

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
THURSDAY, FEBRUARY 14, 2008, 2:00 P.M.
21 GRAND STREET, HARTFORD, CONNECTICUT 06106
LARGE CONFERENCE ROOM**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Cheryl Lynn Clarke
Larry Conaway
Alexia E. Cruz (joined the meeting in progress)
Jimmie Griffin
John Lobon
George A. Marshall (participated telephonically)

COMMISSIONERS ABSENT

Gloria Mengual

STAFF PRESENT

Raymond P. Pech, Executive Director
Robert J. Brothers, Jr., Managing Director and Commission Attorney
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor
Donald Newton, Chief of Field Operations
James O'Neill, Legislative and Regulations Specialist
Gloria Sparveri, Affirmative Action Program Manager
Linda Civitillo, Executive Secretary

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the February 14, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:06 p.m. He noted for the record that Commissioner Gloria Mengual was unable to attend today's meeting and Commissioner George Marshall would be participating in the meeting telephonically.

II. SECRETARY

A. Review and Approval of Minutes of January 10, 2008 Regular Commission Meeting

Secretary Mambruno requested a motion accepting the minutes of the January 10, 2008 Regular Commission meeting. A motion was made by Commissioner Clarke and seconded by Commissioner Marshall to approve the minutes of the January 10, 2008 Regular Commission meeting. The motion carried with Commissioners Clarke, Conaway, Griffin and Marshall voting in favor of the motion. Commissioners Lobon and Mambruno abstained and the Chairperson did not vote. Commissioner Cruz was not present for the vote.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Commission on Fire Prevention and Control
2. Department of Developmental Services

Chairperson Norton requested a motion accepting the staff recommendations to approve the affirmative action plans for the Commission on Fire Prevention and Control and the Department of Developmental Services with retention of annual filing status. A motion was made by Commissioner Conaway and seconded by Commissioner Marshall to approve the noted affirmative action plans as recommended by staff. At the request of Chairperson Norton, Commissioners Conaway and Marshall withdrew the motion and second, respectively. The Chairperson requested a separate motion for the Commission on Fire Prevention and Control. A motion was made by Commissioner Conaway to accept the staff recommendation for approval with retention of biennial filing status for the Commission on Fire Prevention and Control. The motion was seconded by Commissioner Marshall. The Chair invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to provide the names of the individuals in attendance from this agency and provide an overview regarding the approval recommendation. Mr. Bingham introduced Jeffrey Morrissette, State Fire Administrator, and Natalie Shipman, Equal Employment Opportunity Manager, representing the Commission on Fire Prevention and Control. The plan is being recommended for approval based on compliance with the requirements of the regulations. This is the first filing for the Commission on Fire Prevention and Control. There were no prior goals to achieve and no previous approval history. There was no discussion on this Item. The motion carried with Commissioners Clarke, Conaway, Griffin, Mambruno and Marshall voting in favor of the motion. Commissioner Lobon abstained and Chairperson Norton did not vote. Commissioner Cruz was not present for the vote.

A motion was made by Commissioner Clarke and seconded by Commissioner Marhsall to accept the staff recommendation for approval with retention of annual filing status for the Department of Developmental Services. Commissioner Mambruno indicated he would be recusing himself from this Item. Mr. Bingham introduced the following individuals in attendance representing the Department of Developmental Services: Commissioner Peter O'Meara, Rita Kelley, Director of Equal Employment Opportunity, Len Erasmus, Levy Gillespie and Lorna Reid. The plan is recommended for approval based on compliance with demonstration of good faith efforts. During the reporting period, goal achievement was 57 out of 121 possible short-term goals or 47%, 28 out of 67 possible long-term goals or 42%, 85 out of 188 possible total goals or 45% and 26 out of 47 possible

promotion goals or 55%. The affirmative action plan for the Department of Developmental Services was approved in 2003, 2004 and 2005, approved by default in 2006 and approved in 2007. Chairperson Norton noted there is a large number of black employees within the para-professional job category and asked if a representative from the department could describe some of the job titles in this group. Rita Kelley, Director of Equal Employment Opportunity, explained para-professional jobs include positions such as Mental Retardation Worker I and II. The positions provide direct care for individuals with developmental disabilities in the agency's regional centers or group homes and are where the greatest needs exist for the agency. The positions also offer a very competitive salary. Ms. Kelley added the agency has a number of part-time positions in the workforce and full-time positions, by contract, must come from part-time positions. Chairperson Norton asked if the salary information for these positions might be provided at a later date. The Chair also asked Ms. Kelley if she could provide some examples of what positions constitute professional employees in the agency. Some professional positions include nursing positions, case managers, which are comparable to a social worker, various health service-related positions, such as occupational and physical therapists, as well as some of the administrative positions, including human resources, affirmative action and a number of fiscal positions. There was no further discussion on this Item. The motion accepting the staff recommendation for approval with retention of annual filing status carried with Commissioners Clarke, Conaway, Griffin and Marshall voting in favor of the motion. Commissioner Mambruno abstained, Commissioner Lobon opposed the motion and the Chair did not vote. Commissioner Cruz was not present for the vote.

Staff Recommendation: Conditional Approval

1. Department of Children and Families

Chairperson Norton requested a motion to accept the staff recommendation for conditional approval with retention of annual filing status for the Department of Children and Families. A motion was made by Commissioner Marshall and seconded by Commissioner Mambruno to accept the staff recommendation for conditional approval with retention of annual filing for the Department of Children and Families' affirmative action plan. Mr. Bingham introduced the following individuals in attendance from DCF: Susan Hamilton, Commissioner; Debi Freund, Director of Diversity and Equity; Sharon Gaddy, Assistant Director of Diversity and Equity; Victor Brathwaite, Equal Employment Opportunity Specialist 2; Ngina Gibson, Equal Employment Opportunity Specialist 1; TerryLynn Johnston, Equal Employment Opportunity Specialist 1; Nick D'Agostino, Equal Employment Opportunity Specialist 1; and Shirley Amos-Cooper, Secretary 2. Mr. Bingham explained the plan is being recommended for conditional approval based on compliance with the following: the plan contains all the elements required, the agency has demonstrated every good faith effort to achieve its

goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 118 out of 276 or 43%, total goal achievement was 118 out of 276 or 43% and promotion goal achievement was 37 out of 64 or 58%. The plan was approved for each of the past five years. Commissioner Conaway requested further explanation as to why the agency is being shifted to conditional approval after being approved for several years. Neva Vigezzi, Affirmative Action Program Analyst, reviewed the plan and explained the reason she is recommending a conditional approval for this agency's plan is that last year one of the recommendations made to the agency was that she was concerned with the amount of subjective criteria being used as part of their justifications for not hiring goal candidates. She conducted technical assistance with the staff and indicated they are working on this area, however, upon reviewing the plan, she found that subjective criteria are part of the analyses. Ms. Vigezzi indicated there needs to be immediate attention to do training on interviewing techniques for all staff involved in hiring and promotion decisions. Commissioner Susan Hamilton and Debi Freund addressed the Commissioners regarding the conditional approval recommendation. Ms. Freund provided two documents to the Commissioners. One of the documents shows the entire agency workforce by race and sex, along with the percentages by each EEO category. Ms. Freund noted DCF is a large agency, employing 4,000 full and part-time positions. The agency made the commitment a number of years ago that the workforce should more accurately reflect the children and families served. The agency began utilizing KIDS data in their availability, which resulted in the agency setting very challenging goals. This year, employees of color comprise 52% of the agency's social workers. In addition, the agency's current workforce is comprised of 47% employees of color. Ms. Freund further noted the plan contains 17 elements that are in compliance and one element with a weakness in the area of goals analysis. This area was rated in compliance last year. During this reporting period, which covered August 1, 2006 through July 31, 2007, the agency had 531 hires and promotions for full-time employees. When the agency received the Commission's review on February 27, the agency was seven months into the reporting period, and of the 531 hires and promotions, 69% of the hires and 60% of the promotions had already occurred and all of the justifications had already been written. Ms. Freund indicated the agency instituted several changes as soon as the review was received, including training programs for staff and changing the standard of review for applicant justifications. She requested the Commission consider approving the plan. In response to a question from Commissioner Griffin, Ms. Freund reiterated that prior to receiving the review, justifications had been written for 337 transactions. Commissioner Susan Hamilton also briefly addressed the Commissioners and restated many of the changes that have been instituted since being informed of the deficiency in their application of criteria for review of candidates. As the new Commissioner of the agency, she stated her commitment to continuing the progress that they have seen over the years and the agency's overall dedication to ensuring diversity not only across their workforce, but in service provision as well. Commissioner

Mambruno stated his belief that the agency presented a compelling argument to have the conditional approval changed to approval. Commissioner Clarke stated her reluctance to change the original recommendation as Ms. Vigezzi had to review the plan that was in front of her at the time. She acknowledged the errors contained in the plan were not that egregious. There was no further discussion on this Item. Chairperson Norton called for a vote on the motion to accept staff recommendation for conditional approval. Commissioners Clarke, Conaway and Griffin voted in favor of the motion. Commissioners Lobon, Mambruno and Marshall opposed the motion. Commissioner Cruz was not present for the vote. As there was a three-three tie, Chairperson Norton exercised his vote and voted against the motion. The motion failed. A motion was made by Commissioner Mambruno to strike the conditional approval and change it to approval. Commissioner Lobon seconded the motion. The following Commissioners voted in favor of the motion: Lobon, Mambruno and Marshall. Commissioners Clarke, Conaway and Griffin opposed the motion. Commissioner Cruz was not present for the vote. The Chairperson again exercised his vote and voted in favor of the motion. The motion carried. The plan was approved with retention of annual filing status.

B. Petition for Annual Filing

1. State Elections Enforcement Commission

A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno to grant the petition for annual filing submitted by the State Elections Enforcement Commission. Executive Director Raymond Pech explained the first affirmative action plan filing for the State Elections Enforcement Commission (SEEC) was approved, with semi-annual filing status, by the Commission at the November 8, 2007 meeting. In a letter dated January 30, 2008, Executive Director Jeffrey Garfield of the SEEC requested that future plans be filed on an annual basis. Executive Director Pech and HRO Representative Paula Ross, who reviewed the first plan, stated they did not object to the request to file the plan on an annual basis. There was no further discussion. The motion carried with Commissioners Clarke, Conaway, Griffin, Lobon, Mambruno and Marshall voting in favor of the motion. Commissioner Cruz was not present for the vote and Chairperson Norton did not vote.

IV. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Affirmative Action Program Manager, indicated her monthly report was furnished to the Commissioners in their mailing. Projected goals will be included in next month's report. There were no hires during the last month, however, under yearly activity, two hires occurred within the agency and were

noted in the report. The Commission's next affirmative action plan filing date is February 15, 2008 for the reporting period ending October 31, 2007. The plan is currently being reviewed by the Executive Director.

B. Fiscal Report

Executive Director Pech noted Michelle Provost, Fiscal Administrative Supervisor, was not able to attend today's meeting as she is participating in mandatory managerial training. The fiscal report was provided in the Commissioners' supplemental packet. Executive Director Pech reported the Governor's interim budget adjustments came out a few weeks ago and there were no changes recommended for CHRO. The agency is scheduled to appear before the Appropriations subcommittee on February 19 at which time Executive Director Pech will have an opportunity to request additional funding. CHRO is currently allotted 103 positions, including the three authorized by the Legislature last session.

C. Field Operations Report

Donald Newton, Chief of Field Operations, indicated the Report on Caseload Statistics, was included in the Commission mailing. There were no questions for Mr. Newton regarding the information contained in the report.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, provided the Commissioners with a document listing bills currently being tracked by CHRO. Mr. O'Neill indicated that he would like to be able to e-mail the document to Commissioners each week. The bill history and status can be accessed electronically by clicking on the bill number and the text of the bill can be accessed by clicking on the bill title. Mr. O'Neill agreed to have the document mailed to Commissioner Marshall each week. Executive Director Pech clarified the bills currently being tracked are not the agency's, but rather bills that may either be of interest to or have an impact on CHRO.

E. Managing Director's Report

Managing Director and Commission Attorney Robert Brothers indicated there were no significant activities to report for the Legal Division since last month's meeting.

F. Executive Director's Report

The Executive Director's report was included in the Commissioners' supplemental folder. The report highlights that Executive Director Pech testified

before the Governor's Task Force on January 17. A copy of his presentation before the Task Force was attached to his report, along with a copy of the testimony he provided before the Appropriations full and subcommittees last February. Mr. Pech indicated his testimony took about an hour and a half and included responding to a number of questions from the Task Force. Executive Director Pech stated his belief that the Task Force may want to hear from him and/or other individuals again, although that has not been confirmed. At the request of Chairperson Norton, Debi Freund, who serves on the Task Force, agreed to supply CHRO with minutes of meetings held to date, as well as minutes of future meetings. Chairperson Norton inquired if there were any particular priorities or areas that the Task Force expressed an interest in reviewing. Executive Director Pech noted several issues were raised, including strengthening contract compliance, complaints that various members of the Task Force had heard from individuals who were not happy with how their complaint was handled, and staffing levels. Two specific inquiries were responded to in writing by the Executive Director and Attorney Brothers in follow up to issues raised by Anne Noble of the Governor's Office. Commissioner Griffin asked Executive Director Pech if there were any questions or discussions about perceptions regarding the agency. Mr. Pech stated not overall, however, he reiterated that some members of the Task Force conveyed concerns that they had heard from individuals about how their complaint was handled. The Chairperson stated he shared with Ms. Noble one area that he thought could be addressed which pertains to state agency recruitment/outreach efforts and whether it would be beneficial to consolidate and create one center of activity. The Executive Director stated recruitment is also being looked at as the regulations review process moves forward, specifically shifting recruitment efforts to notify recruitment sources when an exam is posted as opposed to when the exam is given. In response to a question raised by Commissioner Lobon regarding whether a new person was added to the Task Force membership, Mr. O'Neill reported that Representative Clemons from the Legislative Black and Latino Caucus requested representation on the Task Force. Anne Noble told him she would accept his appointment. Mr. O'Neill further indicated Ms. Noble is leaving the Governor's Office and it has not yet been determined who from the Governor's Office will lead the Task Force. Chairperson Norton indicated it would be helpful to have a current roster of Task Force members.

Chairperson Norton noted for the record that Commissioner Cruz joined the meeting.

V. NEW BUSINESS

- A. Request for Contract Compliance Exemption Between the Department of Developmental Services and WestEd (Vermont)

- B. Request for Contract Compliance Exemption Between the Department of Social Services and Electronic Data Systems Corporation
- C. Request for Contract Compliance Exemption Between the Department of Administrative Services and Pitney Bowes, Inc.
- D. Request for Blanket Contract Compliance Exemption Between the Department of Transportation and Metro-North Railroad (New York)
- E. Request for Contract Compliance Exemption by UCONN with Webcom, Inc. (Canada)
- F. Request for Contract Compliance Exemption by UCONN with InfoPrint Solutions, LLC (Colorado)
- G. Request for Contract Compliance Exemption by the Board for State Academic Awards with Xerox Corporation (New York)
- H. Request for Contract Compliance Exemption Involving the UCONN Health Center and Universal Hospital Services (Minnesota)
- I. Request for Contract Compliance Exemption Involving the UCONN Health Center and Mathematica Policy Research, Inc. (Washington, D.C.)
- J. Request for Contract Compliance Exemption Involving the UCONN Health Center and Mini-Mutter Company, Inc. (Pennsylvania)
- K. Request for Contract Compliance Exemption Involving the UCONN Health Center and Somanetics Corporation (Michigan)
- L. Request for Contract Compliance Exemption Involving the UCONN Health Center and the University of Pennsylvania
- M. Request for Contract Compliance Exemption Involving the UCONN Health Center and Southwest Foundation for Biomedical Research (Texas)
- N. Request for Contract Compliance Exemption Involving the UCONN Health Center and Electronic Data Systems Corporation (Eligibility)
- O. Request for Contract Compliance Exemption Involving the UCONN Health Center and Electronic Data Systems Corporation (Claims)
- P. Request for Contract Compliance Exemption Between the Workers' Compensation Commission and INGENIX, Inc.

Before the Chairperson entertained a motion on Items V. A – P., Executive Director Pech reported he reviewed Items V.A.–C. With respect to Item V.A., the Executive Director recommended the request be granted provided the Department of Developmental Services submits a certified copy of WestEd's employment policies. The document has been received, so that proviso has been met. With respect to Item V.B., the Executive Director indicated he has spoken with representatives from the Department of Social Services and has received assurances that the requested information will be submitted. With regard to Item V.C., the Executive Director recommended the request be granted provided Pitney-Bowes submit a certified copy of their practices for now, but since this was an ongoing, five-year contract, he also asked them to notify CHRO of the date of their next board meeting with an assurance that the resolution would be adopted at that meeting. The meeting took place last week, the resolution was adopted and a copy was submitted to CHRO. An exemption by the Commission is no longer required as all statutory requirements have been met. Representatives from Pitney-Bowes were in attendance and they confirmed their understanding was the same as Mr. Pech's and an exemption is no longer required. The Chairperson requested a motion on Items V.A.-B. and D.-P. It was moved by Commissioner Mambruno and seconded by Commissioner Marshall to grant the requested exemptions as recommended by staff for Items V.A.-B. and D.-P. A question was raised by Mr. Mike Gerrard, Purchasing Agent, from the University of Connecticut regarding an earlier request for Oracle Corporation. He asked for the current status of that request as it is not on today's agenda. Mr. Pech stated he would review the original request, however, it was his recollection that he was not comfortable recommending the blanket exemption be granted. He agreed to get back to Mr. Gerrard regarding his question. Both Executive Director Pech and Attorney Brothers confirmed there are some requests that are pending staff review. Those pending requests will likely be added to the agenda in March. There was a short discussion regarding blanket exemption requests. Attorney Brothers clarified that although a request from an agency may be for a blanket exemption, as in the case of Item V.D. between the DOT and Metro-North, the staff recommendation to the Commission might be to grant a specific contract and not the blanket request. There was no further discussion on this Item. The motion carried unanimously with Commissioners Clarke, Conaway, Cruz, Griffin, Lobon, Mambruno and Marshall voting in the affirmative. Chairperson Norton did not vote.

VI. EXECUTIVE SESSION

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Marshall and seconded by Commissioner Mambruno that the Commission go into Executive Session, including inviting Executive Director Pech and Managing Director and Commission Attorney Brothers for a portion of the Executive Session, for the purpose of discussing pending litigation and personnel matters as they may

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

VII. RETURN TO REGULAR SESSION

A motion was made by Commissioner Conaway and seconded by Commissioner Griffin to return to Regular Session. The motion carried unanimously. Chairperson Norton did not vote. The Chairperson noted no votes were taken during Executive Session.

A motion was made by Commissioner Griffin and seconded by Commissioner Clarke to amend the agenda for the purpose of discussing the Assistant Director Search Committee. The motion carried unanimously. Chairperson Norton did not vote. A motion was made by Commissioner Clarke to reform the Assistant Director Search Committee to include all nine members of the Commission. Commissioner Griffin seconded the motion. The motion carried unanimously, with the exception of the Chairperson who did not vote.

VIII. VOTE ON EXECUTIVE SESSION ITEMS

- A. Report on Pending Claims or Pending Litigation
- B. Personnel Matters

There was no discussion and nothing to report.

IX. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Conaway and seconded by Commissioner Clarke to adjourn the meeting at 4:15 p.m. The motion carried unanimously. The Chairperson did not vote.