people
4 will leave first day, second day, for
5 whatever their reason? We have four white
6 females still remaining, two black males, we
7 have five Hispanic males and 32 white males,
8 which is a great class, great diversity. We
9 had quite a few people leave. We are finding
10 when we talk to some of the females a lot of
11 it is that they don't have the support at
12 home. They miss home. They have children.

13 The question was asked we need
14 to find out why they don't show up to the
15 agility or to the other -- even to the
16 written. They may apply. And this is
17 something that our selections unit is working
18 with DAS to try to find out are these two
19 numbers you're giving us as far as how many
20 applied, how many really didn't show up,
21 because we're counting on them that they're
22 giving us the correct information, and we
23 don't really know why people don't show up or
24 why they drop out.

25 I am very much involved in the

1 selection process to the extent once it gets
2 away from DAS, because DAS does all the
3 testing and everything, which I cannot be a
4 part of. That is their protocol. But
5 anything else following their training, I'm
6 over there to make sure that nobody is being
7 mistreated or anything like that. I'm right
8 on top of it along with my assistant in my
9 office. I have to say that Commissioner
10 Danaher has really put forth because we've
11 been charged by the governor that she wants
12 at least three more classes held by 2009. So
13 we're working diligently.

14 And the selection unit is
15 looking at it again -- they discussed it
16 today -- on how to even shorten more, if
17 possible. So as it's been stated and the
18 study has shown, we lose a lot of people and
19 not just people of color. We lose a lot of
20 people when it gets to their background where
21 things that they have done in their life that
22 wouldn't warrant them to be an officer.

23 THE CHAIRPERSON: Any other
24 questions?

25 Commissioner Mambruno.

1 MR. MAMBRUNO: The classes
2 that these individuals take, how do they
3 compare with another municipality, say in New
4 Haven or Bloomfield, a larger city, Stamford?
5 Are they more difficult? Do you have more
6 classes?

7 MR. DAVOREN: The training is
8 longer for us, but the reason for that is
9 because the POST, which is Police Officers
10 Standards and Training Council, only provide
11 basic recruit training. Those officers, once
12 they graduate, with postcertification would
13 return to their home agencies for the
14 additional training on their own internal
15 policies, procedures, methodologies, things
16 of that nature, whereas our recruits have to
17 come out with that training as well. So
18 that's one of the reasons in a way it's
19 longer, but it is from an academy
20 environment. The academy is longer, and the
21 total training environment, I think the
22 amount of hours is fairly similar.

23 We do run our own academy
24 colocated in the same building as the Police
25 Officer Standards and Training Council. Most

1 municipal police officers are trained in a
2 residential program, but certain larger
3 communities like New Haven and Hartford, for
4 example, I know have run their own academies,
5 and they're 8:00 to 5:00 type academies where
6 the recruits go home at night. Ours and the
7 remainder of the municipal academies run a
8 residential program for Monday through Friday
9 at the academy.

10 THE CHAIRPERSON: Are you
11 getting paid while you're doing that?

12 MR. DAVOREN: Yes, sir.

13 THE CHAIRPERSON: And then
14 some might drop out in which case they've
15 severed their relationship?

16 MR. DAVOREN: Exactly. On day
17 one they are signed up as state employees and
18 are getting paid.

19 MR. DAVOREN: And actually
20 when they do their agility test they sign as
21 a conditional employment, meaning providing
22 you pass the rest of this you have a job.

23 THE CHAIRPERSON: Any other
24 questions for the department?

25 MR. PECH: Mr. Chair, I just

1 have one comment related to the question that
2 the Commission asked by Commissioner Lobon.
3 Commissioner Danaher and I have actually been
4 involved in both verbal and written dialogue
5 for the last couple of months on this whole
6 issue regarding his frustration at being able
7 to retain minorities. And actually his most
8 recent letter, which was fairly lengthy, I
9 got just before the last meeting so obviously
10 it wasn't in that package. I was going to
11 include it in the January package. In
12 retrospect I should have put it in a
13 supplement to this, but I will provide it.
14 But they are making a number of efforts based
15 on some of the discussions that we've had.

16 THE CHAIRPERSON: Thank you
17 for that information. Any other questions?
18 It appears not. Thank you for the time, and
19 thank you for the information.

20 At this point we've concluded
21 hearing about and from the Department of
22 Administrative Services, Agriculture, Mental
23 Health, Motor Vehicles, and Public Safety,
24 and we have a motion on the floor to accept
25 staff recommendation for approval and to

1 retain annual filing status for those five
2 agencies. Is there any discussion of that
3 joint motion? Hearing none, all those in
4 favor of approving the affirmative action
5 plans and retaining the annual filing status,
6 please say aye.

7 Any opposition?

8 Any abstentions?

9 COMM. LOBON: Abstained.

10 THE CHAIRPERSON: Commissioner
11 Lobon abstains. The motion passes. We move
12 on now. And I would entertain a motion from
13 any commissioner to accept staff
14 recommendation for disapproval of the
15 Division of Criminal Justice Affirmative
16 Action Plan? Is there such a motion?

17 COMM. CLARKE: So moved.

18 THE CHAIRPERSON: Commissioner
19 Clarke so moved. Is there a second?

20 MR. MAMBRUNO: Second.

21 THE CHAIRPERSON: And as it
22 happens the recommendation also includes
23 retention of the annual filing status. So
24 you have a second by Commissioner Mambruno.
25 So now we have discussion.

1 Mr. Bingham.

2 MR. BINGHAM: Here

3 representing the Department of Criminal
4 Justice is Kevin Kane, the Chief State's
5 Attorney; John Russotto, Deputy Chief State's
6 Attorney; and Pat Alston-Tyson, EEO
7 specialist.

8 This plan is recommended for
9 disapproval based on noncompliance with the
10 following: The work force, considered as a
11 whole and by occupational category, is not at
12 parity with the relevant labor market area;
13 the agency has not met all or substantially
14 all of its hiring, promotion and program
15 goals; and the agency has not demonstrated
16 every good faith effort to achieve such
17 goals.

18 Short-term goal achievement 3
19 out of 7 or 43 percent; long-term goal
20 achievement 5 out of 11 or 45 percent; and
21 total goal achievement 8 out of 18 or 44
22 percent.

23 The five-year history, 2002
24 the plan was approved; 2003 conditionally
25 approved; 2004 and '05 approved; and '06

1 conditionally approved.

2 THE CHAIRPERSON: Thank you.
3 I was just reading for a second. Are there
4 any questions from Commissioners or of our
5 staff, mainly Val Kennedy or of the agency?

6 MR. PECH: May I just jump in
7 with a comment? I'm sorry.

8 THE CHAIRPERSON: Mr. Pech.

9 MR. PECH: I did get a fax
10 from Kevin Kane. It came in yesterday. I'm
11 unfortunately working without my secretary
12 this week. So it was not given to me until
13 midmorning. I didn't see it until
14 midmorning. It's an attempt to address some
15 of the deficiencies that were found. It's
16 very brief, if you'd like me to summarize it,
17 in addressing the candidates that were not
18 addressed, which was one of the issues.

19 THE CHAIRPERSON: I would have
20 you if they were absent a spokesman, but it
21 appears that they have one.

22 MR. PECH: Okay.

23 THE CHAIRPERSON: So not to
24 steal the way they may want to frame those
25 issues, I would defer it to them to

1 represent --

2 MR. PECH: That's fine. I
3 just wanted to get it across that they
4 haven't ignored it. They did write
5 something.

6 THE CHAIRPERSON: That's good
7 to know.

8 Commissioner Clarke, did you
9 have your hand up?

10 COMM. CLARKE: Yes, I did.

11 THE CHAIRPERSON: And I should
12 say that depending on how these questions go,
13 if the opportunity doesn't arise in that
14 circumstance, we would certainly welcome the
15 agency to speak in its behalf or to entreaty
16 us in any way.

17 Commissioner Clarke.

18 COMM. CLARKE: I understood --
19 and I guess this is a question for our
20 agency. I understood your explanation for
21 long-term goals. But looking under
22 short-term goals, I'm assuming that's what
23 I'm looking at. For officials and
24 administrators it says no goals set, and I
25 want to know how come. And then it says in

1 the narrative there were no goal candidates
2 for this position. Now, if you didn't set
3 goals, how can you have a goal candidate?

4 THE CHAIRPERSON: Can you
5 point out a page number.

6 COMM. CLARKE: Four of 16.

7 THE CHAIRPERSON: Thank you.

8 COMM. CLARKE: Anybody?
9 Because I'm sure there's some explanation.

10 MS. KENNEDY: Yes. If you
11 look on page -- Valerie Kennedy for the
12 record. If you look on page 13, you'll see
13 that there are promotion goals set for
14 officials administrators and at the bottom
15 two white female, one black male and a
16 Hispanic male. Again, remember that goals
17 are set based on underutilization, and it's
18 the agency's choice, again, considering how
19 they filled these positions in the past how
20 they set the goals. For the vast majority of
21 officials administrators they promote. So it
22 makes sense that the underutilization would
23 be addressed by setting promotion goals.
24 That doesn't mean that they can't hire
25 someone into those positions, but again

1 because they chose to set 100 percent of the
2 goals as promotions, there was that hiring
3 goal set.

4 COMM. CLARKE: Okay, fine.

5 MS. KENNEDY: And that's why
6 it comes out that way. And again, had the
7 hire been a goal candidate, a promotion goal
8 candidate, they would have gotten credit for
9 addressing underutilization.

10 COMM. CLARKE: Wonderful.

11 THE CHAIRPERSON: I'm sorry,
12 is that reflective of a policy on the part of
13 the agency that they will, in certain
14 categories, only fill them with people in the
15 agency?

16 MS. KENNEDY: There are some
17 positions in agencies where they are
18 exclusively promoting to that position and
19 they do not hire from without, not
20 necessarily in this particular situation, but
21 that happens, yes.

22 THE CHAIRPERSON: If they
23 decide to set a group of goals or a category
24 of goals that have promotional goals, might
25 it still be the case that they might be

1 hiring someone from outside the agency?

2 MS. KENNEDY: They could be,
3 but again, we do take that into
4 consideration. So for example, if an agency
5 has always promoted to a certain position, to
6 a certain set of positions and suddenly
7 starts lists of hiring goals, we will
8 question it and find out why they are setting
9 hiring goals if they've always promoted to
10 those positions. We do look at that, yes.

11 THE CHAIRPERSON: Commissioner
12 Clarke, I have a question for you. Could you
13 point out again what on page 4 you're
14 referring to because I haven't found it yet?
15 And I apologize.

16 COMM. CLARKE: I'm looking --
17 it's the second bullet, "Hiring Goals." It
18 says "officials and administrators no goals
19 set," and then it talks about under the
20 narrative for the state's attorney there were
21 no goal candidates for this position.

22 THE CHAIRPERSON: Got you.

23 COMM. CLARKE: And I'm just
24 trying to reconcile that, and Valerie
25 explained it.

1 THE CHAIRPERSON: Got you,
2 okay.

3 Are there any other questions
4 from Commissioners?

5 COMM. CLARKE: Over here. I
6 have a question.

7 THE CHAIRPERSON: Please
8 proceed, Commissioner Clarke.

9 COMM. CLARKE: This is not for
10 our agency. This is not for CHRO. I would
11 like the agency to explain how being
12 overqualified disqualifies you from
13 contention for any of these positions. That
14 was the most troubling to me to read that
15 people that were overqualified were not
16 considered for a position, and I'd like
17 someone from the agency to speak to that.

18 THE CHAIRPERSON: Welcome. If
19 you can identify yourself before you speak,
20 that would be great. Thank you.

21 MR. KANE: Thank you,
22 Commissioner Norton. My name is Kevin Kane.
23 I'm the Chief State's Attorney. And with me
24 is Pat Alston-Tyson, who is our affirmative
25 action specialist. And that's a good

1 question. And looking at that, I can see
2 exactly why you asked that Commissioner
3 Clarke. One position that strikes me, as I
4 recall it, there was a lawyer who applied for
5 a clerical position, a secretarial position,
6 overqualified. The person who did that
7 hiring believed that that lawyer would not be
8 satisfied for very long in that clerical
9 position given the experience.

10 COMM. CLARKE: But there are
11 quite a few of these. So unless you had a
12 run on lawyers, I wouldn't think all of
13 this -- I don't mean any offense but --

14 MS. ALSTON-TYSON: Can I say
15 something?

16 COMM. CLARKE: Please.

17 MS. ALSTON-TYSON: In the past
18 we've used "overqualified," and what is
19 missing is really an explanation of the
20 definition for overqualification for that
21 specific job or that specific --

22 COMM. CLARKE: Exactly, that
23 specific candidate.

24 MS. ALSTON-TYSON: --
25 candidate. And in the past we hadn't

1 explained that, and that's why they appear.
2 So frequently we had been using that without
3 a detailed explanation. I've spoken to
4 Valerie Kennedy, and we've spoken over the
5 past few weeks since the plan was recommended
6 for disapproval, and we now have a better
7 understanding of the detail that's required
8 for using a term such as overqualification.
9 And we apologize for using it so frequently,
10 but at the time we thought it would be a
11 sufficient explanation for the
12 disqualification of the goal candidates.

13 COMM. CLARKE: I'm sure the
14 conversations you've had with our staff also
15 include being a little bit more expansive
16 with definitions of unstable work history and
17 untidy application. That would disqualify
18 every doctor I've ever used if I use untidy
19 as far as their written word. But I was just
20 curious. You did have that discussion with
21 them, and they told you to provide us with
22 more detail so we would know exactly what you
23 were referring to.

24 MS. ALSTON-TYSON: Yes.

25 THE CHAIRPERSON: Let me ask

1 this though: If you're being told that
2 overqualified -- it sounds to me like you're
3 being told that it is an incomplete answer or
4 defense for not hiring someone?

5 MS. ALSTON-TYSON: Yes.

6 THE CHAIRPERSON: But I assume
7 that when you wrote "overqualified," in many
8 circumstances, it was still an honest
9 representation of people's thoughts. It may
10 not have been an elaborate representation,
11 but I take it there must have been a number
12 of people that you thought would, what, kind
13 of get up and look for another job within six
14 months and not be stable in the position or
15 get antsy or get bored, or what was the
16 reason that in many circumstances
17 overqualified was the observation?

18 MS. ALSTON-TYSON: Well,
19 applying for an entry-level position and
20 having an advanced degree or a law degree,
21 and not just for the clerk positions but for
22 other positions also, but we feel that after
23 a very short period of time that they would
24 be moving on.

25 THE CHAIRPERSON: Are there

1 any other questions from Commissioners?

2 COMM. LOBON: Yes,
3 Mr. Chairman.

4 THE CHAIRPERSON: Commissioner
5 Lobon.

6 COMM. LOBON: Looking at the
7 analysis sheet, you only made 10 percent
8 minorities. I can't understand this.

9 THE CHAIRPERSON: You're
10 adding up --

11 COMM. LOBON: I'm just adding
12 them all up. I was just making a comment.
13 That's all.

14 COMM. CONAWAY: Do you have an
15 explanation for that?

16 MS. ALSTON-TYSON: All I was
17 going to say was that depending on the
18 categories that he's looking at or overall --

19 COMM. LOBON: Overall.

20 COMM. CONAWAY: Overall.

21 COMM. LOBON: You have 530
22 employees in there.

23 MS. ALSTON-TYSON: The
24 majority of the employees for the division
25 are attorneys, and we are challenged by

1 hiring minority attorneys for a number of
2 reasons, including the salary as opposed to
3 the private bar. We have a number of
4 challenges hiring minority attorneys.

5 THE CHAIRPERSON: I've got to
6 say I went to night law school. I don't know
7 if that makes any difference from day law
8 school. But there were only -- I think there
9 were about -- well, I mean, it might be in a
10 different place in your life where you might
11 -- I know I was. I think there were about 75
12 people in my class, and I only had two black
13 classmates. And so to some extent, you know,
14 you're only possibly going to be putting
15 aside the fact that some big law firm may
16 offer someone 100,000 instead of like what's
17 an entry level assistant state's attorney
18 make?

19 MS. ALSTON-TYSON:
20 Fifty-eight. And that's just increased. It
21 was 51,000 until this past June.

22 THE CHAIRPERSON: Is that real
23 bad.

24 COMM. CLARKE: I would think
25 that clerical job would look better and

1 better. I mean, come on, I think we pay
2 service reps more.

3 MR. PECH: The average firm in
4 Connecticut, the big firms, private, just out
5 of law school, pay well over 100,000 now out
6 of law school. So there's very few state
7 agencies that can match that for somebody
8 just out of law school.

9 THE CHAIRPERSON: So, is that
10 just are you locked in by the Legislature?
11 In fact, is it your observation that a lot of
12 black or Hispanic attorneys are -- and maybe
13 this was my observation ten years ago that it
14 was a smaller number -- but are they being
15 scooped up by private firms? It's logical,
16 but is it in fact happening?

17 MS. ALSTON-TYSON: They are,
18 but also other state agencies pay more than
19 ours does, entry level.

20 THE CHAIRPERSON: Okay.

21 COMM. CLARKE: Without a
22 doubt.

23 THE CHAIRPERSON: Interesting.
24 Well, Commissioner Clarke or any other
25 Commissioners, did you have a further

1 question?

2 COMM. CLARKE: I guess it
3 still gets to explanations because one
4 individual was disqualified at least once for
5 being overly enthusiastic, and another was
6 disqualified for being unenthusiastic. So I
7 guess what I'm looking for from your agency,
8 add I'm sure you're going to do it, is just
9 to be a little bit more clear on your
10 explanations, because these two folks are
11 canceling each other out, the overly
12 enthusiastic and the unenthusiastic. And I
13 don't really know what that means as far as
14 being qualified for the job. I mean, I've
15 interviewed a lot of people, and I've never
16 found a person being overly enthusiastic as
17 being a bad thing.

18 THE CHAIRPERSON: Just to let
19 you know, we got that as a written up
20 description of why someone was rejected by
21 the Welfare Department a month or two ago.
22 Just as a hint to everyone, overly
23 enthusiastic is, at least to this Commission,
24 seems like it doesn't feel like a good reason
25 not to hire someone.

1 COMM. GRIFFIN: Unless they're
2 worried about their job.

3 THE CHAIRPERSON: Just to let
4 you know that we're not seeing that a couple
5 of times, and maybe that's -- because we're
6 not quite sure if -- I can sort of imagine
7 that someone may in an interview sort of
8 display maybe sort of an inappropriate
9 professional demeanor or something, although
10 that may not even satisfy our review
11 terminology, but overly enthusiastic just
12 doesn't seem like it describes a negative, I
13 guess, is the way to put it.

14 MS. ALSTON-TYSON: I do try to
15 observe a large number of interviews that are
16 conducted, but I was not present at that
17 interview, and honestly I can't say what that
18 means. In the future we will provide more
19 detailed explanations for disqualifications,
20 but I can't explain.

21 THE CHAIRPERSON: Sure.
22 Well -- and I'm not trying to cut you off.
23 What I wanted to do was to give -- well, if
24 the agency wanted a chance to speak broadly
25 on the plan and the proposed disapproval,

1 although you're not forced to, and/or
2 summarize or even read some of the thoughts
3 that were in the letter to Director Pech, I
4 wanted to offer you that opportunity. But
5 also, you know, Commissioners' questions come
6 first too. But I don't know if you wanted to
7 speak to the issue generally or not.

8 MR. KANE: Yes. Just briefly
9 with regard to the reasons given for not
10 interviewing or not hiring, we've had issues
11 with that over the manner in which we've used
12 to describe the reasons in the past. We
13 worked hard. I thought we had corrected a
14 lot of them last year. I think we did
15 correct a lot of them last year. Some of
16 them have not been corrected like the use of
17 the term "overqualified." The person who
18 made the decision when they did the interview
19 may have had a very good reason as to what
20 that person meant, but the mere description
21 of overqualification is not enough.

22 The people who actually do the
23 hiring and do the interviewing are the
24 state's attorneys or the supervisory
25 assistant state's attorneys in the court

1 location where the vacancy occurs.

2 Mr. Bingham has offered to come and talk to
3 the state's attorneys and again to the
4 assistant state's attorneys who do the
5 interviewing, do fill out the forms. I've
6 eagerly accepted his invitation. I think it
7 would be a good idea if he does that.

8 I think we need to give
9 explanations. I don't think they are
10 indicative of -- I mean, I think the reasons
11 that the people actually have for not
12 interviewing and not hiring are good reasons,
13 but they're not described appropriately for
14 this Commission to be able to make a
15 determination as to the proprietariness of
16 their reasons. I think some training in that
17 area would help. I'm glad that the staff
18 here is willing to help, plus we need the
19 help and will avail ourselves of it eagerly.

20
21 With regard to the 10 percent
22 minorities, we've made an effort -- we are
23 making efforts, fairly intense efforts, to
24 diversify our work force. We're trying to
25 reach out to minority bar associations, which

1 there are several in the state of Connecticut
2 that are very active and good. We're hoping
3 that they will be able to refer people or
4 suggest people that, in spite of the fact
5 that the pay is not as high as it is
6 elsewhere, being a prosecutor is a good and
7 beneficial job, and it's a good way to
8 benefit the community.

9 We're trying to reach out to
10 minorities and improve our hiring. I think
11 it made some positive steps in that direction
12 and we have hired some minorities in the
13 recent past which has helped. We're trying
14 to do it. I hope we would get a conditional
15 approval rather than a disapproval of our
16 plan. I think with some training we'll do
17 better. The explanation that we had
18 furnished in writing yesterday by a letter --
19 it was actually signed by John Russotto
20 because I was not available yesterday due to
21 family commitments -- but the three of us had
22 talked over our response to some of the
23 specific concerns raised. That letter you
24 have or will have.

25 I don't know that I need to go

1 into any detail. One of the problems was
2 some information was left out by oversight of
3 our plan that's been included. The other one
4 deals with the issues we've been talking
5 about, about reasons for eliminating goal
6 candidates, and I hope we can correct that,
7 and I expect we will correct it.

8 THE CHAIRPERSON: I actually
9 had another question. Protective services
10 category, that's a huge percentage of your
11 work force. What does that mean in the
12 State's Attorney organization?

13 MR. KANE: The service
14 classes -- which ones?

15 MS. ALSTON-TYSON: The
16 inspectors and the investigators.

17 THE CHAIRPERSON: Okay. So
18 they're not courthouse protection?

19 MS. ALSTON-TYSON: No.

20 THE CHAIRPERSON: They are men
21 and women out on the road doing the field
22 work for making the case.

23 MR. KANE: Actually the
24 inspectors are all police officers with law
25 enforcement powers. They are all people who

1 come from police departments. The
2 investigators who work in the GAS don't have
3 law enforcement powers, but most of them are
4 police officers, former police officers, who
5 have some degree of training in what's
6 needed, and they assist in the preparation of
7 cases in the GA courts.

8 THE CHAIRPERSON: Okay. And
9 that's an area actually where it's
10 interesting but maybe protective services
11 must mean different things. One of the
12 things I was noticing in other agencies is
13 that a place where there were some black men,
14 maybe even more than the agency had on
15 average, was in protective services, but I
16 don't know if protective services means
17 something different or --

18 COMM. CONAWAY: It could be
19 security. It could mean a number of things.

20 THE CHAIRPERSON: Yes.
21 Whereas here it may be, I don't know what,
22 someone with even more of a background of
23 other agencies because there isn't a rich
24 vein of, in this case, blacks or even
25 Hispanics -- I say "or even," but Hispanics,

1 you have 119 people in protective services,
2 and of so-called black and Hispanic and
3 other, it just gets up to 9. But well, in
4 any case, are there -- did you finish your
5 thoughts?

6 MR. KANE: Yes, I did.

7 THE CHAIRPERSON: We have a
8 motion to disapprove. It's been seconded.
9 I'll say that the Chief State's Attorney made
10 a request that it be a conditional approval.
11 Do either or I should say both the mover and
12 the seconder wish to change their motion, or
13 would you like to keep it the way it is.

14 COMM. CLARKE: Keep it the way
15 it is.

16 THE CHAIRPERSON: Okay. And
17 if other Commissioners have a different view,
18 then voting no would make sense and we could
19 move on. But is there any other debate or
20 discussion or questions from any
21 Commissioners? Then the motion before us is
22 a motion to accept staff recommendation for a
23 disapproval.

24 MS. KENNEDY: Mr. Chairman,
25 I'd like to point out one thing. This plan

1 had been recommended for disapproval last
2 year, and the recommendation was changed to a
3 conditional approval.

4 THE CHAIRPERSON: I'm sorry,
5 the recommendation or the action of the
6 Commission?

7 MS. KENNEDY: The action of
8 the Commission.

9 THE CHAIRPERSON: Okay. So in
10 any case, thank you. We now have still a
11 motion. You have a question.

12 MR. MAMBRUNO: Yes. Getting
13 back to the starting salary for attorneys,
14 have you ever spoken to DAS as to why you're
15 lower than state agencies when it comes to an
16 entry level?

17 MR. KANE: Yes, we did. And
18 as of July 1st of this past year, 2007, the
19 salary level was brought up to a level much
20 closer. At that time, and I'm not sure why
21 it was, but prosecutors were on a 35-hour
22 work week. We've expanded the work week to
23 40 hours, and that caught the salary up close
24 to what it was with the Attorney General's
25 office, I believe. I don't know the exact

1 dollar figures, but it's close. So that
2 discrepancy within the agency shouldn't be a
3 factor any longer. In the past we did hire
4 prosecutors and have them go to the Attorney
5 General's office, for instance, or not even
6 apply for a job because they went to the
7 Attorney General's office. That discrepancy
8 has been reduced greatly, if not eliminated
9 on the entry level position at least. Is
10 that correct?

11 MS. ALSTON-TYSON: Yes.

12 MR. MAMBRUNO: Do you also
13 have the same classifications for your
14 attorneys as the state?

15 MR. KANE: Pardon me?

16 MR. MAMBRUNO: The same
17 classifications as attorney one, two, three,
18 what they use in the state agencies.

19 MR. KANE: No, we didn't.
20 Everybody comes in as a deputy assistant
21 state's attorney. After a period of time by
22 seniority they automatically become assistant
23 state's attorneys. We have a union contract,
24 unlike many of the other agencies, and our
25 salary is actually set by labor negotiation

1 and that affects our promotional ability to
2 promote.

3 THE CHAIRPERSON: We're going
4 to 58 just because you added five hours of
5 work a week?

6 MR. KANE: Yes, yes.

7 THE CHAIRPERSON: What's a
8 starting attorney here make?

9 MR. BROTHERS: There's
10 actually -- we have three grades of
11 attorneys, one, two and three. In my office
12 there's only twos and threes in the top end
13 now. Since we renegotiated there was an
14 evaluation of all state attorneys. I think
15 the top end now is close to a hundred.

16 THE CHAIRPERSON: The top end.
17 What's the bottom end? I mean what's entry
18 level?

19 MR. BROTHERS: For one I want
20 to say it's mid sixties.

21 THE CHAIRPERSON: Okay.

22 MR. MAMBRUNO: At least they
23 have the panache to stay at the chief state's
24 attorney's office.

25 MR. KANE: If that's a

1 panache. Some may not think so.

2 THE CHAIRPERSON: Well,
3 there's so many things to be said, but I will
4 -- we still have a motion on the floor. Is
5 there any other discussion or any other
6 questions from Commissioners? The motion is
7 to accept staff recommendation for
8 disapproval of the affirmative action plan
9 for the previous year for the Division of
10 Criminal Justice. Is there any other
11 discussion?

12 All those in favor of the
13 motion for disapproval please say aye.

14 All those opposed?

15 All those abstaining?

16 COMM. LOBON: Abstained.

17 THE CHAIRPERSON: Commissioner
18 Lobon abstains. The motion passes. We wish
19 you well in all of your attempts to make it
20 go more smoothly. Thank you for coming here.
21 Thank you for your time.

22 MR. KANE: Thank you. And I'd
23 like to thank the Commission and the staff
24 for offering to help us out in the future,
25 and hopefully we won't have this problem next

1 year.

2 THE CHAIRPERSON: That will be
3 super. We share your desire. At this point
4 in time since we're done with the state
5 agency portion, we'll take just a momentary
6 stand-up break so people can go back to
7 working for the state in their normal daily
8 way, but you can stay.

9 (Whereupon, a recess was taken
10 from 3:18 p.m. until 3:20 p.m.)

11 THE CHAIRPERSON: I guess we
12 can resume. I was passing this contact sheet
13 to see if you guys could look at it and make
14 sure it's all up to date, and we'll circulate
15 a new one with Commissioner Cruz added to it
16 for everyone's convenience.

17 So having done that, we move
18 now on to division reports. Affirmative
19 Action Program Manager's Report is the first
20 one.

21 MS. SPARVERI: Gloria
22 Sparveri. I don't have much to report today,
23 just the report that I submitted to you
24 because I'm working on the plan as we speak.

25 THE CHAIRPERSON: Commissioner

1 Griffin, you have a question. Before you ask
2 it, if Commissioners would look over her
3 report and see if it's presented in a way
4 that -- there's some people who wanted a
5 couple of changes in how it got presented so
6 their eyes worked on it more easily.

7 But Commissioner Griffin.

8 COMM. GRIFFIN: I just wanted
9 to know if you could explain how you arrived
10 at the goal candidates in the professional
11 and administrative area?

12 MS. SPARVERI: The projected
13 goal candidates that you have in that report
14 have changed already because more information
15 came in three weeks ago that I didn't have
16 when I presented that so those are going to
17 be changed.

18 COMM. GRIFFIN: Could you just
19 explain?

20 MS. SPARVERI: Explain how you
21 get to that?

22 COMM. GRIFFIN: Yes.

23 THE CHAIRPERSON: The
24 Department of Labor has labor market
25 statistics that you factor in to percentages

1 of the work force, and it's done by
2 geographic area, and all those percentages
3 based on each category, how many people in
4 that class, that's how you come up with a
5 percentage.

6 COMM. GRIFFIN: So you take
7 this separately. Like here it says you have
8 administrative here. Are these all separate?

9 MS. SPARVERI: They are all
10 separate categories.

11 COMM. GRIFFIN: And they are
12 done the same way?

13 MS. SPARVERI: Correct.

14 THE CHAIRPERSON: So we've got
15 five categories, officials, professionals.

16 MS. SPARVERI: Professional
17 reps.

18 THE CHAIRPERSON: Is that a
19 separate category?

20 MS. SPARVERI: Yes, this is
21 over 25.

22 THE CHAIRPERSON: Okay,
23 professional HRO reps only is -- among
24 professionals is over 25 also?

25 MS. SPARVERI: No. The

1 professionals there's under 25, and then
2 there's over 25 professional HRO reps, so
3 they're a separate category under
4 professionals.

5 THE CHAIRPERSON: Is that true
6 of other agencies, under lower or lesser
7 categories or categories within the broader
8 category?

9 MS. SPARVERI: Any time
10 there's over 25 people, you have to have
11 another category.

12 MR. PECH: One title, in other
13 words, like HRO rep, which is a professional
14 category because we -- more than 25 we list
15 it separately. Other agencies it might be
16 social workers and DSS or something like
17 that.

18 THE CHAIRPERSON: If there's a
19 title within the category employing more than
20 25 people, it breaks out into another
21 category?

22 MS. SPARVERI: It stays under
23 the professional. It just comes under just
24 the HRO reps.

25 THE CHAIRPERSON: Okay. So

1 when we're looking at the professional class
2 here is hiring both two short-term, two
3 long-term, one white male, one while female,
4 in the long-term one white male, one other
5 female, that's hiring someone as an HRO rep
6 wouldn't satisfy those goals that these are
7 separate goals?

8 MS. SPARVERI: They are
9 separate goals.

10 THE CHAIRPERSON: And then
11 under professional HRO reps we have four
12 white females short-term and a white male and
13 a white female long-term.

14 MS. SPARVERI: As I've said,
15 those have changed.

16 THE CHAIRPERSON: That's what
17 I'm going to ask you. Are those changed
18 because we have better data or because facts
19 on the ground have changed midyear?

20 MS. SPARVERI: No. We just
21 got some labor market statistics for the
22 fourth quarter just got posted on the web
23 site -- well, not just, but three weeks ago.

24 THE CHAIRPERSON: How old were
25 the previous --

1 MS. SPARVERI: Third quarter
2 and now these are the fourth quarter.

3 THE CHAIRPERSON: These goals
4 are adjusted every quarter during the year?

5 MS. SPARVERI: No, but I'm
6 using the fourth quarter. I take the most
7 recent.

8 THE CHAIRPERSON: Okay. But
9 nonetheless wouldn't that mean then that it's
10 probably what you're doing. Wouldn't one
11 make adjustments -- of course there may not
12 be any change required, but does that mean
13 that you, in your job, look every quarter to
14 see if adjustments need to be made?

15 MS. SPARVERI: No, because
16 once our goals are established, they are
17 established for that reporting period.

18 THE CHAIRPERSON: But these
19 have been adjusted mid period.

20 MS. SPARVERI: I'm still
21 working on the plan. These are just
22 preliminary. They're just projected figures
23 right now. The plan isn't due until February
24 15th.

25 THE CHAIRPERSON: Okay. So

1 these would be goals for the next year?

2 MS. SPARVERI: Correct.

3 THE CHAIRPERSON: You're still
4 working on establishing goals for the next
5 year?

6 MS. SPARVERI: For the plan
7 that we're going to be submitting February
8 15th.

9 THE CHAIRPERSON: But the
10 goals that guide us in the hiring we're doing
11 in this current year --

12 MS. SPARVERI: Well, that's
13 all part of this reporting year. This is
14 that limbo state that we're in. Before your
15 plan gets submitted and before it gets
16 approved or disapproved you have a limbo
17 period of about six months give or take.

18 MR. PECH: Just for
19 clarification, in case you've forgotten, our
20 plan year runs November 1 through October
21 30th, so our plan year just ended two months
22 ago.

23 THE CHAIRPERSON: So you're in
24 a new --

25 MR. PECH: So we're in a new

1 plan. We've done I don't think any hires
2 yet.

3 COMM. GRIFFIN: So the goals
4 for the last plan, what are the goals for the
5 plan? Are those the same thing?

6 MS. SPARVERI: Those have
7 changed certainly.

8 COMM. GRIFFIN: Now, the
9 officers and administrators, that's a
10 separate category. Right?

11 MS. SPARVERI: Correct.

12 COMM. GRIFFIN: How many
13 people are in that category?

14 MS. SPARVERI: Well, I think
15 you have it in front of you. I broke it down
16 the way you wanted it under each category
17 with the name.

18 COMM. GRIFFIN: So that's the
19 second page?

20 MS. SPARVERI: Yes, report 2
21 of 2.

22 THE CHAIRPERSON: So there's
23 only 12 people?

24 COMM. CLARKE: Let me ask a
25 question about that category.

1 THE CHAIRPERSON: Commissioner
2 Clarke.

3 COMM. CLARKE: It's my
4 understanding that that category is going to
5 be further divided between both at the higher
6 end of the salary spectrum and those at the
7 lower end, that the EEOC has now sent this
8 out for discussion 60-day and that particular
9 group, officials and administrators, is going
10 to be split. Now, do you have any
11 information on that for us?

12 MR. PECH: I don't. Perhaps
13 Gloria --

14 THE CHAIRPERSON: Does the
15 federal government guide us in any way?

16 MR. PECH: The federal
17 government ultimately sets with some
18 flexibility sets how --

19 COMM. CLARKE: So does it all.

20 MR. PECH: -- for category.

21 THE CHAIRPERSON: For
22 everything, all of our state government
23 things or just in this agency because we're
24 federally guided?

25 COMM. CLARKE: Valerie is

1 saying no.

2 THE CHAIRPERSON: I'm sorry.
3 Is the Commission on Human Rights and
4 Opportunities guided by federal directives or
5 guidelines in determining categories?

6 MS. SPARVERI: We follow the
7 EEOC category -- you have some discretion.
8 Here we have senior and executive staff.
9 They go into the officials in --

10 THE CHAIRPERSON: Is that
11 through the Department of Agriculture or the
12 department -- is that because we're getting
13 federal dough?

14 MR. PECH: This goes to a
15 question that was actually asked -- came up
16 at the last meeting.

17 COMM. GRIFFIN: I just want to
18 make sure I don't lose anything.

19 THE CHAIRPERSON: I'm not
20 there so I haven't lost anything yet.

21 MR. PECH: This goes to a
22 question that came up last meeting
23 particularly around Alvin Bingham. It was
24 suggested that he's miscast or, for lack of a
25 better word, misplaced. In fact, it's

1 perfectly appropriate to place him in the
2 administrative category, which he has been
3 for the last few years. In my report which
4 was mailed a couple of weeks ago, I went into
5 that. Could he be in another category? Yes.
6 And there are EEOC guidelines which can be
7 used to define where somebody goes if they
8 are head of the unit, integral unit for the
9 entity, in this case affirmative action
10 contract compliance, so it's perfectly
11 appropriate. The bottom line is there is
12 some discretion. In another agency,
13 depending on the title, depending on the
14 number of people that report to the person,
15 depending on the structure of that agency, a
16 person of a similar title with a similar
17 salary might be called --

18 COMM. GRIFFIN: You're saying
19 for a couple of years that wasn't the case.
20 This happened a couple of years ago that you
21 restructured --

22 MR. PECH: Yes. If you read
23 my report, I think it happened in the plan
24 that was given on February of '05, if my
25 memory is right.

1 COMM. CLARKE: Two thousand.

2 THE CHAIRPERSON: She can look
3 at the report since we're on the subject.
4 But what I'm not understanding is where does
5 the federal government have sovereignty over
6 our -- I just didn't know this, and I feel
7 ashamed. I didn't know that the federal
8 government --

9 MR. PECH: They don't have
10 sovereignty. They published guidelines which
11 we're free to look at or not. We don't
12 subscribe to them hook, line and sinker, but
13 we can use them as guidance. They were, in
14 fact, attached to my report that I mailed out
15 two weeks ago.

16 THE CHAIRPERSON: And I should
17 have --

18 MR. PECH: We submitted a plan
19 February '04 and another one in February of
20 '05. And the one we submitted in February
21 '04, the position, which was vacant, was
22 listed as a professional. And the one that
23 was submitted in '05, it was listed still
24 vacant. It was listed as an official
25 administrator, same position, still vacant,

1 but it was filled shortly after February of
2 '05, April, I believe, by Mr. Bingham.

3 COMM. GRIFFIN: So it was
4 changed, though, right?

5 MR. PECH: It was changed,
6 yes. The prior affirmative action program
7 manager, Joanne Steinnagel, as I understand
8 it, discussed it with our analyst, Neva, that
9 she felt maybe it should be placed in the
10 official category. They talked about it. I
11 spoke with Neva. It's in my report. She
12 agreed that that was a legitimate suggestion.
13 So, in the plan submitted in '05 and every
14 plan since, it's been listed in that
15 category. So to a larger question of EEO
16 guidelines, that's just what they are. We
17 can look at them for guidance. We don't have
18 to subscribe to them. There is some
19 flexibility. In this case that decision was
20 made.

21 COMM. GRIFFIN: I just want to
22 go back to the Department of Labor statistics
23 that you apply. You apply those to the
24 officials and administrative positions?

25 MR. PECH: Yes.

1 COMM. GRIFFIN: How do you
2 find that kind of data?

3 MS. SPARVERI: It's on the web
4 site, and you have the number of your work,
5 your work force numbers, based on the
6 percentages in those categories, and you can
7 come up with a figure. It's all mathematical
8 calculations for each category.

9 COMM. LOBON: A question.

10 COMM. GRIFFIN: Let me just
11 speak because I'm confused. You've got nine
12 positions or 12? I got nine.

13 THE CHAIRPERSON: You earlier
14 said 12. That's where I got the 12 from, and
15 then I counted it and I found that you were
16 right.

17 COMM. GRIFFIN: So there's
18 nine positions?

19 THE CHAIRPERSON: Where are
20 you getting nine from?

21 COMM. CLARKE: It's 12.

22 COMM. GRIFFIN: Where's the
23 12?

24 THE CHAIRPERSON: I don't
25 know. I first got the 12 because you said

1 it.

2 COMM. CLARKE: Including the
3 regional managers.

4 COMM. GRIFFIN: The managers
5 are included, all right. The regional
6 managers are again officials and
7 administrators.

8 THE CHAIRPERSON: Take it at
9 whatever pace you want, but I'm just saying
10 earlier you said 12. I counted it up. I
11 realized you were right, so I've been working
12 with 12.

13 COMM. CLARKE: It is 12.

14 THE CHAIRPERSON: So I don't
15 know where nine --

16 COMM. GRIFFIN: I was just
17 looking. I was just talking about in-house.

18 THE CHAIRPERSON: Okay, which
19 would be eight. But in any case -- but go on
20 with your questions.

21 COMM. GRIFFIN: You know, I
22 don't know, the Department of Labor
23 statistics, you know, tell you that out of
24 all these staff positions this is what you
25 come up with, a white male candidate or goal

1 candidate for assistant director?

2 MS. SPARVERI: Wherever there
3 is some -- well, no, that's vacant, the
4 assistant director position.

5 COMM. GRIFFIN: That's vacant,
6 but there's no goal for that?

7 MS. SPARVERI: It would be
8 part of that category of officials and
9 administrators.

10 THE CHAIRPERSON: Again, where
11 are the goals for -- what I've got in the
12 first couple of pages of the goals that we
13 are working on establishing for the next
14 affirmative action year '08 would be
15 November --

16 MS. SPARVERI: Correct, those
17 have changed already.

18 THE CHAIRPERSON: But does
19 this report include a summary of the hiring
20 we did over the last year?

21 MS. SPARVERI: No. You've got
22 that. That was your report the end of
23 October. You have that final report.

24 THE CHAIRPERSON: Oh, I didn't
25 realize it was a final report. Thank you.

1 MS. SPARVERI: Yes.

2 THE CHAIRPERSON: I didn't
3 remember. I think I realized it then. So,
4 referring to Commissioner Griffin, in that
5 report, if I had it in front of me, it would
6 show that the goals in officials and
7 administrators is what, white male or what
8 was it?

9 COMM. CLARKE: Male and one
10 other male.

11 THE CHAIRPERSON: One white
12 male, one other male.

13 COMM. CLARKE: Uh-huh.

14 THE CHAIRPERSON: That was
15 last year.

16 MS. SPARVERI: That was 2007.

17 THE CHAIRPERSON: What's this
18 year?

19 MS. SPARVERI: I'm working on
20 it right now, Commissioner.

21 THE CHAIRPERSON: But it looks
22 like --

23 MS. SPARVERI: These have
24 already changed because new data came in. By
25 the time this report got to you and now

1 there's been changes.

2 THE CHAIRPERSON: But it might
3 be what we have -- I understand you're saying
4 as data keeps flowing in, but what we have at
5 a certain point in the past was short-term
6 one white female, one Hispanic female;
7 long-term two white males; and then upward
8 promotional, one other male, one other
9 female. I'm on the right page here, right,
10 you're saying that's going to get changed?

11 MS. SPARVERI: Yes, that's all
12 going to be changed.

13 THE CHAIRPERSON: Okay. I
14 take it, Jimmy, you may have a concern with
15 how that --

16 COMM. GRIFFIN: No. I have a
17 concern with if you have that as a goal last
18 year, are you going to implement the hiring
19 that goes on, and this year is the goal
20 candidate going to be from last year or for
21 this year?

22 MS. SPARVERI: That's a
23 question that both the executive director and
24 I have been talking about, that limbo period
25 of right now when we're working on a plan and

1 the goals are not established and you have
2 hiring going on, do you go by what you're
3 projecting right now until it's finalized.
4 I'm not sure.

5 MR. PECH: Yes, we are working
6 on it. What I had asked Gloria to do and she
7 did until this data came in three weeks ago
8 was before she did anything else for
9 preparing the plan for February to try to
10 analyze what the goals would be so it would
11 cut down, if you will, on this interim period
12 because the goals for the other plan expired
13 November 1. We now live in a new plan that
14 goes from November 1 to October 31st of '08.
15 The goals from that plan likely will be, and
16 based on these initial numbers are, somewhat
17 different than the goals for last year.

18 MS. SPARVERI: Uh-huh.

19 MR. PECH: I want to get those
20 done first to cut down on this interim
21 period.

22 THE CHAIRPERSON: Every agency
23 must go through a period of the affirmative
24 action year has started and it's 90 days
25 later that they are in front of us with a

1 plan to get approved. So they're hiring --

2 MR. PECH: That's correct.

3 And that's one of the issues with the whole
4 process is you're planning year ends on
5 October 31st. Every agency has between
6 three, three and a half months to get the
7 plan in, and then we act on it within 90 days
8 or it's approved by default. So by the time
9 you approve a plan, assuming you approve it,
10 that's filed annually, we're already halfway
11 through that plan year, between six and seven
12 months.

13 COMM. GRIFFIN: So what were
14 the reasons for the plan being disapproved
15 last year?

16 MR. PECH: What were some of
17 the justifications? The primary one, there
18 were some technical things that I can't
19 recall off the top of my head, but one of
20 them was lack of justification for some of
21 the decisions that's were made.

22 MS. SPARVERI: The hiring
23 person, the person who did the selection,
24 there were goal candidates in the mix, and
25 that person who made the selection didn't

1 hire a goal candidate and was supposed to
2 give a comprehensive justification, which we
3 thought met, but the reviewer did not accept
4 that justification, and that was one of
5 the --

6 THE CHAIRPERSON: Commissioner
7 Lobon.

8 COMM. LOBON: Gloria, in
9 relationship to the process that's used to
10 make a determination of a goal candidate, I
11 will repeat myself once again. You used data
12 from labor market statistical data?

13 MS. SPARVERI: Correct.

14 COMM. LOBON: You used census
15 data as well?

16 MS. SPARVERI: Whatever is on
17 the -- we go by a promotable pool, the
18 unemployment numbers, which is the ones that
19 change most of the time, yes.

20 COMM. LOBON: So based on, as
21 I've indicated before, based on the formula
22 that was used, statistical data that's used,
23 and I think relative to Commissioner
24 Griffin's question, if that data probably
25 will not change most likely, if that data

1 incurred that what you had as far as goal
2 candidates for 2007 will most likely be the
3 same for 2008; am I correct?

4 MS. SPARVERI: They will be
5 close.

6 COMM. LOBON: It ain't going
7 to be that big of a swing where you're going
8 to change the numbers for who's going to be
9 the goal candidates for those particular
10 positions; am I correct in that?

11 MS. SPARVERI: Well, yes, to
12 some degree, yes, based on --

13 COMM. LOBON: I'm not trying
14 to be, you know, with a footprint here but --

15 MS. SPARVERI: Right.

16 COMM. LOBON: So therefore
17 what was transpired last year in relationship
18 to the number two slot, those candidates
19 would be one white male and other male,
20 whatever that may be?

21 MS. SPARVERI: If that comes
22 to be this year.

23 COMM. LOBON: Okay. So if
24 we're looking at statistical data, it
25 probably is not swinging that much because

1 the state ain't growing, but I think the
2 unemployment rolls are, and drop-offs is
3 coming up as well, the likelihood that that
4 number will -- the goal candidate structure
5 probably will not change based on 2008
6 numbers to 2008?

7 MS. SPARVERI: But until I
8 finish it --

9 COMM. LOBON: I understand.

10 MS. SPARVERI: It shouldn't be
11 that much of a difference.

12 COMM. LOBON: It shouldn't be
13 that much of a swing, so therefore what we
14 got is what we got?

15 MS. SPARVERI: Yes.

16 COMM. LOBON: Okay. Thank
17 you.

18 THE CHAIRPERSON: Are there
19 any other questions on this issue or of
20 Ms. Sparver? Then thank you.

21 Next is the fiscal report.

22 MS. PROVOST: Michelle
23 Provost. I just have one update to the
24 November 30th report, the summary of
25 vacancies. We have filled a legislative

1 regulation specialist position, and we have
2 filled one of the HRO representative
3 positions. That person will be starting in
4 January.

5 THE CHAIRPERSON: Where is
6 that?

7 MS. PROVOST: Bridgeport.

8 THE CHAIRPERSON: Just tell me
9 where are we at. To tell you the truth, I
10 haven't read this. Where are we in the four
11 regions, are we at full complement or --

12 MR. PECH: I can answer that
13 quickly, if you like, Michelle.

14 MS. PROVOST: Yes, please.

15 MR. PECH: We are with the
16 hiring, the Legislature, as you recall,
17 approved three positions, new positions, this
18 past session. One I have authorized to be
19 deployed in Bridgeport because their caseload
20 was approaching Waterbury's, West Central,
21 and they have nine, and I thought Bridgeport
22 should have nine. So with this deployment,
23 and she starts January 18th, there will be
24 nine in Bridgeport, nine in Waterbury, eight
25 in Norwich, eight in Capital. And Norwich

1 and Capital have sufficiently less cases to
2 justify the discrepancy.

3 THE CHAIRPERSON: I'm sure you
4 took that all in, Commissioner Cruz, but just
5 to let you know, one of the issues that we
6 were focusing on about a year ago is exactly
7 where to put person power in the four
8 regions, Norwich, Bridgeport, Waterbury and
9 Hartford. And one of the things is that
10 based on just how they divvied up the state,
11 it isn't all equal, the caseload. And
12 Waterbury had the highest caseload, but close
13 second was Bridgeport, and Hartford and
14 Norwich was a smaller caseload. So actually
15 as commissioners we kind of got engaged and
16 set some goals for -- different kinds of
17 goals for how many people should be working
18 in those. And the other sort of office we
19 have is housing, which is statewide but in
20 some ways sits apart like the four regional
21 offices do in at least an administrative way.
22 And so we're getting three new employees
23 approved by the Legislature. Director Pech
24 said let's put a ninth person. They have
25 eight, eight, eight and nine in Waterbury and

1 put a ninth person in Bridgeport because
2 they've got the higher caseload.

3 MR. PECH: That's correct.

4 THE CHAIRPERSON: Just to
5 bring you up to speed on something we were
6 spending a good bit of time on a year ago.

7 MR. PECH: Just to follow up
8 on that, the other two positions are going to
9 be put in contract compliance, the other two
10 of the three that were approved.

11 THE CHAIRPERSON: One of the
12 issues, just to catch you up, is three years
13 ago we approached by the NAACP, and they
14 expressed some distress at our contract
15 compliance oversight effort, and actually at
16 one point we were down to zero in staff
17 there. And spanning the acting directorship
18 of Mr. Pech and the executive directorship of
19 Mr. Ingram, that was restored and we're
20 beefing that up. In fact, just this spring
21 the NAACP asked if they could address us, and
22 again, as I recall, brought up the issue of
23 contract compliance as a deficiency in their
24 view, and so one of the things that we as a
25 commission have done is said let's see if we

1 can't beef that up. And so two of the three
2 new positions we were allotted are going into
3 that unit. That's an area that's caught some
4 attention from us, and I wanted to give you a
5 little bit of that history, and now I'll
6 stop.

7 COMM. CRUZ: Thank you for the
8 history.

9 THE CHAIRPERSON: You're
10 welcome.

11 Any other questions?
12 Are you done? You don't have to be.

13 MS. PROVOST: I am if you say
14 I am.

15 THE CHAIRPERSON: No, no, no,
16 no. I mean was I cutting you off from a
17 complete report?

18 MS. PROVOST: No.

19 THE CHAIRPERSON: I really
20 wasn't. I was asking if she was done. I
21 didn't want to cut her off.

22

23 COMM. CLARKE: No questions
24 for you.

25 THE CHAIRPERSON: Now field

1 operations report.

2 MR. PECH: Don is on vacation
3 this week. This is again a planned thing
4 because he assumed the meeting was two weeks
5 ago. The field report is in there. I in the
6 interest of trying to move things along
7 because it's quarter of 4:00 and we've got an
8 awful lot of business to cover, and the
9 weather is turning poorly. It's starting to
10 ice, and I know that nobody likes that
11 because some live in the far end of town.

12 THE CHAIRPERSON: So managing
13 director's report.

14 MR. PECH: I have two things
15 quickly to say. The pending caseload is down
16 marginally from just over 2,100 and just
17 under 2,100, and the filings continue to
18 drift somewhat lower than they have been. If
19 it continues we may actually get done with
20 this fiscal year with less than 2,000 new
21 complaints, which has not happened in a
22 while.

23 The next report, which is
24 normally on there, is a legislative
25 regulations specialist's report. We have no

1 report. Our proposals have been submitted.
2 However, we do have a new person in the
3 position of legislative and regulation
4 specialist.

5 THE CHAIRPERSON: Are you
6 going to make an introduction?

7 MR. PECH: Yes, I was going to
8 introduce Jim O'Neill. He's standing here.
9 Jim is actually, for those of you who
10 remember SEBAC lists on plans, I have to say
11 this right because Jim and I have had several
12 talks, and I think he's going to be great.
13 He was highly recommended by Lena, but this
14 is a SEBAC candidate, and if you recall from
15 affirmative action plans, those are folks
16 that have ultra supremacy, if you will, even
17 on a SEBAC list, have an absolute right to a
18 vacancy. So I was somewhat troubled when I
19 first found that out, but having met Jim and
20 talked to Lena and worked with him, that I'm
21 no longer troubled. I think it will be fine.

22 THE CHAIRPERSON: Commissioner
23 Griffin.

24 COMM. GRIFFIN: Just on Don's
25 report, field operations report, there's a

1 blank on the monetary settlement for the
2 month of November. Maybe you can modify
3 that, November 7th?

4 THE CHAIRPERSON: Is there a
5 page number?

6 COMM. GRIFFIN: And then
7 you've got December 7th would be the next --

8 THE CHAIRPERSON: Is there a
9 page number?

10 COMM. GRIFFIN: Page number --

11 MR. PECH: Actually,
12 Commissioners, I see what you're saying.

13 COMM. GRIFFIN: Page 5 of 6.

14 MR. PECH: Normally we run a
15 month behind. Remember this report was
16 prepared for a meeting that was going to
17 happen two weeks ago, and so the figures
18 you've got for November are to the end of
19 November that would have been reported in the
20 middle of December. I don't think it's
21 behind unless I'm misunderstanding the
22 question.

23 COMM. GRIFFIN: No, just
24 August 7th is September 7th, October 7th,
25 December 7th.

1 MR. PECH: The December 7th
2 figures, we're still in December. They'll be
3 reported to you in January.

4 COMM. GRIFFIN: Okay. I'm
5 just going by what I see.

6 THE CHAIRPERSON: Okay. And
7 now managing director's report.

8 MR. BROTHERS: Things in the
9 legal department are status quo, just to keep
10 moving things along, nothing of noteworthy
11 importance.

12 THE CHAIRPERSON: Okay. Then
13 the executive director's and legislative
14 report.

15 MR. PECH: And I already
16 talked about legislation. I will keep mine
17 brief. I've already talked about most of
18 this stuff that I felt was most important in
19 view of the time. The only thing I want to
20 mention which isn't in the report, I know
21 you've read it by some of the questions that
22 were asked, two months ago -- no, the
23 November meeting or maybe just before the
24 November meeting, I sent out an e-mail to
25 folks regarding the late Commissioner Brown

1 and contributions to the two scholarship
2 funds that have been set up asking what your
3 pleasure was. I only heard from
4 Commissioners Mambruno and Clarke; therefore,
5 I have done nothing. I don't know if you all
6 want to do it individually or contribute as a
7 commission, which I will do, and you can
8 reimburse me, but I'm just looking for some
9 direction and time is going by.

10 THE CHAIRPERSON: Would there
11 be anything untoward ethically about the
12 budget of this agency going to such a fund?
13 What was it a scholarship fund?

14 MR. PECH: Two. There were
15 two. And the two folks that responded,
16 Commissioner Clarke and Commissioner
17 Mambruno, thought we should give some to
18 each, as I recall.

19 THE CHAIRPERSON: And what was
20 the focus of the scholarships?

21 MR. PECH: One was and I can't
22 remember, the Chase Academy, something like
23 that, from Waterbury, something specifically
24 for minority kids in Waterbury. One was
25 devoted exclusively to African-American kids

1 and the other I'm not sure.

2 COMM. GRIFFIN: But I thought
3 it was appealing to individuals to do that.
4 I didn't get the memo for some reason.

5 MR. PECH: I don't know why
6 you didn't get the e-mail. Some did. And if
7 people want to do it on their own, that's
8 perfectly fine. I just don't want people to
9 think something was done that hasn't been.

10 THE CHAIRPERSON: What would
11 be an amount of money that would be
12 acceptable for this agency to peel off and
13 put in something like that?

14 MR. PECH: I don't know if it
15 would be acceptable for any amount to be
16 peeled off, although since it's a scholarship
17 we might be able to do it.

18 COMM. LOBON: Mr. Chairman, I
19 wouldn't want to go down that road.

20 MR. PECH: Perhaps told by my
21 hesitance, I think I agree with you, sir.

22 THE CHAIRPERSON: Okay.
23 Commissioner Clarke, Commissioner Mambruno,
24 are you thinking that you as people are going
25 to?

1 MR. PECH: Yes.

2 THE CHAIRPERSON: Okay. Then
3 I accept Commissioner Lobon's discomfort with
4 going down that road.

5 MR. PECH: So now is the
6 question do you want me to do something and
7 you reimburse me on behalf of the whole
8 commission, or do you want to do it
9 individually?

10 THE CHAIRPERSON: No, you can
11 go ahead and do it. And the reimbursement
12 thing, I don't think that's so key.

13 So, well, why don't you e-mail
14 us all again and ask people to e-mail you
15 back just one-on-one. Just e-mail him back
16 without necessarily going out to everyone
17 saying, Ray, I'll throw in 25 bucks, I'll
18 throw in 40 bucks, whatever, and the people
19 who are interested in doing that will do it
20 and then --

21 MR. PECH: That's fine. And
22 is the sense that I should divide it evenly
23 among these two funds or do you want it to go
24 to --

25 THE CHAIRPERSON: Is the other

1 one kind of minority based? Oh, at this
2 point it's not the agency anymore. I don't
3 care about that.

4 MR. PECH: They were both
5 minority based, but I think one is
6 exclusively African-American and the other
7 was broader.

8 THE CHAIRPERSON: Okay. I
9 would put in your e-mail to all Commissioners
10 here are these two funds with a short
11 description; would you like to donate an
12 amount of money. And you would collect it
13 all to be donated in the name of CHRO. And
14 if someone says \$25 for one and zero for the
15 other --

16 MR. PECH: I'll just tabulate
17 it up.

18 THE CHAIRPERSON: I'm sorry to
19 give you that task, but you took it on so --

20 MR. PECH: I just want to make
21 sure it got done. That's all. Really my
22 report is there. You can read it, the agenda
23 which you have in front of us.

24 THE CHAIRPERSON: Then now we
25 have new business, item V., A through O,

1 contract compliance exemptions.

2 COMM. GRIFFIN: Can we move on
3 all those at one time?

4 THE CHAIRPERSON: I would
5 entertain a motion from any commissioner to
6 act favorably in behalf of -- all these are
7 positive recommendations from you all. I
8 would accept a motion that we grant contract
9 compliance waivers to the extent described by
10 staff in items A through O.

11 MR. PECH: It would not be
12 "A." "A" is the calendar for next year.

13 THE CHAIRPERSON: I'm sorry.
14 You're right.

15 MR. PECH: We have to start
16 with B. And it's not proposed through --
17 yes, it is. I'm sorry, B through O.

18 THE CHAIRPERSON: So since I
19 don't need to jump around right now, why
20 don't we take up "A," setting the schedule
21 for commission meetings for next year,
22 February through January. We have, I think,
23 been meeting the second Thursday at 2:00
24 o'clock every month --

25 MR. PECH: Since time beyond

1 memory.

2 THE CHAIRPERSON: -- since
3 time beyond memory, and I don't think there's
4 any other time that works any better for
5 people, but speak now if three or four of you
6 think there's a better time.

7 MR. PECH: The proposal that I
8 developed is based on the second Thursday of
9 every month. The only alteration, just so
10 you see it, is October. That meeting is
11 scheduled for Tuesday, October 7th because
12 Wednesday, October 8th at sunset is the
13 beginning of Yom Kippur, and it wasn't proper
14 to have it on the first full day of Yom
15 Kippur.

16 THE CHAIRPERSON: It could
17 mean we have a deadline of getting done
18 before the sunset. Okay, so with that
19 exception that October we'll meet on what
20 sounds like the second Thursday because of
21 Yom Kippur, is there a motion to accept his
22 recommended schedule for the next year which
23 was sent over to the Secretary of State. Is
24 there a motion?

25 COMM. MAMBRUNO: So moved.

1 THE CHAIRPERSON: Commissioner
2 Mambruno so moves. Is there a second?

3 MS. CLARKE: Second.

4 THE CHAIRPERSON: Commissioner
5 Clarke seconds.

6 All those in favor of that
7 schedule say aye.

8 Anyone opposed?

9 Anyone abstaining?

10 Then that will be the schedule
11 for next year. Note the fact that October is
12 different.

13 So now I would entertain a
14 motion from any commissioner to accept staff
15 recommendation for contract compliance
16 exemptions for various state governmental
17 entities, items B through O, is there such a
18 motion?

19 COMM. GRIFFIN: So moved.

20 THE CHAIRPERSON: Commissioner
21 Griffin so moves.

22 Is there a second?

23 COMM. CONAWAY: Second.

24 THE CHAIRPERSON: Commissioner
25 Conaway seconds.

1 MR. PECH: I'm sorry. I need
2 to interject something here. Two of the
3 recommendations are specific -- well, I need
4 to add something to them specifically --

5 THE CHAIRPERSON: I bet
6 they'll accept friendly amendments.

7 MR. PECH: Okay. One is "D,"
8 Connecticut State University and Microsoft
9 and the other is "K," the one between
10 community colleges and Baystate Medical
11 Center, if you recall. And I wouldn't blame
12 you if you don't, but in my recommendation
13 these two were simply for exemptions from the
14 new certification divisions, not from the
15 overall language, and my recommendations were
16 that we grant them with the proviso that the
17 contractors involved, Baystate Medical Center
18 and Microsoft, provide us with verified
19 copies of their particular policies,
20 antidiscrimination policies. I have spoken
21 with both entities. I do not as yet have
22 those verified copies. I am assured that
23 they will be coming. I say that only because
24 you can either vote it as it is and assume
25 they will come, or you can vote it with the

1 proviso that they be supplied by some date in
2 the future. I would suggest a few weeks.

3 MR. MAMBRUNO: Are they here.

4 MS. O'BRIEN: For the record,
5 my name is Teresa Kaplan O'Brien, and I am
6 the contracts compliance officer for the
7 Connecticut State University System, and this
8 is in reference to the Microsoft issue.
9 Microsoft signed a nondiscrimination, which
10 is in the package with the certification, by
11 a vice president of Microsoft saying that
12 they had no discrepancies with what was in
13 the Connecticut General Law, but they did not
14 use the word "adopt" which the Attorney
15 General's office had put into the way they
16 wanted us to write it at which point I
17 provided today a copy from Microsoft and the
18 e-mail from their web site that actually
19 links what their nondiscrimination policies
20 are which go far beyond all of our
21 requirements for the Connecticut General Law.
22 And we did get Microsoft to sign by their
23 senior vice president that there was no
24 difficulty in what we have in our CGS and
25 what Microsoft has for theirs. So I don't

1 know what else I could provide.

2 THE CHAIRPERSON: Assuming a
3 waiver because of the law which says --

4 MR. PECH: The new provision
5 that was passed this year says, in addition
6 to including the language of 4a-60 and 60a,
7 the contractor must provide essentially
8 certification by the board of directors that
9 their policies, in fact, are what they state
10 they are in the contract.

11 THE CHAIRPERSON: Well then
12 why aren't the board of directors of
13 Microsoft here right now?

14 MR. PECH: I know. That is
15 obviously a difficulty for a number of
16 corporations, and I communicated that, as
17 we've spoken in prior meetings, with the
18 sponsors of this new legislation saying it
19 was causing us difficulty and that I was
20 prepared as a legislative adjustment to
21 recommend that in lieu of the board of
22 director certification, a verified copy,
23 verified by a company officer, of their
24 nondiscrimination policies. We would accept
25 that in lieu of this board certification.

1 Now, it is correct, we have a
2 copy of the policy. We have a statement
3 from, I guess, the vice president that their
4 policies are at least as strong as ours. A
5 verified copy means something basically sworn
6 and subscribed to. That we don't have. I'm
7 reluctant to go further than I have because
8 otherwise it would obviate the statute
9 altogether, and I don't want to do that even
10 though it's caused us some headache, as you
11 all well know.

12 THE CHAIRPERSON: I'm sorry.
13 What don't we have from Microsoft that, in
14 your scheme, we should have?

15 MR. PECH: A verified, sworn
16 statement that the policy attached thereto is
17 their current policy prohibiting
18 discrimination.

19 THE CHAIRPERSON: And what did
20 this vice president sign?

21 MR. PECH: He signed a
22 statement that said that his statutes are
23 equivalent, their provisions are at least
24 equivalent to anything required in our
25 statutes.

1 MS. O'BRIEN: And with all due
2 respect, what they also provide is there is a
3 web link which anybody can go to Microsoft
4 and find the policy on line that states
5 exactly what they had stated in the copy.

6 THE CHAIRPERSON: So why does
7 that fall short? I'm just not grabbing it.
8 I'm sorry I'm being obtuse.

9 MR. PECH: It may. And if you
10 decide to go that route, certainly it's your
11 prerogative. My concern is that the new
12 Public Act, 07-142, requires essentially a
13 certification from the board of directors of
14 their policy adopted at a board meeting.
15 That is clearly burdensome for everybody. So
16 I was trying to find a compromise between
17 requiring something that's on the web site,
18 which is something that's already there, and
19 to satisfy the other side who wanted this
20 legislation and come up with a verification,
21 authentication by a company officer that this
22 indeed is their policy. Now if you think
23 that's overkill, then it's your prerogative.
24 I'm just trying to --

25 THE CHAIRPERSON: I just want

1 to interrupt for a second. I'm not talking
2 about the web site. I'm talking about the
3 senior vice president who seems to be
4 involved with some sort of attestation about
5 their nondiscrimination, and I'm not grasping
6 why that -- he signed something -- why that
7 falls short of your compromised requirement.

8 MR. PECH: First of all, I
9 looked at what was submitted, I don't have
10 it, accepting that there is a statement.

11 MS. O'BRIEN: If I may read
12 it? It's the nondiscrimination certificate.
13 It's a very short statement.

14 THE CHAIRPERSON: Okay.

15 MS. O'BRIEN: "The senior vice
16 president of the on-line services for
17 Microsoft, an entity lawfully organized
18 existing under the laws of the State of
19 Washington, do certify that as to the date of
20 this certificate Microsoft's policies do not
21 conflict with the nondiscrimination
22 agreements and warrantees required under
23 Connecticut General Statute Section 4a-60a1
24 and 4a-60a1 as amended in the State of
25 Connecticut's Act 07-245 and Sections 9a1 and

1 10a of the public act." They state
2 exactly what we needed but --

3 THE CHAIRPERSON: Got you.
4 I'm sorry, I'm going to --

5 MR. PECH: I haven't seen
6 that.

7 THE CHAIRPERSON: So this is
8 what I want to say. You say that under new
9 business D and --

10 MR. PECH: K.

11 THE CHAIRPERSON -- are ones
12 where you need to make some adjustment. Is
13 what she just read from D satisfy you?

14 MR. PECH: Yes. We actually
15 met earlier, and she said you have this. I
16 honestly looked and I don't.

17 THE CHAIRPERSON: I don't --

18 MR. PECH: I will take D off
19 the exception and approve D just as it's
20 recommended. K is still where it is, and I
21 have spoken to them, and they say they are
22 endeavoring to get it and think they will
23 probably have it within the next week or two.
24 It's been a problem with the holiday and so
25 forth.

1 THE CHAIRPERSON: But you
2 would like our approval to lapse if they
3 don't get it.

4 MR. PECH: By a date certain,
5 and you can set it two weeks, a month,
6 whatever you think is appropriate.

7 COMM. GRIFFIN: So we should
8 separate that one from the other one.

9 THE CHAIRPERSON: I'm going to
10 take the floor. I'm going to ask that the
11 mover, who is Commissioner Griffin, seconded
12 by Commissioner Conaway -- thank you,
13 Larry -- would you be willing to see the
14 motion change to remove K?

15 COMM. GRIFFIN: No problem.

16 THE CHAIRPERSON: Is that okay
17 with you, Commissioner Conaway?

18 MR. CONAWAY: Yes.

19 THE CHAIRPERSON: So now we're
20 B through J and L through O. The motion is
21 to accept recommendation to grant contract
22 compliance exemptions to all B through J, L
23 through O. Is there any discussion.

24 COMM. CLARKE: I just have a
25 question.

1 THE CHAIRPERSON: Commissioner
2 Conaway's voice I actually heard first.

3 MS. CLARKE: I'm sorry.

4 COMM. CONAWAY: I just want to
5 make a point that the lady from the
6 Connecticut State University System seemed as
7 though that the documentation that she had
8 was fine.

9 COMM. GRIFFIN: That's
10 included.

11 COMM. CONAWAY: I just wanted
12 to say that I followed it perfectly.

13 MR. PECH: I agree having seen
14 it. I have not seen it. I was told I had it
15 but I didn't have it.

16 THE CHAIRPERSON: And thank
17 you for your effort and energy and your
18 presence here to make your case. I
19 appreciate it.

20 MS. O'BRIEN: Thank you.

21 THE CHAIRPERSON: And it had
22 an effect.

23 THE CHAIRPERSON: Because now
24 you're in under B through J.

25 MS. O'BRIEN: Yes, thank you.

1 THE CHAIRPERSON: Is there any
2 other discussion about any of these
3 particular proposals? I know we're trying to
4 move rapidly, but if you have questions --
5 Commissioner Clarke.

6 COMM. CLARKE: The only
7 question I want to ask is other than this
8 policy statement or statement of
9 nondiscrimination, does this waiver mean they
10 don't have to file an affirmative action
11 plan?

12 MR. PECH: Most of these are
13 not public -- in fact, I think it's a fair
14 bet that all of these are not public works
15 contracts. The only ones that are required
16 by statute to file public works or -- I'm
17 sorry, file affirmative action plans are
18 public works contracts. So they are required
19 to carry various language of
20 nondiscrimination. They are required to
21 provide us with information but --

22 COMM. CLARKE: That's fine.
23 I'm okay.

24 THE CHAIRPERSON: So any
25 questions about any of these other proposals

1 or any questions about these? Do these all
2 have -- are these all particular contracts
3 where we don't need to have a deadline
4 because it's just --

5 MR. PECH: The only one, but
6 it's in the recommendation, is the request by
7 OPM regarding federal contracts. They want a
8 blanket exemption. We recommend it be
9 granted for six months in hopes that the
10 Legislature might act on some of the changes
11 we'd like to see with the definition of the
12 contract.

13 THE CHAIRPERSON: I lost my
14 place. Which letter is that?

15 MR. PECH: Letter C.

16 THE CHAIRPERSON: That's for
17 another six months to, what, June 30?

18 MR. PECH: Yes.

19 THE CHAIRPERSON: Okay.

20 MR. COX: Mr. Chairperson, may
21 I speak to that?

22 THE CHAIRPERSON: Please do.
23 Introduce yourself.

24 MR. COX: My name is Tom Cox.
25 I'm a deputy counsel for OPM. This matter

1 that's before you in terms of 5c is
2 essentially an item that was previously
3 before you, if you recall, back in September,
4 September 28th of 2007, by virtue of a letter
5 that the director of legal affairs for OPM
6 had written to Executive Director Pech
7 requesting basically a blanket waiver from
8 the requirements of 4a-60 and 4a-60a for all
9 governmental entities; in other words, for
10 all contracts that the state may enter into,
11 not only with the federal government but with
12 foreign governments, with other states or
13 even other municipalities. It was the
14 Commission's decision back in December to
15 limit the waiver that was granted at that
16 point to just the federal government, but it
17 would be OPM's request at this point that
18 that request that we made back in September
19 still, if it's still appropriately before the
20 Commission, to be acted upon and that this be
21 extended to other governmental entities
22 besides just the federal government.

23 As far as the federal
24 government goes, we'd also would ask -- we
25 understand that the staff has recommended

1 that this be extended, but staff has done so
2 in a way to put various conditions on that
3 recommendation. One of them, as just noted
4 by the executive director, it would only
5 apply for the next six months. OPM's
6 position would be that because we're dealing
7 with the federal government we're unlikely to
8 get an act of Congress, I don't think, that's
9 ever going to support Connecticut Law, that
10 this is something that ought to be just put
11 in place and there shouldn't be a time limit
12 on it. And it's, I think, micromanaging a
13 system. It ultimately can't be enforced
14 anyway. There's no way we're ever going to
15 be able to force this down the throats of --

16 THE CHAIRPERSON: But I don't
17 think we're the micromanager here.

18 MR. COX: I understand that.
19 But we're just trying to in terms of
20 administering the government and being able
21 to conduct the Government's business to
22 continue to have to keep coming back and
23 looking for extensions on waivers or for
24 waivers when there's no way we're ever going
25 to get the federal government to abide by it.

1 THE CHAIRPERSON: If they
2 enter into like a five-year contract or
3 relationship with a federal agency in a
4 month, it can be a 20-year contract because
5 exemption will allow them to sign that and
6 enjoy that?

7 MR. PECH: Yes, it's just
8 contracts entered into it. I don't disagree
9 with anything particularly that Mr. Cox has
10 said. The reason that we recommended a time
11 limit is, as you know, we have various
12 troubles with the definition of a contract
13 that are subject to our laws at all, the
14 student exchange, things that you talked
15 about before, the research grants. I'm not
16 sure any of this was ever intended to be part
17 of the definition of the contracts, but
18 because the statute is so broadly written it
19 is.

20 My concern is that I think
21 overall waivers should be judiciously
22 granted, and the only reason I recommended a
23 limit is that I would rather give the
24 Legislature a chance to take us off the hook,
25 if you will, in terms of granting an

1 all-encompassing waiver ad infinitum and see
2 if they are willing to change the definition
3 of contract. I'm more comfortable proceeding
4 that way.

5 THE CHAIRPERSON: If I can --
6 by the way, you've made two requests, or do
7 you have more than two?

8 MR. COX: I had more than two.

9 THE CHAIRPERSON: So right now
10 what we're running at is you would like us to
11 grant a contract compliance exemption for
12 contracts for this state between any other
13 governmental entity?

14 MR. COX: Correct.

15 THE CHAIRPERSON: It could be
16 either Dukes County, Massachusetts, it could
17 be Cooke County, Illinois, it could be the
18 state of Wyoming, it could be the town of
19 Miami.

20 MR. COX: It could be the
21 People's Republic of China, which in fact has
22 happened.

23 THE CHAIRPERSON: Okay. And
24 you also want us to, instead of having a
25 six-month deadline on this exemption, to have

1 it indefinite?

2 MR. COX: Correct.

3 THE CHAIRPERSON: And
4 apparently you've got other requests. What
5 are they?

6 MR. COX: Well, just in terms
7 of the staff recommendation, the staff has
8 asked for OPM to report quarterly to the
9 Commission with the following information.
10 I'm just reading from Executive Director
11 Pech's recommendation. And he's asking that
12 we provide a copy of the cover sheet of any
13 contracts entered into that come under the
14 exemption in the prior quarter and a brief
15 description of the nature and the purpose of
16 the contract. That's sort of going beyond
17 what the Commission required back in
18 September. In September when you asked us to
19 report back, you asked for basically a list
20 of the contracts that had been entered into.
21 We have provided that under cover of an
22 e-mail and also a fax that was sent to the
23 executive director on Christmas Eve, and
24 there were 16 items listed that highlights --
25 just as an aside, I'd just like to ask if the

1 executive director -- did you get that
2 correspondence?

3 MR. PECH: I got a fax
4 yesterday, yes. It probably came Christmas
5 Eve.

6 MR. COX: Okay, great.
7 There's only 16 items. All 16 items
8 interestingly are all grants. And this sort
9 of underscores what the executive director
10 was just saying because there's a question,
11 quite frankly, as to whether a grant is a
12 contract or certainly a contract within the
13 meaning of the statute, as used in 4a-60 or
14 4a-60a. And quite frankly, many agencies
15 have taken the position and have written back
16 to OPM saying we don't have any contracts, so
17 they get millions of dollars from the federal
18 government if we don't have any contracts.
19 Others that say more like OPM we want to err
20 on the side of caution and have said well, it
21 might be a contract, it might not, better to
22 be safe, and that's why we've come to look
23 for the blanket waiver for everybody, but
24 that is a problem we're having in terms of
25 reporting. So we would ask at least if we

1 have to report that we don't have to report
2 more than what you've imposed on OPM
3 previously, which is just providing a list,
4 as you did this month.

5 THE CHAIRPERSON: By the way,
6 did you want to respond to that?
7 Mr. O'Neill, were you seeking attention also?

8 MR. O'NEILL: Yes, I was.

9 THE CHAIRPERSON: Does it fit
10 in with your schedule of things to say,
11 Mr. Pech?

12 MR. PECH: I don't have any
13 idea of what Mr. O'Neill is going to say.

14 THE CHAIRPERSON: Come to the
15 mike.

16 MR. O'NEILL: I was simply
17 going to suggest that if OPM is concerned
18 about this since we have a proposal wouldn't
19 it be good of OPM to support our proposal and
20 solve everybody's problem.

21 THE CHAIRPERSON: For the
22 legislation. That's next in our agenda, so
23 if you stick around for a little bit you'll
24 hear that discussion. By the way, so the
25 requirement is currently that you provide a

1 list of all the contracts, however defined,
2 that have been exempted, and we're asking
3 that they provide a cover sheet from the
4 contract.

5 MR. COX: And a brief
6 description of the nature and purpose.

7 MR. O'NEILL: Okay.

8 MR. PECH: The parties to the
9 contract, I don't know what any of these are
10 about. I don't know if the cover sheet would
11 tell me what it's about, in which case I
12 would agree it's not relevant.

13 THE CHAIRPERSON: Commissioner
14 Griffin.

15 COMM. GRIFFIN: Can we maybe
16 take this particular item out now because
17 you're talking about voting on something
18 that's totally different?

19 THE CHAIRPERSON: Yes,
20 although I don't think it's going to quicken
21 anything.

22 COMM. GRIFFIN: Get rid of the
23 other one that says vote on --

24 THE CHAIRPERSON: Got you.
25 That's a good point. Before I do this,

1 because we were approached by the Connecticut
2 State University system, we've been
3 approached by you, are there other people in
4 the room who are hoping to ask us for things?

5 MR. PECH: Other than what was
6 recommended?

7 THE CHAIRPERSON: What were
8 you hoping to ask us? Please approach the
9 mike.

10 MR. BAVIER: My name is Tom
11 Bavier. I'm the Dean of Administrative
12 Affairs at Manchester Community College. And
13 we're K on your list.

14 THE CHAIRPERSON: Okay, so
15 you're already separated out. So we'll get
16 to you. And I appreciate you coming forward,
17 but for my limited purpose I wanted to know
18 whether Commissioner Griffin's insight about
19 breaking this out should be honored for other
20 letters. Commissioner Griffin as the mover
21 and Commissioner Conaway as the seconder,
22 would you accept as a friendly amendment the
23 removal of C as well as the removal of K from
24 the list of recommended contract compliance
25 waivers?

1 COMM. GRIFFIN: Yes.

2 THE CHAIRPERSON: Commissioner
3 Conaway?

4 COMM. CONAWAY: Yes.

5 THE CHAIRPERSON: So the
6 motion is now to approve B, D, E, F, G, H, I,
7 J, L, M, N, O. Have I got that right?

8 COMM. GRIFFIN: That's it.

9 THE CHAIRPERSON: Is there any
10 discussion of that motion?

11 All those in favor say aye.
12 All those opposed say nay.

13 Any abstentions?

14 Then the motion passes.

15 Is there a motion to accept
16 the recommendation for contract compliance
17 exemption between the Office of Policy and
18 Management involving any contract between the
19 State of Connecticut and the federal
20 government? Is there a motion for C?

21 COMM. GRIFFIN: So moved.

22 THE CHAIRPERSON: Commission
23 Griffin so moves. Is there a seconder?

24 COMM. CLARKE: Second.

25 THE CHAIRPERSON: Commissioner

1 Clarke seconds.

2 So now we're on OPM. Sir,
3 would you retake the podium? Thank you for
4 letting us break away for that, and thank you
5 for jumping in and getting that clear. So
6 right now what we have been discussing was
7 whether or not you could be relieved of some
8 of the reporting burden --

9 MR. COX: Correct.

10 THE CHAIRPERSON: -- about all
11 these contracts. Up till now we've asked --
12 I think it was probably my idea that you give
13 us a list of all these contracts. Our staff
14 has suggested we need to know more which is,
15 I assume, the parties to the contract are
16 already part of the report but --

17 MR. COX: Yes, they are.

18 THE CHAIRPERSON: Commissioner
19 Conaway.

20 COMM. CONAWAY: It doesn't
21 really sound like the staff is asking for a
22 lot more than what you are giving. They are
23 just asking for --

24 MR. COX: No, just more
25 paperwork, that's all. And I'm not sure,

1 quite frankly, what it's going to give the
2 Commission, and it just puts an additional
3 burden on OPM in terms of trying to collect
4 paper.

5 COMM. GRIFFIN: It sounds like
6 there's a piece that's missing that we're
7 trying to fill the gap on, and I think they
8 are not asking a lot.

9 THE CHAIRPERSON: I would
10 point out, and it's something that I'm not
11 sure you would historically be aware of or
12 not, we've got some dispute about our
13 memories here, but some years ago very
14 shortly after I joined the Commission -- I
15 think it was just before -- this Commission
16 in some capacity -- I think it was the
17 executive director but I'm told it was the
18 Commission -- granted a waiver for the
19 Department of Correction to enter into a
20 contract with the Virginia Department of
21 Correction to send prisoners to Wallen's
22 Ridge. It didn't bother me that much, but a
23 lot of people's hair got up over that. And
24 some of the Commissioners at the time said,
25 wait a minute, we gave them a contract

1 compliance, we let them do that, we signed
2 off on that.

3 So I would be concerned, as
4 perhaps Commissioner Conaway is concerned,
5 that we at least know all the contracts that
6 we're letting go of that we're sort of
7 waiving. Now, you might point out, well,
8 it's after the fact so why do you care that
9 much because you've already granted the
10 approval. Well, I think there is some value
11 in keeping track of everything that just got
12 waived.

13 MR. PECH: Because I basically
14 look at the waiver as a limited exception
15 which should not be used too broadly.

16 MR. BROTHERS: We want to make
17 sure that the contracts that are falling
18 within the exemption are the ones that we
19 actually deem that are going to fall within
20 that. So by looking at what they've actually
21 done, the contracts to enter into, that we
22 didn't have within the scope of where we were
23 exempting them, we can at least call them
24 back to start looking at it. That's the
25 reason that we try to have them --

1 THE CHAIRPERSON: Thank you.
2 Commissioner Griffin.

3 COMM. GRIFFIN: You're saying
4 that you want certain verification from them.
5 How are you going to monitor this? I think
6 that's where the complication comes in.

7 MR. PECH: Call it what you
8 want. I want to know who the contract, what
9 agency, federal agency, and what the state
10 agency is and what the subject is.

11 COMM. GRIFFIN: So the list is
12 not sufficient?

13 MR. PECH: Well, the new one
14 that came in has a little more information,
15 the new one that came in yesterday, but it
16 does not indicate what it's about. It lists
17 what I think purports to be the federal
18 agency that's on the other side, but I have
19 no idea what it means.

20 COMM. GRIFFIN: So you want a
21 list with specifications?

22 MR. PECH: What this contract
23 is for. These are all grants. Mr. Cox is
24 correct on that.

25 COMM. GRIFFIN: Would you be

1 willing to provide a list of specification
2 form?

3 THE CHAIRPERSON: He says he
4 can and they don't have to.

5 MR. PECH: We'll do whatever
6 you tell us to do, but the problem is --

7 COMM. GRIFFIN: It doesn't
8 have to be so detailed. Right?

9 MR. PECH: A sentence or two,
10 just what this is about, \$200,000 for the
11 study of --

12 THE CHAIRPERSON: To be clear,
13 right now they are required to submit a list
14 merely of the contracts. What you would
15 additionally require is the front page
16 photocopied and a brief description.

17 MR. PECH: I don't even care
18 about the front page. I want something that
19 indicates what it's about. I want the name
20 of the contract and the agency on the other
21 side, the federal agency, and a sentence or
22 two about what it's about.

23 THE CHAIRPERSON: Okay. So at
24 this point I guess we can relieve you of the
25 burden of the photocopy of the front page,

1 but it sounds to me listening to Commissioner
2 Conaway and Commissioner Griffin that the
3 sentiment of the Commission would in fact be
4 to side with staff's request that at least a
5 bit more meaty information is put forth. Did
6 I read you right, Commissioner Conaway?

7 COMM. CONAWAY: Very good,
8 yes.

9 THE CHAIRPERSON: So there's
10 that. Now the other issue is whether we
11 should grant this exemption, not to be
12 dramatic, but in perpetuity rather than just
13 for six months. I will take the floor to say
14 that that makes me nervous. What I'm nervous
15 about here is the Legislature in its finite
16 wisdom has passed a law saying that whether
17 it was one person getting the law passed or
18 not, he got it passed. And it says that when
19 you do business with a private -- well, an
20 entity outside of Connecticut, that you
21 should get them not only to say that they
22 won't discriminate, but we want a motion
23 passed by their board attesting to the fact
24 that they won't discriminate.

25 There's obviously a little bit

1 of politics and policy involved in that. And
2 it's become incredibly burdensome, and so
3 we're granting these waivers to agencies that
4 are trying to move forward with the contracts
5 that the law might not allow. But if we
6 waive every contract all the time in every
7 circumstance in perpetuity, the Legislature
8 could get resentful of this modest executive
9 branch agency and say that you are nulling
10 our public act or voiding our public act.

11 It makes me a bit nervous to
12 say in perpetuity we'll grant this waiver,
13 but in any case to grant it even before this
14 next General Assembly session convenes and
15 adjourns and where they might discuss the
16 matter, if they don't bring any happiness to
17 the executive branch's headaches in this,
18 then maybe we'll come back. But I would side
19 against that. I don't know if other
20 Commissioners have different views or whether
21 I made any sense just now or not.

22 Commissioner Griffin.

23 COMM. GRIFFIN: As is my
24 understanding that monies that will be
25 flowing into the state of Connecticut as a

1 result of this would not flow if we don't get
2 the waiver, is that --

3 MR. COX: That's been OPM's
4 concern is that arguing to the extent that a
5 grant, for example, from the federal
6 government could be considered to be a
7 contract and covered by these provisions,
8 technically in order to comply with the
9 Act 07-142, which amended 4a-60 and 4a-60a,
10 we have to get an act of Congress basically
11 supporting Connecticut's legislation on the
12 nondiscrimination requirements and basically
13 agreeing to put our statutory provisions in
14 their contracts, in the federal contract, and
15 then getting an act of Congress saying they
16 support that. I would say that's not going
17 to happen.

18 COMM. GRIFFIN: I would second
19 that too.

20 THE CHAIRPERSON: But if the
21 elected majorities of two chambers of our
22 general assembly decide that they wish to
23 cease contracting with the federal
24 government, can they convince the Governor to
25 sign such a law, which is apparently what

1 happened already. And I don't know whether
2 there are people in various offices of the
3 government which said, you know what, this is
4 a lousy thing, you probably shouldn't sign
5 it, but I don't believe she wasn't
6 overwritten on a veto, I don't think.

7 So this has been made the law
8 of the state. If they can't come to some --
9 it's conceivable, bizarre but conceivable,
10 that the Connecticut General Assembly may
11 want to sit back and say, you know what, if
12 the federal government can't say that they
13 won't discriminate based on mental
14 disabilities or sexual orientation or
15 whatever else we have from the feds, and the
16 Governor goes along with it -- at this point
17 it doesn't have to go along, it's on the
18 books. I would feel uncomfortable voiding
19 the statute, which I'd be doing sort of.

20 MR. PECH: That's why I'd like
21 to give the Legislature a chance to act. If
22 they want to define grants out of contracts,
23 I'd be perfectly happy with that, and I'm
24 sure Mr. Cox would as well. But right now
25 amended 4a-60 state contract does not include

1 student exchange agreements, grants from some
2 feds, grants from some other government,
3 whatever they want to do, that would make all
4 of our jobs easier.

5 THE CHAIRPERSON: Are there
6 people in the Commission who would like to
7 say no, Mr. Chairman, we should grant this
8 exemption in perpetuity? Moving on to the
9 other issue which is expanding this to all
10 other governments, what do you think of that?

11 MR. PECH: Frankly at this
12 point I don't have enough information. I'm
13 certainly willing to make a recommendation if
14 I get some more information. The only
15 experience I have, first of all, the selling
16 point, if you will, on the federal one is,
17 number one, it's already in there; and number
18 two, this isn't. So far it's all money
19 coming to us. Now there may be other
20 contracts we pay, but I don't know what
21 they'd be. I don't have any history or
22 experience. The only experience I have with
23 contracts with other governments are some of
24 the student exchange agreements that you've
25 seen. I don't know what other kind of

1 contracts the state might enter with the
2 People's Republic of China or the government
3 of France or with the State of Massachusetts
4 for that matter. We've seen some, but I just
5 don't have enough history or idea on what
6 kind of issues we might be talking about to
7 make what I would consider a reasoned
8 recommendation, but I'm certainly willing to
9 if I get more information.

10 THE CHAIRPERSON: Here's one
11 compromise which is to grant it for all other
12 governments for two months and ask OPM to
13 come back and explain and for us to get a
14 sense of it, or is that not a good idea? I'm
15 thinking on the --

16 COMM. GRIFFIN: Is there a
17 time line involved?

18 MR. PECH: Find out what kind
19 of contracts we're talking about because
20 that's part of my lack of knowledge right now
21 is I don't have any idea.

22 THE CHAIRPERSON: Commissioner
23 Clarke.

24 COMM. CLARKE: If there was a
25 purchase, let's say, that we were doing with

1 a foreign government, I would say grant a
2 blanket exemption for that just like in the
3 federal statutes. That is an exemption if
4 whatever work that's to be done is performed
5 wholly outside of the United States and no
6 individual or -- everything that's done,
7 either product or service, is wholly outside
8 of the United States. Then there would be no
9 opportunity to either discriminate or use
10 subcontractors or anything because everything
11 is being done in a foreign government or at a
12 foreign company. So I'd be willing to say
13 that. That wouldn't be a problem.

14 MR. PECH: I hear you. My
15 concern, if you will, with that is do we, the
16 State of Connecticut, want to be giving money
17 to the People's Republic which has a history
18 of human rights violations going back for a
19 long time, officially sanctioned violations
20 by the government of the People's Republic.
21 Do we want to be giving money to that? I
22 mean, maybe in a specific case because
23 whatever we're going to get for it is so
24 valuable to us that we absolutely have to --

25 COMM. CLARKE: We don't want

1 to talk about our own companies in the State
2 of Connecticut that violate child labor laws.
3 That's another issue.

4 MR. PECH: I understand that.
5 That's another issue.

6 COMM. CLARKE: That's really
7 the only distinction I would make. We'd
8 probably have to look at them, but I wouldn't
9 want to make that distinction.

10 THE CHAIRPERSON: Are there
11 any contract or semicontractual relationships
12 that you're about to be entering into that
13 we'd be giving you up on without amending the
14 motion the way you're asking?

15 MR. COX: I'm not aware of
16 any, Mr. Chairman. I believe there's one on
17 the list of the ones you've just approved
18 today between the State of Connecticut and
19 the State of New York and the Department of
20 Transportation was an example. It really
21 comes down to a matter of being able to
22 basically request some assistance from the
23 Commission in terms of allowing the executive
24 branch to administer the contractual process
25 a little more efficiently because I think the

1 problem is going to be whether we have a
2 contract with the State of New York or the
3 State of Washington or any other state, for
4 example, it's going to be very difficult. I
5 think it's not impossible to get another
6 state Legislature to essentially pass a
7 resolution supporting verbatim the laws of
8 another state.

9 THE CHAIRPERSON: Otherwise
10 those bills would have been passed --

11 COMM. CLARKE: It's not going
12 to happen.

13 THE CHAIRPERSON: -- putting
14 aside the issue of sovereignty.

15 COMM. CLARKE: It's not going
16 to happen.

17 THE CHAIRPERSON: They've made
18 that request. Would Commissioners be
19 interested in extending the exemption to
20 contracts with other governments for, say, a
21 couple of months while OPM and our staff talk
22 about what the implications are, or would you
23 rather just not grant the exemption and ask
24 OPM to come back and ask for that separately
25 under a separate argument? Did I even state

1 that well?

2 MR. PECH: I will say, since
3 I'm the one who made the recommendations in
4 front of you, I would be perfectly willing to
5 go along with a plan to extend it to all
6 governments for two or even three months in
7 part to get a flavor of the kind of issues
8 they're talking about because I just don't
9 know.

10 THE CHAIRPERSON: Would that
11 be considered a friendly amendment by
12 Commissioner Griffin and Commissioner Clarke?

13 COMM. GRIFFIN: I would accept
14 anything right now.

15 THE CHAIRPERSON: So this is
16 the motion, as I understand it right now. We
17 shall grant the exemption to the State of
18 Connecticut, OPM being the requester, to do
19 contracts and such other semi-contractual
20 arrangements with the federal government
21 until June 30th and with any other
22 government -- should I take out Burma -- but
23 any other government until March 30th, and
24 the reporting requirement shall include a
25 list of the parties in the contract and a

1 brief description of the contract, but they
2 don't need to send us the first page of the
3 contract. What did I leave out?

4 MR. PECH: I believe that
5 captures everything.

6 COMM. GRIFFIN: That's the
7 motion.

8 THE CHAIRPERSON: That's my
9 description of the motion as it has been
10 amended from time to time.

11 COMM. CONAWAY: I think we
12 better take ours off the table then and start
13 over. That's what I would suggest.

14 THE CHAIRPERSON: Okay. I'll
15 entertain a motion from any commissioner to
16 grant a contract exemption to the State of
17 Connecticut, as requested by OPM, in
18 contracts with any other governmental entity
19 which exemption lasts until March 30, 2008,
20 and with any federal governmental entity
21 which exemption lasts until June 30, 2008,
22 and we request that the Office of Policy and
23 Management submit to our staff, to this
24 agency, a brief summary including the names
25 of the parties of contracts that have been so

1 exempted.

2 COMM. CONAWAY: So moved.
3 What about our motion? Don't we need to take
4 ours off the table? Shouldn't we do that
5 first? How do we do that?

6 THE CHAIRPERSON: Okay, hold
7 on. Here we go. All those in favor of the
8 original motion -- there was a motion by
9 Commissioner Griffin and Commissioner
10 Conaway. All those in favor of the motion
11 say aye. All those opposed say nay.

12 COMM. CLARKE: Nay.

13 COMM. CONAWAY: Nay.

14 THE CHAIRPERSON: Any
15 abstentions?

16 The motion is defeated. We
17 have no motion on the floor.

18 I would entertain a motion by
19 Commissioner Griffin because he was willing
20 the first time to grant an exemption for the
21 State of Connecticut addressed by OPM for our
22 contract exemptions until June 30th with any
23 federal government entity and until March
24 30th with any other governmental entity, and
25 we required that the Office of Policy and

1 Management submit to our staff a brief
2 summary of those contracts falling under the
3 exemption, including the names of the
4 parties.

5 MR. BROTHERS: On a quarterly
6 basis.

7 THE CHAIRPERSON: On a
8 quarterly basis.

9 COMM. GRIFFIN: So moved.

10 THE CHAIRPERSON: Is there a
11 second?

12 COMM. CLARKE: Second.

13 THE CHAIRPERSON: Commissioner
14 Clarke seconds the motion by Commissioner
15 Griffin. All those in favor, please say aye.

16 Any opposed?

17 Any abstained?

18 Then the motion passes. Thank
19 you for your time for working with us.

20 MR. COX: Thank you. I
21 appreciate it.

22 THE CHAIRPERSON: You had,
23 what, all governments going in perpetuity and
24 the paperwork.

25 MR. COX: Correct. Thank you.

1 THE CHAIRPERSON: No, thank
2 you. And then now item K, the request for
3 contract compliance exemption from the
4 Connecticut community colleges for a clinical
5 site placement agreement at Baystate Medical
6 Center in the baystate. Before we have a
7 motion, Director Pech, you wanted to
8 change the recommendation?

9 MR. PECH: Yes. This is the
10 other one where I spoke with, in this case, a
11 woman named Vicky Green -- I forget what her
12 title is, but it's something at the community
13 college system -- and said that my
14 recommendation would be that we grant it.
15 This is for clinical placements at Baystate
16 Medical Center who is the only place around
17 that has this particular training. And their
18 only objection is to the new public act which
19 requires board certification. So my
20 recommendation was -- is that we grant it
21 with the proviso that instead of that they
22 provide a verified copy of their
23 antidiscrimination policy. I don't have it
24 here. What I'm suggesting is that we grant
25 the request with a time limit that on the

1 presumption that we will get this information
2 by a date certain, and I think this gentleman
3 is going to speak to what he thinks would be
4 a reasonable date certain.

5 THE CHAIRPERSON: Introduce
6 yourself. Come back to the mike. Thank you
7 for letting me take you up and put you back
8 down there. I appreciate your courtesy.

9 MR. BAVIER: Thank you. My
10 name is Tom Bavier. I'm the dean of
11 administrative affairs at Manchester
12 Community College. I guess I have two
13 requests. One is that the exemption be
14 approved. Classes begin on the 28th of
15 January, so we have a little bit of time to
16 get this statement from Baystate Medical.
17 And so I'd ask that the date certain be the
18 start of classes.

19 And I would also ask that,
20 similar to what you decided for the state
21 university system, that a vice president or
22 officer of the Baystate Medical organization
23 be permitted to grant or to convey or to
24 submit a statement to us rather than going
25 through -- I think it's a more cumbersome

1 process of going through a board. We should
2 just kind of --

3 COMM. CONAWAY: The process we
4 just went through you're talking about.

5 MR. PECH: That's my
6 recommendation is that some company officer
7 provide a verified copy. I'm not requesting
8 a board certification.

9 COMM. CONAWAY: Those are your
10 two requests?

11 MR. BAVIER: Yes.

12 THE CHAIRPERSON: Of the date
13 certain.

14 COMM. CONAWAY: Are you sure
15 January 28th is going to be enough time? Are
16 you sure you're not going to need more time?

17 COMM. GRIFFIN: We're in a
18 good mood. We'll give you three months.

19 MR. BAVIER: Okay. I'll take
20 three months.

21 THE CHAIRPERSON: So
22 Commissioner Mambruno and it's been seconded
23 by Commissioner Conaway, it sounds like, to
24 grant K, contract compliance exemption from
25 the Connecticut Community Colleges for a

1 clinical site placement at Baystate Medical
2 Center. And the exemption lasts until March
3 30th if no documentation from Baystate is
4 provided. If after March 30th -- and the
5 exemption lasts for the life of the
6 contract -- unless by March 30th no such
7 attestation has been provided, in which case
8 the exemption perishes on March 30th. That's
9 the motion. All those in favor of the motion
10 made by Commissioner Mambruno, say aye.

11 Any opposed?

12 Any abstentions?

13 The motion passes.

14 And so now our next item of
15 business is consideration of a legislative
16 proposal regarding contract compliance
17 exemption requests.

18 And so Mr. Pech.

19 MR. PECH: David and I
20 discussed this because of exactly what we've
21 been doing for the last hour.

22 COMM. GRIFFIN: So moved.

23 (Laughter.)

24 MR. PECH: Would you want to
25 discuss perhaps granting Bob or I the

1 authority to grant some of these or act on
2 some of these without coming before you. You
3 may not be interested at all. I'm just
4 throwing it out there. But whether you want
5 to do just the ones where the certification
6 is an issue, whether you do the in lieu of,
7 whether you want us to act on ones that
8 involve grants, whether you want us to act on
9 ones that are student exchanges.

10 COMM. GRIFFIN: The one that
11 uses discretion.

12 MR. PECH: It's just something
13 to throw out.

14 COMM. MAMBRUNO: If one of the
15 Commissioners wants to look at the, whatever
16 they are called, exemptions, when they come
17 up, you can send out an e-mail saying they
18 are here, or if you want us to e-mail these
19 back then that's fine.

20 MR. PECH: After I've acted.

21 COMM. MAMBRUNO: No. Is that
22 too much to ask or is that --

23 MR. PECH: At the rate things
24 are going right now it would be a lot.

25 THE CHAIRPERSON: I want to

1 chime in, and people can vote whatever you
2 want. I'll take no insult, but I'm actually
3 not totally comfortable with that idea. And
4 the reason I say it is this: We didn't spend
5 any time really on 10 or 12 of these which
6 had no controversy, which didn't have any
7 shades or hues that we had to kind of deal
8 with or address. We only spent time on two
9 or three of these that had a little bit of
10 juice to them and some different ways of
11 looking at it and OPM saying couldn't you do
12 this and you guys saying something different.
13 And so it seems to me that if you've got ones
14 that really are controversial at all, we
15 actually don't spend that much time on them
16 even though they're on our agenda.

17 We know by having them on the
18 agenda meaning that Commissioners all have
19 some level of notice that it's out there, and
20 they might raise an objection or ask a
21 question, and the public also sees that this
22 is happening, and it's a much more of a
23 recorded event than if it was just done by
24 you all. Now, you can argue me out of that,
25 but it seems to me that the ones that aren't

1 controversial don't take up any of our time
2 really.

3 MR. PECH: I wouldn't
4 necessarily argue out of it. I'm just trying
5 to save everybody's time. This is the first
6 time that you have approached it by taking
7 them on, so to speak. And you're right.
8 They did save a lot of time. And if we can
9 do that, because I can tell you already for
10 the January meeting, which is two weeks away,
11 I've got 21 on my desk right now. I won't
12 take any more because I won't take any within
13 two weeks of the meeting.

14 COMM. CONAWAY: The reason
15 it's saving us time is because we've been
16 through it already, and if they're the same
17 things that we've been going through, we can
18 likely approve like we did today.

19 MR. PECH: That's fine.

20 COMM. CONAWAY: Unless, just
21 like you pointed out to us C and K are
22 different, then those are tired consumer
23 things, but if they are the standards ones
24 that we've been doing, let's continue doing
25 it the way we are doing it. It just takes a

1 few minutes.

2 COMM. GRIFFIN: Why don't you
3 just pick out the ones if you find any
4 questions on that may be difficult questions
5 and separate those from the other ones, and
6 we'll do a blanket thing with the other ones
7 and just deal with the ones that --

8 MR. PECH: And I hear what
9 you're saying, Commissioner. But I think
10 when I came in here this afternoon -- well, C
11 and K, I wanted to exempt because I hadn't
12 gotten document I requested, but B, the
13 federal government, I didn't see that as
14 controversial. You folks did, which is fine.
15 Maybe it would make more sense when you get
16 the mailing and read the things. I don't
17 want to put any burden on you, but if you
18 e-mailed me and say you've got a problem with
19 item K or item B or whatever, then I can
20 segregate those out before we come in at the
21 meeting.

22 THE CHAIRPERSON: It's like
23 pocket vetos or something.

24 MR. PECH: I didn't perceive a
25 problem with B, for instance.

1 COMM. CLARKE: Can I ask a
2 question, Chairman?

3 THE CHAIRPERSON: Please.
4 Commissioner Clarke, you have the floor.

5 COMM. CLARKE: I would rather
6 have all the documentation to review. That
7 would be my personal --

8 MR. BROTHERS: All the
9 documentation on each one.

10 COMM. CLARKE: What you gave
11 us today, I would like to receive in the
12 future.

13 MR. BROTHERS: Okay. When you
14 say all the documents --

15 COMM. CLARKE: No.

16 MR. PECH: It was 105 pages.

17 COMM. CLARKE: Yes, yes, well
18 the synopsis, whatever you gave me today. I
19 had assumed P was to discuss with the
20 Legislature maybe rescinding all of this
21 because I had a caveat to that, and it's a
22 completely different issue, but I didn't know
23 that you were suggesting not even showing
24 them to us because, like Andrew, I kind of
25 want to see them. And Larry, I want to see

1 them, at least the synopsis.

2 MR. PECH: Sure.

3 COMM. CLARKE: If there's more
4 text than this, I wouldn't want to see it. I
5 want you to go through and do your nice
6 little executive summaries and give me just
7 the high points.

8 MR. PECH: All right. I have
9 no problem with that. I'm just trying to
10 make -- because obviously the nature of these
11 meetings has changed in the last couple of
12 months.

13 THE CHAIRPERSON: Were you
14 talking in terms of, Director Pech, in terms
15 of crafting a piece of legislation that would
16 allow for that or moving proceeding in this
17 manner?

18 MR. PECH: No.

19 THE CHAIRPERSON: So what are
20 they going to do --

21 MR. PECH: The impression that
22 you can't just pass this off to me, that
23 there must be a legislative enactment to do
24 that, so yes I was going to --

25 THE CHAIRPERSON: Oh, oh, I'm

1 sorry. But my opinion is the same. Are we
2 going to be on the side of trying to fix this
3 in some way?

4 MR. PECH: Well, the proposal
5 we have now that we submitted early in
6 October to the Governor is to change the
7 definition of contract and to address the
8 issue of the director's certification. What
9 I was proposing here is something somewhat
10 different, but actually the one that's up
11 there will have an effect if it passes
12 because it will cut out half of the ones
13 we're talking about. It will cut out student
14 affiliations. It will cut out student
15 exchanges. It will cut out federal
16 contracts, and maybe it will cut out
17 contracts of anything.

18 COMM. CLARKE: Does it cut out
19 those ones under \$10,000?

20 MR. PECH: I hadn't thought of
21 that. That's certainly one of the bases for
22 exemption.

23 COMM. CLARKE: Why should we
24 say that? Do you know what I mean?

25 MR. PECH: That's a good

1 point. If you want that included, we can add
2 that.

3 COMM. CLARKE: If under
4 \$10,000 is a basis for exemption --

5 MR. PECH: It's in the
6 regulations. I don't know whether I want to
7 say I don't want to see it because who knows
8 what it is or with whom it is, which is the
9 more important --

10 COMM. CLARKE: Okay.

11 THE CHAIRPERSON: We're going
12 to be on board with whoever else. Like all
13 the executive branch agencies are trying to
14 get this changed, right?

15 MR. PECH: Several are not
16 happy.

17 COMM. CLARKE: Okay.

18 THE CHAIRPERSON: Okay. So
19 the discussion of the Governor's Task Force
20 regarding CHRO, a couple of Commissioners had
21 expressed an interest in having this be an
22 item. And I'm not sure if Commissioner Cruz,
23 you would have gotten an e-mail, but there
24 was a train of e-mails. But in mid October I
25 was invited to the Governor's office, not

1 with the Governor, but with some of her staff
2 to talk about a plan that first sort of broke
3 the surface of publicity in the summer to
4 have a task force -- I don't know if that's
5 what they're calling it -- to study some
6 issues revolving around race and affirmative
7 action and discrimination.

8 COMM. CONAWAY: And contract
9 compliance?

10 THE CHAIRPERSON: You know
11 what, I got to tell you it's not suddenly
12 contract compliance is one of their big
13 focuses, but I don't know that, and it's a
14 moving -- I'm sure their priorities will
15 change. One of the things my understanding
16 is that the Governor -- well, I know that the
17 Governor had a meeting with some people at
18 the NAACP in the middle of the summer, and I
19 believe that -- to talk broadly, I guess,
20 about some issues, maybe this was part of the
21 conversation, but other issues involving race
22 and discrimination. And I believe at one
23 point -- I forget who told me this, but I
24 believe at one point the governor said well
25 CHRO is out there, it will be a partner in

1 some of these desires to fix things. And I
2 believe that the other people in the meeting
3 didn't express a level of confidence in the
4 agency being a partner in the fight against
5 discrimination and all these different
6 issues.

7 And we have heard from time to
8 time, rather sporadically, but from time to
9 time, at least the current president of the
10 NAACP, came to us once about three or four
11 years ago when Mali was chairman and once
12 this spring. I will point out because I
13 think it's worth pointing out publicly that
14 at this spring meeting when they spoke in
15 really a very friendly way, laid us out using
16 words like criminal and what have you and
17 behavior which really was out of line. But
18 he said it with a smile so it didn't hurt as
19 much. But I did say then please designate
20 anyone in your organization, it can be you,
21 to approach our agency to work hand-in-hand
22 as we pick out concerns that are going to be
23 priorities for both of us. We want to hear
24 from the NAACP. And I'll just say to Mr.
25 Pech have we heard back from Mr. Esdaile as

1 to his interest in having himself or someone
2 else in his organization be a liaison with
3 us?

4 MR. PECH: I had not heard
5 directly. I know he and Alvin Bingham have
6 had discussions.

7 COMM. CONAWAY: He also showed
8 up to a meeting like within the last 60 days
9 I think.

10 COMM. CLARKE: Yes. He came
11 to the door. He didn't come in.

12 THE CHAIRPERSON: So maybe the
13 interest is there at a level which is
14 alluding me in all fairness.

15 COMM. CONAWAY: At the
16 November meeting.

17 THE CHAIRPERSON: So in any
18 case, the governor wrote a letter to the -- I
19 guess the two people she met with saying I
20 hear your concerns about CHRO, and I will
21 suggest that a bunch of people come together
22 to convene a group to study those issues,
23 although not just CHRO. And so Commissioner
24 Griffin shared with us a copy of this letter.
25 He, I think, had it before anyone else did

1 and shared it with us, I think, at the August
2 meeting. And it talked about possibly -- or
3 maybe not possibly -- convening a group to
4 study the issues.

5 In mid October I got a call
6 from the Governor's office saying we're
7 thinking about going ahead with that thing we
8 were talking about, but we're not quite sure
9 yet absolutely that we will. Hold off on
10 telling anyone because we don't know. A
11 couple weeks later they said go ahead and
12 tell people. I called a couple of
13 Commissioners. I didn't call the rest of you
14 because I just didn't get around to doing the
15 job that I should have. There wasn't any bad
16 intention on my part. I didn't select some
17 people to know something and other people not
18 to. I just was being lazy and negligent. At
19 least that's what I noted to be the case, and
20 you can believe it or not.

21 Now, I since don't know much
22 about what this group is doing, but today
23 because Commissioners asked to have this on
24 the agenda for discussion, I called up
25 someone in the Governor's office.

1 Commissioner Mengual earlier asked me who did
2 you meet with in the Governor's office. It
3 was Ann Noble who's deputy counsel and, I
4 guess, heads up affirmative action at the
5 Governor's office. She's the one.

6 But I called, and I think
7 she's been out. Today she was out sick.
8 Yesterday she was out. I called her late
9 last week, and I just didn't get a hold of
10 her. So today I had called another person in
11 the Governor's staff and said who's been
12 going as staff support to these meetings.
13 Ms. Noble is chairing the group. Adam Jamail
14 is another person on the Governor's staff
15 who's going. There's been two meetings.

16 So I said, "Can you tell me
17 who's on in the group?" By the way, so I
18 wrote down the list. I don't know if I
19 spelled anyone's name right. I don't know if
20 I've got it perfectly correct like exactly
21 how they are affiliated. This is me typing
22 up some notes. And so I wanted to share this
23 list and read out that it is -- and this is
24 in no particular order but Alice Prichard of
25 CWEALF, which I believe is the Connecticut

1 Women's Education and what fund?

2 MR. BINGHAM: Defense.

3 THE CHAIRPERSON: Who are
4 advocates for women and women's issues, I
5 take it. Stacy Walsh, who's an attorney at
6 Day Pitney that used to be Day, Berry &
7 Howard, one of Connecticut's big firms, who
8 is an attorney on labor and diversity issues;
9 Julia Evans Starr who's on the Commission on
10 Aging; Glenn Kassis from the African-American
11 Affairs Commission; Fernando Betancourt,
12 who's been at the Latin and Puerto Rican
13 Affairs Commission for many years; Angela
14 Rola, someone who works for, is involved with
15 UConn Asian American Cultural Center; Dawne
16 Westbrooke, who is counsel at NAACP, and I
17 think was at that first meeting with the
18 governor, the only meeting; Jeff Beckham, who
19 has fairly recently become an undersecretary
20 at OPM; Bonnie Stewart and Kia Morrell, who
21 both work at the CBIA. I think one of the
22 things they're going to be looking at is the
23 whole process of employee suits. And there
24 have been employers out there who feel
25 sometimes that the process doesn't work well

1 for them, so they got CBIA people out here.

2 Barbara Collins, who's an
3 attorney in her own firm in labor employment;
4 Michelle Dupray, who is a woman who's very
5 involved in disability law. She's also an
6 attorney -- well, not also; Natalie
7 Holder-Winfield, an attorney with some group
8 called Quest Diversity Training something.
9 Again, I could be making mistakes here. This
10 is me jotting down notes on a pad. Ann
11 Noble, who's a deputy counsel at the
12 Governor's office; and David Metzger who's an
13 attorney in management employment law areas.

14 COMM. GRIFFIN: CHRO employee.

15 THE CHAIRPERSON: And I guess
16 works here. Until recently or how long ago?

17 MR. PECH: No, Dave left 21
18 years ago.

19 THE CHAIRPERSON: But he still
20 sends a card. No. So David Metzger. By the
21 way, I could have left someone out. Oh, I
22 didn't leave anyone out. The person who was
23 on the phone, he might have forgotten someone
24 just because he was reading off of a sheet.

25 They have met twice, November

1 7th and December 20th, and they are planning
2 a meeting, I don't know that it's firm yet,
3 at some point in the beginning of January.
4 These meetings are public. They are noticing
5 the Secretary of State's office about them, I
6 am told. And that based on like the
7 letter -- and I don't know if anyone is
8 interested in that letter, but I had saved it
9 and made photocopies if anyone still wants a
10 copy of the letter the governor first wrote.
11 So here's four for your end and three for
12 your end.

13 And actually -- but I asked
14 what's your focus. This is, again, they may
15 hear testimony, talk about things and decide
16 well, this should be our focus. And they may
17 hear from us. At some point my clear
18 understanding is that they would welcome
19 participation from this commission, either
20 Commissioners or staff. I don't know that
21 that time has come yet, but at some point
22 they're interested in hearing from us. But I
23 do think that the formation of this group was
24 about getting people who are observers and
25 users of the agency, not in and of the

1 agency, to give it that kind of perspective.

2 Now, interestingly when I
3 asked Adam, well, what is going to be the
4 focus, and he said diversity training issues
5 and whether that's getting done. And I don't
6 know, maybe they'll look at whether we should
7 require it for private employees and not just
8 state government. I'm not presuming
9 anything. Maybe. State affirmative action,
10 which obviously is much more about the state
11 agencies than it is about us. We're the cop.
12 We're the policemen trying to make sure
13 affirmative action is moving along.

14 To the extent that it doesn't
15 get done, while we have a role in that, it's
16 more the fault of every one of these
17 agencies, not ours, although it could be ours
18 too if we're falling short. And I guess in
19 general the performance of CHRO. So they may
20 say, for example, upon hearing from
21 employment law people it takes forever.
22 Theoretically CHRO is a place to come to
23 bring a discrimination lawsuit, and you don't
24 have to spend a lot of money on a lawyer to
25 go to superior court. It takes, what, a year

1 and a half for something to move through
2 here.

3 So some people may say we're
4 going to double the amount of staff in the
5 investigator side and some people may say we
6 ought to. What I haven't heard, Larry, going
7 back to your question is what I'm not hearing
8 so far is that contract compliance is this
9 giant focus of the group, but that may become
10 one, which is hard for me to get my hands
11 around because both times we've heard from
12 the NAACP is that's like a big issue for
13 them. So I'm just not quite sure. But at
14 this point in time I'm trying to think if
15 there's anything I know that I haven't said.
16 I can't think of anything I know that I
17 haven't said.

18 MR. PECH: May I add one
19 thing? I knew probably less until recently.
20 I still had no formal notice that this
21 meeting exists, which troubles me to some
22 degree. But beyond that, I got a call and
23 then actually sat down face-to-face with Dave
24 Metzger over the weekend. Dave is a long,
25 longtime friend of mine. And all I was told

1 is that they were proposing to invite me to
2 come to speak to this group at its next
3 meeting, which when I spoke to him was
4 January 10th. If you look at the calendar,
5 that's our next meeting. So I suggested,
6 while I would very much like to speak to the
7 group and would appreciate knowing where
8 their focus is, I wouldn't mind if they
9 changed the date because it's going to be a
10 little crowded that day. I don't know
11 anymore than that, but that much I do know.

12 THE CHAIRPERSON: Something
13 that I just thought of -- I'm sorry,
14 Commissioner Griffin.

15 COMM. GRIFFIN: I find it to
16 be rather strange that the governor or
17 anybody else would set up any kind of a group
18 to look into any problems that we have at
19 CHRO, and the Commissioners in this agency
20 were not notified about it. It's an
21 embarrassment that we had to find out about a
22 secret meeting. There was no public -- this
23 is the public meeting they had as a result of
24 the newspaper article that went in disclosing
25 the fact that they existed, and none of us

1 knew about it. People probably here didn't
2 know about it until they read the newspapers.

3 In all due respect to the
4 governor and to the Chair, I think that this
5 commission in itself was set up for that
6 specific reason, to oversee the staff of the
7 Commission. For some other group to be set
8 up outside of this is a total embarrassment
9 to us without consulting with us about it
10 prior to doing it. And for you to say that
11 you forget to call everybody about this is
12 not -- it wasn't acceptable. It's just not
13 acceptable.

14 THE CHAIRPERSON: I
15 understand.

16 COMM. GRIFFIN: This is not
17 acceptable. It's too important of an issue
18 to know that you went to the Governor's
19 office and sat down with the governor and
20 talked --

21 THE CHAIRPERSON: I'm sorry.
22 I thought I made that clear. I met with Ann
23 Noble and Adam Jamail.

24 COMM. GRIFFIN: All right.
25 And to know that Ray had some knowledge of

1 it.

2 THE CHAIRPERSON: I'm sorry.
3 I made calls -- I didn't make calls because I
4 was on the phone on another issue. I said
5 this to Cheryl. I said this to Larry. I
6 didn't make it to be the most dramatic thing
7 in the world, but I said this is what's
8 coming down the pike. And I'm on the phone
9 with Ray a bunch. I said something to Ray.
10 By the way, I think I was also on the phone
11 with George Marshall at one point during this
12 and maybe Ed and didn't remember to bring it
13 up. So yes, my failings are certainly
14 remarkable in this regard, but, first of all,
15 it didn't change the outcome of anything.

16 The group has convened. The
17 group is meeting. The group at some point
18 will invite our input, but they aren't
19 focused on our input. They aren't focused
20 with our guidance. That is absolutely clear.
21 And I should say to you, Commissioner
22 Griffin, that when this was first started, I
23 got my back up a little bit. I was kind of
24 like well, wait a minute, for everything you
25 just said. And what I've decided is, one,

1 that this group may very well, because it
2 looks like some bright, dedicated,
3 interesting people from a variety of
4 backgrounds, this group may come up with some
5 ideas about how this agency may be improved
6 that we're so busy on the day-to-day running
7 of the agency that we -- or month-to-month
8 running of it that we don't have the luxury
9 of looking into it.

10 We've got this job of like
11 running things on a month-to-month basis.
12 They've got the job of looking at the big
13 picture, sitting back. Maybe they've got the
14 time and even in some cases the expertise.
15 We're not all employed in this area. They
16 are, every last one of them, I think, and so
17 they may come up with some good ideas. And
18 even though I might not sit there and say it
19 should have been us, because I have that same
20 feeling in a way, Commissioner Griffin, I
21 decided that what's best is what's best. If
22 they come up with good ideas, if they come
23 forward and say hey, you know what, CHRO
24 needs ten more staff, this is crazy what
25 you're asking to do with 100 people, then

1 that adds a lot to just the agency putting it
2 in front of appropriations and saying we need
3 more staff, because everyone says that.

4 So I'm thinking this could be
5 an upside, this could be positive, and that
6 any resentments I may have about its
7 existence aren't productive. That's where I
8 have come to. But I'm not going to tell you
9 you're crazy to have some resentment.

10 COMM. LOBON: Mr. Chair.

11 THE CHAIRPERSON: Commissioner
12 Lobon.

13 COMM. LOBON: This is a
14 travesty. To state in relationship to what
15 this organization is supposed to do versus
16 what it's done, it's two different issues,
17 but I think for the governor to put together
18 a task force without the knowledge of the
19 Commission is she's the governor, she can do
20 whatever she chooses to do, but I think
21 that's also an indication that it's a little
22 bigger than just employment in this agency.
23 There's issues in here, and there's issues
24 that are confronting this organization in a
25 manner that what they are asked to do they

1 are not even doing. That's the issue.

2 Now, if this is a whitewash or
3 just a game being played, I won't be
4 surprised. That's normally what happens
5 anyway. But the fact is this: If nothing
6 happens, I would not be surprised either, but
7 the issue is there's problems here. There's
8 problems in relationship to what this is
9 called. The Commission on Human Rights and
10 Opportunities, well-known and bred and off
11 the back of civil rights, which is supposed
12 to be or in relationship to the truth, shall
13 be the light. I haven't seen no light yet.
14 And yet we're here today in a sense and in a
15 mode when as what this was created from still
16 is an issue that has not been dealt with or
17 confronted in any form or manner.

18 So I'm giving you -- and I
19 will give you from a black man's perspective
20 because that's what I have to give it from,
21 because that's where the sensitivity is
22 because the mere fact that what has happened
23 does not give comfort to people that believe
24 in what civil rights is supposed to be and
25 equal opportunity. Those words are shallow,

1 they are hollow, because if you stand on the
2 side of the street I stand on, they have no
3 substance.

4 So therefore I'm not surprised
5 this is happening. But is anything going to
6 come of it? Time will tell, and then I will
7 voice my opinion at that particular point in
8 time.

9 THE CHAIRPERSON: By the way,
10 I don't want to get too caught up in like
11 defending all this because it got created
12 without me and without my -- you know, it
13 wasn't my idea, and it got created without my
14 employ or creativity or whatever, so for me
15 to defend it too much, one, might be
16 suggestive that I was sort of part of it, and
17 I'm not. I just feel like the list of people
18 that I got -- it was kind of what I might
19 have expected -- I don't know most of these
20 names, but the groups -- they seem like
21 people who a lot of them bring the
22 perspective you're talking about, John which
23 is --

24 COMM. LOBON: I hope so. I
25 hope so.

1 THE CHAIRPERSON: -- some of
2 these people are spending their careers
3 advocating for civil rights, in some cases
4 about disability, some cases about aging,
5 about women. It's about blacks, it's about
6 Puerto Ricans, so they seem like all decent
7 people.

8 COMM. GRIFFIN: I don't have a
9 problem with any of these people. I have no
10 problem with the idea. I have a problem with
11 the secrecy that surrounded this whole issue
12 and the fact that we as Commissioners,
13 volunteers, we don't get paid for this, and
14 we're appointed by respected people, whether
15 it be a house leader, a senate leader,
16 whoever appointed us, and there's enough of
17 us that we're appointed to be respected as
18 citizens of the state. And you, the Chair,
19 have that responsibility at least of
20 informing us and so that we could sit down
21 and maybe discuss this with Ms. Noble and the
22 Governor's office or somebody to see what
23 their take was, because the way I'm getting
24 this it's a little cloudy.

25 It's a little cloudy what they

1 are supposed to be doing. Are they a study
2 group, task -- I get tired of all these task
3 forces that are being set up for window
4 dressing in the State of Connecticut. What
5 is the mission? They don't even know their
6 mission. I found out about it because
7 somebody had the balls to call me up that
8 happened to be in the meeting, and that's how
9 I found out about it. I knew about it before
10 anybody here probably knew about it.

11 THE CHAIRPERSON: They called
12 you about the meeting. You knew that they
13 had their meeting before I did. I knew that
14 they were forming them, and I was supposed to
15 call people. I didn't know they'd actually
16 met.

17 COMM. GRIFFIN: But I'm saying
18 why would you not know about a meeting. Why
19 the executive director of the agency doesn't
20 know about the meeting. Nobody knew about
21 this meeting that was supposed to be dealing
22 with helping us. It was supposed to be
23 instructive, not destructive. So I'm a
24 little confused what's going on here, and I'm
25 a little upset that we're sitting here right

1 now, all right, with these names just came
2 down. They didn't put the names in the
3 paper. They didn't have the names when they
4 first went public with it because nobody knew
5 that anybody knew that they met. That's a
6 shame.

7 THE CHAIRPERSON: By the way,
8 if I had done my job and called everyone when
9 I was told go ahead and call them, everything
10 was set in motion about creating this group.
11 You wouldn't -- it wasn't there at the
12 creation where, you know what, if I had told
13 -- let's say I told you or whenever it was,
14 sometime in the fourth week of October -- and
15 as I'm going through my date book I'm trying
16 to figure it out. It seems like the fourth
17 week of October I got told, and at that point
18 in time my brain was totally focused on my
19 sister running for election. But again, come
20 November 6th that wasn't -- I can't claim
21 that as a defense anymore, maybe sort of put
22 it off in my head or whatever. But anyway,
23 they were already steaming along in getting
24 this group going. So had I told you on time,
25 it wasn't as if there was a lot of input that

1 was going to be taken in.

2 COMM. GRIFFIN: I think we
3 could have had some input. I think I could
4 have called the Governor's office. I'm a
5 Commissioner, and if I didn't like what was
6 going on, if I had questions about what was
7 going on -- I spend my time up here, all
8 right, and for somebody to step on us the way
9 he stepped on us and then read about it in
10 the newspapers.

11 THE CHAIRPERSON: What did you
12 learn first by reading the newspaper?

13 COMM. GRIFFIN: What did I
14 learn first? That I was in opposition to the
15 state job that they did, that's what I
16 learned first, because nobody else had
17 anything to say about it.

18 THE CHAIRPERSON: You found
19 out about it when it hit the paper?

20 COMM. GRIFFIN: No. I found
21 about it when I got a call from the reporter.

22 THE CHAIRPERSON: Okay. Well,
23 I regret that.

24 Commissioner Clarke.

25 COMM. CLARKE: I just have to

1 say, as someone who's been audited, when I am
2 facing an audit they rarely consult me. I'm
3 never asked to self-police of any
4 organization I've been in this --

5 COMM. GRIFFIN: It's an audit.

6 COMM. CLARKE: Very well may
7 be. I see the similarities between this and
8 an audit. I also heard Scott Esdale come
9 into our meeting and say unequivocally
10 that -- well, he gave us a vote of no
11 confidence. And I'm sure he said that out
12 loud, and I applaud him for it. I'm sure
13 there are other organizations that have the
14 same feelings about us because we are an
15 agency that has problems. And the fact that
16 we could fix the problems -- if we could have
17 fixed the problems, we wouldn't have created
18 them in the first place, so don't even talk
19 about we can fix them. We've seen the enemy
20 and it is us, so don't look to being able to
21 fix a problem when you created the problem.

22 So what I'm saying is I
23 applaud these folks, and I go to church with
24 a couple of them, and I am so happy that the
25 people that are on this task force are on

1 this task force. And I can only think that
2 positive things come up. Even if they say
3 take that Cheryl Clarke out and shoot her
4 because she's an impediment to the whole
5 process, I have no problem at all, because at
6 least I'm getting some honest feedback. But
7 I see this as an audit. I see this as people
8 from the outside being able to evaluate our
9 agency even if I feel that Andrew, if you had
10 told me two years before, there's nothing I
11 could have done to stop it.

12 The Governor rarely asks me
13 for my opinion. She's the governor of the
14 State of Connecticut. And she told us. She
15 told us in this letter, I am going to create
16 this task force with these people. There's
17 nothing to discuss. We couldn't have stopped
18 it. We couldn't have influenced it, and if
19 she wanted our opinion she'd ask for it, and
20 obviously she didn't. She has our opinions
21 once a month, and I can't say I'm real proud
22 of all the things she hears. And she sees
23 the way the agency is operating and obviously
24 thought we needed some help.

25 And these are great people,

1 and I'm glad they are there, and whatever
2 comes out I can only think it's positive.
3 And I hope we can turn this agency around,
4 but I don't think we have the wherewithal to
5 do it. We would have already done it.
6 That's my two cents. Sorry for my
7 impassioned plea, but that's how I feel.

8 THE CHAIRPERSON: Commissioner
9 Lobon.

10 COMM. LOBON: Let me just
11 comment this way. Yes, it's long overdue,
12 audit, whatever you want to call it, it's
13 long overdue up in here. Let's cut to the
14 chase. This ain't yesterday, last week, last
15 year. It's been going on for a very long
16 time, even before I got here.

17 COMM. CLARKE: No question.

18 THE CHAIRPERSON: Oh, a lot
19 longer.

20 COMM. LOBON: And I'm saying
21 so this is nothing new here. I jumped into a
22 piranha pit when I came up in here. I didn't
23 realize it was that bad until I got up in
24 here. Now anybody got some new cure-all or
25 little magical touch to do this and that,

1 nah. I agree, outside intervention is
2 necessary. I just hope they come in here
3 with an open eye and an open mind and keep it
4 real. If they are going to come in here with
5 a smoke screen and just boo a little bit or
6 redirect a little bit, no, this needs an
7 overhaul. This ain't a lube job up in here.
8 This needs an overall. Give me new spark
9 plugs, engine oil, whatever you got to do,
10 but this needs an overhaul, and let's stop it
11 because it is not going to go any further.
12 And the perception you got that is out there
13 in the street, whether you believe it or not,
14 is not healthy, okay. People don't believe
15 in this commission. And when I came on and
16 people asked me are you crazy, and I almost
17 have to answer them yes, I must be crazy
18 because I took it.

19 COMM. GRIFFIN: Just to follow
20 up, I'm not anti any of these people, and I'm
21 not anti any of the positive results that
22 could come out of the Commission either or
23 the study group. That's not my issue. My
24 issue is that I demand respect, okay? I just
25 want respect, all right. And if someone has

1 knowledge of things that are this dynamite,
2 which I feel are dynamite, I'd just like to
3 know about. That's all I'm saying. I'm not
4 knocking the governor for setting up the task
5 force. I'm knocking the Chair, and I'm
6 knocking anybody that's on this commission
7 that knew about this that did not inform the
8 other Commissioners. I think it's a travesty
9 that that didn't happen.

10 COMM. CLARKE: I knew, and so
11 did you. Look at this letter again.

12 COMM. GRIFFIN: I was the one
13 that brought it to everybody's attention, if
14 I recall. I called everyone. I sent
15 everybody an e-mail and notified everyone on
16 this commission that there was a study group
17 being set up by the Governor's office. And I
18 explained that very clearly. And there was a
19 debate back and forth about it for three or
20 four days, as you recall. There's no
21 clarification as to what this was all about.
22 That's all I wanted to know, what's going on.
23 I think we need to know what's going on.

24 THE CHAIRPERSON: Frankly, I
25 don't know what happened so much in the

1 Governor's office between the day of --
2 what's the date of that letter anyways.

3 COMM. CLARKE: July.

4 THE CHAIRPERSON: July 30th.

5 COMM. CONAWAY: It was passed
6 out at a commission meeting. This is not the
7 first time we've seen this.

8 COMM. CLARKE: This is not
9 brand new.

10 COMM. GRIFFIN: He was at the
11 Commission meeting. He spoke for 15 minutes.
12 You can pull up the tape and look at it,
13 Scott. And the contract compliance has been
14 an issue back in 1998 when I first came
15 before the Commission with a contract
16 compliance back then. So contract compliance
17 has always been an issue here. And
18 everything else has been an issue, the staff,
19 the hiring. Everything's been an issue here.
20 We've been fighting back and forth about
21 practices. All I'm saying to you is let's be
22 courteous to each other.

23 THE CHAIRPERSON: I appreciate
24 that sentiment, and I really do feel bad that
25 I didn't make those calls. The only thing

1 I'll say in my defense -- I said a number of
2 things. One thing I'll reemphasize is that
3 this group was forming and starting without
4 us, and had I done the job of calling
5 everyone, you certainly would have felt more
6 respected. You would have been more
7 respected. It wasn't changing the train, the
8 speed of the train and its station list, but
9 in any case they are planning a meeting in
10 January. I don't know exactly when. It may
11 have been the 10th. Maybe it will change.

12 I'm sorry, one other thing
13 that I just remember that I did get told and
14 I didn't share with you because today I got
15 told, is at one point they were thinking
16 perhaps they might come up with some
17 proposals for the governor or the
18 Legislature, even this session, and now they
19 are shifting, at least a little bit, into
20 thinking that that may not be a reasonable
21 deadline for work product, that taking on all
22 of these issues and coming up with bills,
23 whatever, by February whatever the heck it
24 is, 5th, is not so likely, and that's
25 something that I forgot to pass on.

1 Commissioner Mengual.

2 COMM. MENGUAL: You mentioned
3 in one of your e-mails that you made a couple
4 of suggestions of the type of people that
5 should be included. Are any of these your
6 suggestions?

7 THE CHAIRPERSON: Not knowing
8 who everyone is, one thing I had suggested
9 was someone who does affirmative action for a
10 state agency.

11 COMM. MENGUAL: Is that person
12 there?

13 MR. MAMBRUNO: Ann Nobel from
14 the Governor's office.

15 THE CHAIRPERSON: That's true,
16 Ann Noble does. Maybe she thinks she covers
17 that base. I was throwing out the idea that
18 someone or whoever in correction or
19 transportation, whatever, one of the people
20 who live the life of struggling with their
21 agency getting them to the hiring goals.
22 Again, I guess you could say that Ann Noble
23 represents that, but not in the way I was
24 suggesting it, no. The answer I guess is no.

25 COMM. MENGUAL: So none of

1 your suggested names is on the list?

2 THE CHAIRPERSON: I'm trying
3 to think if there's any other group I said --
4 did I say women?

5 MR. MAMBRUNO: Women.

6 THE CHAIRPERSON: Yes, I said
7 keep them off -- no. I guess CWEALF maybe is
8 representing the women's side. I don't know.

9 COMM. GRIFFIN: Commission on
10 Women.

11 THE CHAIRPERSON: They are not
12 on there. I might have said oh, you've got
13 African-American affairs and the Puerto Rican
14 affairs, but they would need me to think of
15 that so I might have said that, but those are
16 pretty obvious. That's low hanging fruit. I
17 wouldn't have thought of saying aging so I
18 don't think there's anyone on here -- I might
19 have said you want to have someone from the
20 business side of the people who always get
21 sued at CHRO.

22 COMM. GRIFFIN: CBIA.

23 THE CHAIRPERSON: But they may
24 have thought of that without me. So I would
25 say in general no, I can't claim that any of

1 these people comes out of my brain.

2 COMM. MENGUAL: I'd like to
3 just say that I am also very hopeful that
4 this task force that the governor has formed
5 really takes a close look and comes up with
6 some good suggestions, some productive
7 suggestions, for this organization. I'd
8 rather look at it with my glass half full and
9 hope some good comes of it.

10 I would also like to express
11 my disappointment in not having heard about
12 it until Jimmie sent me the e-mail saying
13 this is about to come out in the Waterbury
14 Republican which is how I found out. And the
15 fact of the matter is we did have a November
16 board meeting, and it could have been on the
17 agenda.

18 THE CHAIRPERSON: No, no, I
19 absolutely -- I'm sorry to interrupt.

20 COMM. MENGUAL: So I know your
21 sister was trying to get elected and you were
22 very busy, but there was a meeting, and this
23 is a very big thing, and how it didn't make
24 it onto the agenda is beyond --

25 THE CHAIRPERSON: Let me tell

1 you why. You may not find it good, but let
2 me tell you why. I wasn't sure whether
3 announcing it in public would work that well.
4 I wasn't sure what that conversation would
5 turn into and whether it would get to be
6 angry, and at the same time I thought to
7 myself, without asking anyone, this doesn't
8 work in executive session, and there wasn't
9 any provision under our FOI laws to allow it
10 in executive session so I felt sort of stuck
11 and thought it's against the law for me to
12 bring it up in executive session, and it may
13 not be all that productive in public session.
14 I'm just telling you what I actually had sat
15 and thought about whether I should grab
16 everyone and tell you in this meeting. I
17 wish I did now.

18 Actually frankly it's not that
19 scary a thing. I should have just sent
20 everyone an e-mail. I should have just typed
21 up an e-mail and hit send to everyone. I was
22 thinking about being more delicate about it,
23 calling everyone up individually and having
24 that as a plan. Not executing it is where I
25 fell down. I decided that it should be

1 one-on-one to keep it, I don't know, delicate
2 or something or diplomatic, and then though
3 having the assignment of making seven phone
4 calls, I fell short. But I wish now I would
5 have just said it at the meeting. You're
6 right.

7 COMM. MENGUAL: If you had
8 said it at the meeting, it would have been
9 the agency finally taking a proactive
10 approach to a problem instead of being
11 reactive after it's all over the Waterbury
12 Republican and the Hartford Courant. It's
13 just one more symptom of the cancer in this
14 agency. What if we were leaders. Taking it
15 up in the November meeting and we're open
16 about what was happening, it's on the record
17 anyway. What if we put it out there first
18 and say let's address this?

19 THE CHAIRPERSON: It would
20 have just been announcing the governor
21 convened a group. Actually I think they'd
22 already met then.

23 COMM. GRIFFIN: Why couldn't
24 it be our suggestion. We wanted this. We
25 wanted this kind of activity.

1 THE CHAIRPERSON: That would
2 be kind of misleading.

3 COMM. GRIFFIN: We're not
4 angry about the group.

5 COMM. LOBON: Can I make a
6 comment here, please?

7 THE CHAIRPERSON: Yes, sure.
8 Of course.

9 COMM. LOBON: I think we're
10 going to beat the horse because he's already
11 dead anyway, but we're going to beat him
12 again for overkill. But the fact is this:
13 Let's not say that that was not suggested.
14 It had been, but it was stopped. I have
15 always said you need a third-party,
16 independent party to look at this commission.
17 I've said that. I've said it before, and it
18 always got blocked. So to your comment, I've
19 always walked down that particular street,
20 and yet it was let's keep things quiet, let's
21 not ruffle feathers up in here, okay. That
22 has transpired. Now the dog is out of the
23 dog house. Let's see what he's going to be
24 fed. All I'm going to do at this particular
25 point in time is lay back, watch what

1 happens, and in the end you'll hear my
2 comments again. I'm not going to bite my
3 tongue.

4 THE CHAIRPERSON: I encourage
5 anyone to write an e-mail or a letter to Ann
6 Noble at the Governor's office if you have
7 ideas you think it could be better. If you
8 think, for example, the fact that most of our
9 staff is in this area, not in another area, I
10 absolutely encourage you to bring those
11 things to the group.

12 I do want to say one thing
13 though -- well, a couple of things. This
14 agency is often in the middle of a lot of
15 turmoil for a couple of reasons which aren't
16 really the agency's fault. One, we swim in
17 litigious waters. We handle complaints from
18 people who bring law suits. We deal with the
19 people who like to bring lawsuits. They like
20 at the end of the day when they lose their
21 lawsuits to yell at the agency perhaps and
22 say this agency doesn't do things, like,
23 because they don't win their lawsuit.

24 But to the extent that there's
25 a greater density in Connecticut of people

1 who bring lawsuits and litigate and sue,
2 we're part of that greater density. Not only
3 that, but very often we have situations
4 within the agency because people who work
5 here are part of the world of litigation, and
6 they more often would see that perhaps
7 employment rights they should have or the way
8 they should be treated as employees aren't
9 being done right and would more often people,
10 DOT or people at the state library say, wait
11 a minute, I'm not being treated right here.
12 I'm going to bring a case or I'm going to go
13 to the public or I'm going to talk to the
14 Commission. So the world we swim in is one
15 where there's a lot more litigation, a lot
16 more assertion of rights, at times a lot more
17 noise even though it's just 100 people. And
18 so we just suffer that. I imagine it goes on
19 in Iowa, too, but I don't know.

20 The other thing is that I feel
21 bad because the NAACP and other people can
22 sit there and say what good are they, but the
23 fact is that there's scores of people who are
24 doing investigations every day and going to
25 talk to employers and employees to find out

1 what's going on and try to bring justice to
2 these people. And whether or not we've got
3 an executive director who gets in the paper
4 or doesn't get in the paper, there's all
5 these people who are going to work, and Val
6 Kennedy is sitting there painstakingly
7 reading through at times what must be
8 painfully boring and picking out the flaws in
9 these affirmative action plans, and other
10 people are sitting there and Alvin having to
11 deal with Val, that's got to be -- No, that
12 was a joke. Strike that. Can you go in
13 reverse in that?

14 But it's a difficult thing.
15 And we have a lot of accomplished people who
16 work for this agency who aren't going to take
17 things lightly. Heads are going to -- but
18 because people of intellect and education are
19 going to sometimes chafe at the mere fact
20 that they might have a superior and other
21 times we -- and at times we've had some bad
22 luck with executive directors at times, I
23 think, not wanting to go into it. But we've
24 got 100 people here, and 93 of them, I don't
25 know, are plugging away at fighting

1 discrimination, some of them for 30 years.
2 And a lot of people like to score points and
3 we're easy to score points off of.

4 And I think the fundamental
5 fact is people here are doing a pretty good
6 job, and we can't solve miracles because at
7 the end of the day if kids don't finish the
8 9th grade, they're not going to be on the
9 goal applicant list to become a professor at
10 Manchester Community College. And they can
11 do everything they want to hire more
12 minorities, but if people aren't finishing
13 the ninth grade -- and that's something -- I
14 sometimes think that this whole agency, if we
15 all redirected our energies in getting people
16 through the 8th grade and the 10th grade and
17 the 12th grade, that might be better work and
18 without really meaning it as a put down, but
19 I sometimes think that. And Larry, you know
20 more about that than anyone in this room, I'm
21 sure, but that seems to me -- you're not even
22 knocking on the DOT's door or the
23 Agriculture's door to be the ship engineer on
24 their ship unless you've completed a course
25 in engineering somewhere. Anyway that was a

1 long speech. Sorry.

2 COMM. LOBON: Can I just make
3 a comment to that comment?

4 THE CHAIRPERSON: Yes.

5 COMM. LOBON: I don't disagree
6 with you. There's good people and bad people
7 everywhere, so let's not just say yes, a
8 whole lot of good people doing a lot of good
9 stuff, because I don't agree with that. I
10 know some people who ain't doing some good
11 stuff. So let's let this thing find out
12 what's going on. Let's get to the meat of
13 it. And if it doesn't want to get to the
14 meat, we'll find that out as well, but at
15 this point in time it's out. It's out there.

16 COMM. GRIFFIN: Tell the
17 governor she has our full support.

18 THE CHAIRPERSON: I will
19 convey that. I will convey that we had a
20 full discussion. At the end of it there are
21 nine people with George -- there are eight
22 people all behind her.

23 COMM. CLARKE: Don't use my
24 name.

25 THE CHAIRPERSON: Why you're

1 not --

2 COMM. GRIFFIN: You don't like
3 the governor?

4 COMM. CLARKE: I love the
5 governor. She appointed me.

6 THE CHAIRPERSON: In any case,
7 this group all sees the potential for good
8 things coming from this group and regrets how
9 it got started.

10 COMM. LOBON: That's our hope.

11 THE CHAIRPERSON: That's our
12 hope. And I'm part of the problem of how you
13 got told.

14 COMM. GRIFFIN: I accept your
15 apology, by the way.

16 THE CHAIRPERSON: I know I'd
17 done wrong. I'm perfectly willing to
18 apologize.

19 So is there a motion to go
20 into executive session to include Mr. Pech,
21 Mr. Brothers and Mr. Teed?

22 COMM. LOBON: So moved.

23 THE CHAIRPERSON: All those in
24 favor?

25 COMM. CONAWAY: Second.

1 THE CHAIRPERSON: Moved by
2 Commissioner Lobon, seconded by Commissioner
3 Conaway.

4 All those in favor?

5 Any opposition? Any
6 abstention.

7 The motion passes.

8 (Whereupon, a recess was taken
9 from 5:26 p.m. until 6:09 p.m.)

10 THE CHAIRPERSON: I would
11 entertain a motion from any commissioner to
12 return to public session.

13 COMM. LOBON: So moved.

14 THE CHAIRPERSON: Commissioner
15 Lobon moved. Commissioner Mambruno seconds.

16 All those in favor say aye.

17 All those opposed?

18 Any abstentions?

19 We're now resumed into public
20 session. And I will report that no votes
21 were taken of any kind during executive
22 session.

23 The next item on our agenda is
24 pending litigation. We have no actions to
25 take. And the following item is a reopening

1 request, Hashim versus State of Connecticut,
2 Department of Correction, case number
3 0740226. Is there a motion from any
4 commissioner regarding whether we should
5 accept staff recommendation for reopening or
6 whether we shouldn't? Is there a motion?

7 COMM. CRUZ: Can I just state
8 for the record -- this is Commissioner
9 Cruz -- that I'm going to recuse myself from
10 this discussion? My husband, Captain
11 Brighthaupt, works for the Department of
12 Corrections.

13 THE CHAIRPERSON: Absolutely.
14 And I will report that Commissioner Cruz took
15 no part in the discussion or asked any
16 questions while we were in executive session.
17 So, is there a commissioner, of course now
18 besides Commissioner Cruz, who would like to
19 make a motion regarding this reopener
20 request?

21 COMM. CLARKE: So moved to
22 accept the staff recommendation.

23 THE CHAIRPERSON: Commissioner
24 Clarke moves to permit reopening. Is there a
25 second to Commissioner Clarke's motion?

1 COMM. CONAWAY: Second.

2 THE CHAIRPERSON: Commissioner
3 Conaway seconds.

4 Is there discussion?

5 I would say that the
6 Commission feels, having heard both sides of
7 the argument, as it were, that at the end of
8 the day there is this possibility that the
9 Department of Corrections could have
10 justifiably fired this individual but could
11 be justifiably firing only people of a select
12 protected class, and information could be
13 provided but wasn't asked for and obtained,
14 information could be provided showing that
15 they have acted this way with people of a
16 variety of races and genders and backgrounds,
17 or, in fact, they may have some difficulty
18 showing that, and we feel that a little bit
19 more information needs to be put on the table
20 to establish that. And so that's why it
21 appears that the sentiment is to paint the
22 motion in that way.

23 Is there any other discussion?

24 All those in favor of the
25 motion to reopen say aye.

1 Is there any opposition?

2 Are there any abstentions?

3 The motion passes, Hashim
4 versus the State reopened.

5 Is there any other business to
6 come before the committee? And I will say to
7 Commissioners that I expect, I won't
8 guarantee it, but I expect that the item will
9 be on the next agenda regarding the assistant
10 director search. I will be consulting with
11 the committee, but I expect I will be placing
12 the item on the agenda based on the progress
13 that they may make.

14 COMM. MENGUAL: I just wanted
15 to say that I have resigned from the
16 personnel committee, and I'd like to request
17 further discussion at the open meeting.

18 THE CHAIRPERSON: You would
19 like to discuss the assistant director search
20 at the open meeting next month.

21 COMM. MENGUAL: The reason for
22 my resignation from that.

23 THE CHAIRPERSON: I think that
24 if we have an assistant director search on
25 the agenda, that would allow that

1 conversation. But in any case I will honor
2 that request. Please make note that at least
3 a discussion of the assistant director search
4 committee and Commissioner Mengual's views on
5 the process would be on the -- I guess I
6 wouldn't call it Commissioner Mengual's views
7 on the process, but please have the assistant
8 director search on the next agenda based on
9 her request.

10 And I would wish everyone a
11 happy New Year, Three King's Day also and
12 Kwanzaa.

13 Where are we on Kwanzaa?

14 COMM. CONAWAY: Day two.

15 COMM. LOBON: Day two of
16 Kwanzaa.

17 THE CHAIRPERSON: Okay. But
18 happy Kwanzaa, happy Three King's Day, happy
19 New Year.

20 Is there a motion to adjourn?

21 COMM. LOBON: So moved.

22 THE CHAIRPERSON: Is there a
23 second?

24 COMM. CLARKE: Second.

25 THE CHAIRPERSON: Commissioner

1 Lobon moves. Commissioner Clarke seconds.

2 All those in favor say aye.

3 Any opposition?

4 Any abstention?

5 The motion passes. We are

6 adjourned at 6:13.

7 (Whereupon, the above

8 proceedings were adjourned at 6:13 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 206 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Special Commission Meeting held at the Commission on Human Rights and Opportunities, which was held at 21 Grand Street, Hartford, Connecticut on December 27, 2007.

Lisa L. Warner, L.S.R.
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