

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
THURSDAY, APRIL 10, 2008, 2:00 P.M.  
21 GRAND STREET, HARTFORD, CONNECTICUT 06106  
LARGE CONFERENCE ROOM**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Alexia E. Cruz  
Jimmie L. Griffin  
John Lobon  
George A. Marshall  
Gloria F. Mengual

**COMMISSIONERS ABSENT**

Larry Conaway

**STAFF PRESENT**

Raymond P. Pech, Executive Director  
Robert J. Brothers, Jr., Managing Director and Commission Attorney  
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor  
James O'Neill, Legislative and Regulations Specialist  
Michelle Provost, Fiscal Administrative Supervisor  
Gloria Sparveri, Affirmative Action Program Manager  
Linda Civitillo, Executive Secretary

**I. CHAIRPERSON**

A. Convene Meeting

Chairperson Andrew Norton convened the April 10, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:07 p.m. The Chair announced Commissioner Cheryl Clarke recently suffered a rather serious stroke and would be stepping down from the Commission. He noted Commissioner Clarke was one of the hardest working members of the Commission for the past two years and expressed his appreciation for her service. He asked for a moment of silence in prayer for her recovery.

**II. SECRETARY**

A. Review and Approval of Minutes of March 13, 2008 Regular Commission Meeting

Secretary Mambruno requested a motion approving the minutes of the March 13, 2008 Regular Commission meeting. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to approve the minutes of the March 13, 2008 Regular Commission meeting. The motion carried unanimously, with the exception of the Chairperson who did not vote.

### **III. AFFIRMATIVE ACTION RECOMMENDATIONS**

#### **A. Agencies Proposed Affirmative Action Plans**

Staff Recommendations: **Approvals**

1. Department of Information Technology
2. Department of Revenue Services
3. Division of Special Revenue
4. Office of the State Treasurer
5. Office of Consumer Counsel

Chairperson Norton requested a motion accepting the staff recommendations for approval of the affirmative action plans for the Department of Information Technology, Department of Revenue Services, Division of Special Revenue, Office of the State Treasurer and Office of Consumer Counsel, with retention of annual filing status for all of the agencies, with the exception of the Office of Consumer Counsel, for which retention of biennial filing status is being recommended. A motion was made by Commissioner Marshall and seconded by Commissioner Mambruno to approve the noted affirmative action plans as recommended by staff. The Chairperson requested Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency representatives in attendance and provide a summary regarding each approval recommendation.

Mr. Bingham introduced the following individuals in attendance from the Department of Information Technology: Diane Wallace, Chief Information Officer; Debra Mainville, Affirmative Action Designee; Trish Johnson, Chief of Staff; Brenda Abele, Human Resource Manager; and Joe Dominello, Chief Administrative Officer. The affirmative action plan for the Department of Information Technology is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has demonstrated every good faith to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Goal achievement for the reporting period was 10 out of 19 short-term goals or 55.6%, 8 out of 10 long-term goals or 80% and 18 out of 28 total goals or 64.3%. The affirmative action plan was approved by default in 2003, and approved in 2004, 2005, 2006 and 2007. There was no discussion regarding this item.

Commissioner Pam Law and Penny Potter, EEO Manager, were in attendance from the Department of Revenue Services. The plan is recommended for approval based on compliance with the (b)(2) standard (the agency has met all or substantially all of its hiring and promotion goals). Short-term goal achievement

was 7 out of 8 or 87.5%, total goal achievement was 7 out of 8 or 87.5% and promotion goal achievement was 34 out of 49 or 69.4%. The plan has been approved for each of the past five years. Chairperson Norton noted there is a healthy representation of both Black males and Black females within the professional job category. There was no further discussion.

Mr. Bingham introduced Paul Young, Executive Director, and LeRoy Watson, EEO Manager, representing the Division of Special Revenue. The affirmative action plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 4 out of 9 or 44% and total goal achievement was 4 out of 9 or 44%. The plan was approved in 2003, 2004 and 2005, disapproved in January 2006, submitted again in July 2006 and approved, and approved in 2007. There were no questions or additional discussion on this Item.

The following individuals were in attendance from the Office of the State Treasurer: Linda Hershman, Chief of Staff; Leah Glende, EEO Specialist; and Ted Janiszewski, Principal Human Resource Specialist. The affirmative action plan is recommended for approval based on compliance with the (b)(2) standard (the agency has met all or substantially of its hiring and program goals). Short-term goal achievement during the reporting period was 3 out of 3 or 100% and total goal achievement was 3 out of 3 or 100%. The plan has been approved for each of the past five years. The Chair commented the agency is well represented with Black females at the professional level. No further discussion followed.

Mr. Bingham introduced the following representatives in attendance from the Office of Consumer Counsel: William Vallee, Principal Attorney, who was representing the Commissioner of the agency; Natalie Shipman, EEO Manager; and Irene Baj-Wright, EEO Specialist. The plan is recommended for approval based on compliance with the following: the plan contains all the elements required and the agency has met all or substantially all of its hiring goals. In addition, the previous plan had no deficient elements. Short-term goal achievement was 2 out of 3 or 67%, long-term goal achievement was 1 out of 1 or 100% and total goal achievement was 3 out of 4 or 75%. The plan was approved in 2002, 2004 and 2006. Commissioner Marshall noted that although the total workforce consists of only 15 employees, there are, nonetheless, a small number of Black and Hispanic males and females employed by the agency. No additional discussion followed.

A motion having been made and properly seconded to approve the noted affirmative action plans, with retention of annual filing status and retention of biennial filing status in the case of the Office of Consumer Counsel, Chairperson Norton called for a vote. The motion carried unanimously, with the exception of the Chair who did not vote.

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

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

Gloria Sparveri, Affirmative Action Program Manager, indicated her monthly report was included in the Commission mailing. The only activity since the prior report was the hire of an HRO Representative in the Bridgeport office, which met a goal. Ms. Sparveri clarified for Commissioner Cruz that the earlier hire in the Bridgeport office, which did not meet a goal, will have to be justified in the Commission's plan next year.

The Chair raised a question regarding the affirmative action plan for last year, specifically the justification provided for the hire of the Executive Director. Lengthy discussion followed regarding whether a justification is required based on the statutory citation that is referenced, CGS 46a-52(c). Chairperson Norton asked Ms. Sparveri if it lies in that statute that no justification is required. Ms. Sparveri stated she included in the plan what she believed to be factual. Chairperson Norton asked Executive Director Pech to consult whatever authority necessary and conduct the appropriate research to determine whether the text as it appears in the affirmative action plan that is being proposed for CHRO represents his hire in a way that will meet the standard of review. Mr. Pech was instructed to report his findings back to the entire Commission, including the sources he consulted.

There was also a short discussion regarding CHRO's workforce and how we arrive at goal candidates. Commissioner Griffin raised a question concerning who determines the agency's overall structure as it relates to the breakdown of positions within the Officials/Administrators category. Mr. Pech stated some of the positions fall within the category by definition and others are there based on the responsibilities and supervisory nature of the positions.

Clarification was sought with respect to Assistant Attorney General David Teed's role in the review of the Commission's plan and evaluation. Ms. Sparveri stated she was trained by her predecessor to give the plan to Assistant Attorney General Teed for his review, after which it is submitted to the Executive Director for signature and then it is given to Neva Vigezzi. Mr. Pech stated his understanding is that Assistant Attorney General Teed reviews the analysis by Ms. Vigezzi after she reviews the plan first as it would be awkward for him as the agency head to do so. He agreed to clarify Assistant Attorney General Teed's role in this matter and report back to the Commission.

B. Fiscal Report

Copies of the financial and personnel status reports were provided to the Commissioners in their mailing packet. Michele Provost, Fiscal Administrative Supervisor, indicated there were no significant changes regarding the personnel status report since last month other than the one hire in the Bridgeport office. There were no significant changes regarding the financial status report. Ms. Provost reported the Bridgeport office moved to its new location effective April 1 and the move was accomplished under budget. Commissioner Mambruno requested an update regarding the Central Office move. Executive Director Raymond Pech indicated the Gateway Complex developers submitted information regarding the financial solvency of all of their backers to the Department of Public Works, as requested. After reviewing the information submitted by the Gateway developers, DPW has additional questions. Mr. Pech stated he has not been updated regarding the matter since April 1.

C. Field Operations Report

Executive Director Pech indicated Donald Newton, Chief of Field Operations, is in Atlanta attending the HUD conference. Mr. Newton's report was provided in the mailing packet. Mr. Pech noted the total pending caseload has not changed significantly since last month and settlements that are tracked remain relatively high.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, provided the legislative report. He indicated Commissioner Cruz did an excellent job at the Executive and Legislative Nominations Committee where she was approved by a unanimous vote. She was also approved by voice vote in the House and will be approved by the Senate next week. Commissioner Cruz thanked Mr. O'Neill for his support. Mr. O'Neill's written report was provided to the Commissioners in their supplemental packet. The report now contains more detailed information, including what each bills entails, as well as their fiscal impact. Dead bills have been removed from the report. Commissioner Lobon asked for additional information regarding SB 335, AAC The Protection of Whistleblowers. Mr. O'Neill indicated there are a number of other bills that may factor into whether this specific bill will move forward.

E. Managing Director's Report

Managing Director and Commission Attorney Robert Brothers provided an update regarding the Legal Division. He reported cases remain about the same at about 100 total cases. Housing cases represent about 40% of the total cases, of which 60% are court cases. Attorney Brothers noted a Supreme Court

decision in the matter of Curry v. Goodman was recently issued, which is favorable for the Commission in that the Court concurred with the Commission's interpretation of how reasonable accommodation cases have been handled. Principal Attorney Charlie Krich filed an amicus brief in the case. Attorney Brothers and other staff members continue to provide legal updates to the regional offices. In closing, Attorney Brothers noted a Petition for Intervener Status was filed regarding the declaratory ruling requested by The Salvation Army. This matter will be addressed under Item VI., Old Business, on today's agenda.

F. Executive Director's Report

Executive Director Pech highlighted several areas of his written report, which was provided in the Commissioners' supplemental packet. He discussed some additional legislative issues. The Appropriations Committee reported out a bill regarding mid-term budget adjustments which recommends five new positions for CHRO. The recommendation is subject to negotiation. The other legislative matter discussed by Mr. Pech pertains to a proposal submitted by CHRO which would have made some changes to the contract compliance law, particularly with respect to the exemptions and the new certification language required by Public Act 07-142. Mr. Pech stated the Judiciary Committee did not report out a bill at all regarding the issue. He concluded by noting that for the first time, under New Business on today's agenda, staff is recommending some of the requested exemptions be denied.

V. **NEW BUSINESS**

A. Request for Contract Compliance Exemption Between UCONN Health Center and United Technologies Corporation

B. Request for Contract Compliance Exemption Between UCONN Health Center and Ventana Medical Systems, Inc. (AZ)

C. Request for Contract Compliance Exemption Between UCONN Health Center and Trilink Biotechnologies (CA)

D. Request for Contract Compliance Exemption Between UCONN Health Center and Applied Imaging Corporation (CA)

E. Request for Contract Compliance Exemption Between UCONN Health Center and Applied Biosystems (CA)

F. Request for Contract Compliance Exemption Between UCONN Health Center and Server Technology (NV)

- G. Request for Contract Compliance Exemption Between UCONN Health Center and Bard Electrophysiology (MA)
- H. Request for Contract Compliance Exemption Between UCONN Health Center and Aries Systems Corporation (MA)
- I. Request for Contract Compliance Exemption Between UCONN Health Center and Progressive Software Corporation (MA)
- J. Request for Contract Compliance Exemption Between UCONN Health Center and Scientific Software International, Inc. (IL)
- K. Request for Contract Compliance Exemption Between UCONN Health Center and Brightview of Avon Nursing Center
- L. Request for Contract Compliance Exemption Between UCONN Health Center and Sage Software (FL)
- M. Request for Contract Compliance Exemption Between UCONN Health Center and Abbott Labs (CA)
- N. Request for Blanket Contract Compliance Waiver Exemption By UCONN Health Center for Grant Based, Collaborative and Consulting Agreements
- O. Request for Contract Compliance Exemption Between the Department of Higher Education and the University of Virginia
- P. Request for Contract Compliance Exemption Between Board of Trustees of Connecticut Community-Technical Colleges and SunGard SCT (PA)
- Q. Request for Contract Compliance Exemption Between Board of Trustees of Connecticut Community-Technical Colleges and Scrantron Corporation (MN)
- R. Request for Contract Compliance Exemption Between Board of Trustees of Connecticut Community-Technical Colleges and Microsoft Corporation (WA)
- S. Request for Contract Compliance Exemption Between the Banking Department and State Regulatory Registry LLC (Washington, D.C.)

Chairperson Norton entertained a motion accepting staff recommendations regarding the noted contract compliance exemption requests. A motion was made by Commissioner Griffin and seconded by Commissioner Lobon to accept staff recommendations on contract compliance exemption requests V.A – S. Prior to a discussion on this Item, Matthew Larson, Assistant Director of Purchasing from UCONN Health Center, noted the agenda contains one error.

Item V.L. should read: Request for Contract Compliance Exemption Between *UCONN* and Sage Software, not *UCONN Health Center*. Chairperson Norton thanked Mr. Larson for bringing this correction to his attention and asked Commissioners Griffin and Lobon if they understood their motion to include a friendly amendment with the noted correction. Commissioners Griffin and Lobon agreed to the amendment. In light of the fact that staff is recommending some of the requested exemptions be denied, the Chairperson requested further discussion and elaboration of the denial recommendations.

Executive Director Pech provided additional information regarding the requests being recommended for denial -- Items V. A., K., M., N., P., Q., and R. Items A., K., M. and N. are being recommended for denial outright. With respect to Items P., Q. and R., Mr. Pech noted all three requests involve contracts of some duration. The contractors are willing to include the language that has always been part of Sections 4a-60 and 4a-60a. Their issues were with the certification requirement. Mr. Pech indicated his initial recommendation was that the requests be granted with a proviso. Specifically, he requested that, prior to today's Commission meeting, the Community Colleges submit the date of the next board meeting for each contractor, along with an assurance that adoption of the required resolution would be on the agenda for those meetings. That information was not received. Mr. Pech stated he would recommend the Community Colleges resubmit the requests for consideration at a future Commission meeting once the requested information is submitted. Beverly Lambert and Alessandra Lundberg were in attendance from the Community Colleges and addressed the Commissioners. With respect to the contract with Microsoft (Item R.), Ms. Lundberg indicated they have been unable to obtain the requested information to date. With regard to Items P. and Q., they have been in contact with both vendors and, per Executive Director Pech's request, they have received assurances from the vendors directly that the information requested should not be a problem. All three vendors have indicated they will submit information regarding when their next meetings will be held. In addition, Ms. Lundberg noted all three contractors are sole source providers for each of the services they will be providing for the Community Colleges.

Mr. Pech and Attorney Brothers provided elaboration on Items A., K., M. and N. Mr. Pech noted that the contractors in Items A. and K. are located in Connecticut are subject to and must comply with the laws of the state of Connecticut. Attorney Brothers explained the request made in Item M. was vague and did not present a clear articulation for the request. The request made in Item N. is a blanket exemption that is extremely broad.

Matthew Larson from UCONN Health Center addressed the Commissioners briefly. He thanked Mr. Pech and Attorney Brothers for their assistance with the requests they have submitted. He reiterated the difficulties the requirements of the new Public Act have placed on their contracting ability as a state agency.

Before a vote on the motion was taken, Executive Director Pech clarified that the staff recommendations with respect to P., Q. and R. have changed because the provisions have not been met and, therefore, those three are now denials, along with the other four. The Chair restated the motion made by Commissioner Griffin and seconded by Commission Lobon as it now stands is to accept staff recommendations for actions on A. – S., which includes granting the exemptions in all cases except A., K., M., N., P., Q. and R. Hearing no further discussion, Chairperson Norton called for a vote. The motion carried with Commissioners Cruz, Griffin, Mambruno, Marshall and Mengual voting in favor of the motion. Commissioner Lobon abstained and the Chair did not vote.

It was the general sentiment of the Commission that additional follow up, possibly in the form of a resolution from the Commissioners to the General Assembly, may be appropriate in order to convey the Commission's concerns with certain provisions of Public Act 07-142.

Chairperson Norton requested a recess at 4:08 p.m. Chairperson Norton reconvened the meeting at 5:00 p.m. Commissioner Mambruno was no longer present.

## **VI. OLD BUSINESS**

- A. Petition for Intervener Status On Behalf Of Love Makes a Family, Connecticut Women's Education and Legal Fund and Gay and Lesbian Advocates and Defenders in the Matter of The Salvation Army Petition for Declaratory Ruling

The Chairperson indicated this Item would be taken up later in the meeting.

## **VII. EXECUTIVE SESSION**

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Griffin and seconded by Commissioner Mengual 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 providing any necessary reports. The motion carried with Commissioners Cruz, Griffin, Lobon, Marshall and Mengual voting in the affirmative. Commissioner Mambruno was no longer present and the Chairperson did not vote. All members of the public were excused from the Executive Session.

**VIII. RETURN TO REGULAR SESSION**

It was moved by Commissioner Marshall and seconded by Commissioner Griffin to return to Regular Session. The motion carried with the following Commissioners voting in favor of the motion: Cruz, Griffin, Lobon, Marshall and Mengual. Commissioner Mambruno was no longer present and the Chairperson did not vote. Chairperson Norton noted there were no votes taken during Executive Session.

**IX. VOTE ON EXECUTIVE SESSION ITEMS**

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

There was no discussion and nothing to report.

**VI. OLD BUSINESS**

- A. Petition for Intervener Status On Behalf Of Love Makes a Family, Connecticut Women's Education and Legal Fund and Gay and Lesbian Advocates and Defenders in the Matter of The Salvation Army Petition for Declaratory Ruling

A motion was made by Commissioner Mengual and seconded by Commissioner Marshall to grant the Petition for Intervener Status on behalf of Love Makes a Family, Connecticut Women's Education and Legal Fund and Gay and Lesbian Advocates and Defenders in the Matter of The Salvation Army Petition for Declaratory Ruling. Attorney Brothers noted the Commission voted last month to issue a declaratory ruling requested by The Salvation Army regarding civil unions, as they relate to Public Act 07-142. The motion carried with Commissioners Cruz, Griffin, Lobon, Marshall and Mengual voting in favor of the motion. Commissioner Mambruno was no longer present and Chairperson Norton did not vote.

A motion was made by Commissioner Griffin to open the agenda for the purpose of discussing and possibly adopting a resolution by the Commission regarding the issue of contract compliance exemptions. The motion was seconded by Commissioner Marshall and carried with the following Commissioners voting the affirmative: Cruz, Griffin, Lobon, Marshall and Mengual. Commissioner Mambruno was no longer present and the Chair did not vote. A draft resolution was provided to the Commissioners for their review and consideration. Discussion followed and it was concluded the Commission would support adopting the resolution, which sets forth many of the Commission's concerns with certain provisions of Public Act 07-142. A motion was made by Commissioner Griffin and seconded by Commissioner Lobon instructing the Executive Director to forward a resolution adopted by CHRO in similar form as

the drafted version marked "Resolution – April 10, 2008" to the Governor and members of the Legislative leadership. The motion carried with Commissioners Griffin, Lobon, Marshall and Mengual voting in favor of the motion. Commissioners Cruz and Mambruno were no longer present and Chairperson Norton did not vote. Executive Director Pech agreed to make minor modifications to the resolution, as requested, and e-mail it to the Commissioners for their review prior to forwarding it to the Governor and members of the Legislative leadership.

**X. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Marshall and seconded by Commissioner Lobon to adjourn the meeting at 5:20 p.m. The motion carried with Commissioners Griffin, Lobon, Marshall and Mengual voting in favor of the motion. Commissioners Cruz and Mambruno were no longer present and the Chairperson did not vote.