

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
THURSDAY, MAY 8, 2008, 2:00 P.M.
21 GRAND STREET, HARTFORD, CONNECTICUT 06106
LARGE CONFERENCE ROOM**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Larry Conaway
Alexia E. Cruz
Jimmie L. Griffin
John Lobon
Gloria F. Mengual

COMMISSIONERS ABSENT

George A. Marshall

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
Michelle Provost, Fiscal Administrative Supervisor
David Teed, Assistant Attorney General
Linda Civitillo, Executive Secretary

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the May 8, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:07 p.m. He stated he recently attended the Connecticut Minority Supplier Development Council's Annual Awards Banquet and was pleased to see that former CHRO Commissioner Cheryl Clarke was nominated for an award for her work at Northeast Utilities.

II. SECRETARY

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

Secretary Mambruno requested a motion approving the minutes of the April 10, 2008 Regular Commission meeting. A motion was made by Commissioner Griffin and seconded by Commissioner Cruz to approve the minutes of the April 10, 2008 Regular Commission meeting. There was no discussion. The motion carried unanimously, with the exception of Chairperson Norton who did not vote.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Office of Protection and Advocacy for Persons with Disabilities
2. Office of the Governor
3. Department of Emergency Management and Homeland Security
4. Department of Consumer Protection
5. Department of Public Works

Chairperson Norton requested a motion accepting the staff recommendations for approval and retention of annual filing status for the affirmative action plans for the Office of Protection and Advocacy for Persons with Disabilities, Office of the Governor, Department of Emergency Management and Homeland Security, Department of Consumer Protection and Department of Public Works. A motion was made by Commissioner Mambruno and seconded by Commissioner Conaway to approve the noted affirmative action plans as recommended by staff. Chairperson Norton invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency representatives in attendance and provide a brief overview regarding each approval recommendation.

Mr. Bingham introduced James McGaughey, Executive Director, and Laura Guilmartin, EEO Specialist 1, in attendance from the Office of Protection and Advocacy for Persons with Disabilities. The affirmative action plan is being recommended for approval based on compliance with the (b)(3) standard (the agency has demonstrated every good faith effort to achieve its goals). Short-term goal achievement was 0 out of 2 or 0%, total goal achievement was 0 out of 2 or 0% and promotion goal achievement was 0 out 0 or 0%. The affirmative action plan was approved in 2003, 2004, 2005 and 2006 and disapproved in 2007. Chairperson Norton clarified there were two hires, but neither were goal hires. There was no additional discussion on this Item.

Anna Ficeto, Legal Counsel, and Natalie Shipman, EEO Manager, were in attendance representing the Office of the Governor. The plan is recommended for approval based on compliance with the (b)(3) standard (the agency has demonstrated every good faith effort to achieve its goals). During the reporting period, short-term goal achievement was 8 out of 12 or 67%, long-term goal achievement was 6 out of 14 or 43% and total goal achievement was 14 out of 26 or 54%. The affirmative action plan for the Office of the Governor has been approved for each of the past five years. Chairperson Norton noted the Governor's Office attributed to their hiring the appointment of every agency head and deputy agency head and asked if that also includes the executive directors of agencies such as CHRO, the Freedom of Information Commission, the Ethics

Commission and the State Elections Enforcement Commission. Ms. Ficeto stated that while the Governor's Office appoints leadership to CHRO and the other agencies, the appointment of the executive directors is per statute and would not be reflected under the Governor's Office affirmative action plan. Commissioner Mambruno commented that the addendum provided regarding the external outreach and recruitment utilized by the Governor's Office was insightful.

Mr. Bingham introduced the following individuals in attendance from the Department of Emergency Management and Homeland Security: James Thomas, Commissioner; Brenda Bergeron, Legal Counsel; Tim Geary, Human Resource Associate; and Alicia Nuñez, EEO Specialist. The 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 2 out of 5 or 40% and total goal achievement was 2 out of 5 or 40%. The agency submitted its first affirmative action plan in 2007 and it was approved. Commissioner Mambruno raised a question regarding why the agency has been unable to spend money under their set-aside goals. Commissioner Thomas responded to Commissioner Mambruno's question. He indicated the agency has very little discretionary spending in regards to state funds, however, federal funds, which are used to purchase items such as equipment, are used and the agency well exceeds the amount for small and minority businesses.

Commissioner Jerry Farrell and EEO Specialist Alicia Nuñez were in attendance representing the Department of Consumer Protection. The affirmative action plan for this agency is being recommended for approval based on the (b)(3) standard (the agency has demonstrated every good faith effort to achieve its goals). Short-term goal achievement was 6 out of 10 or 60%, total goal achievement was 6 out of 10 or 60% and promotion goal achievement was 4 out of 4 or 100%. The affirmative action plan for the Department of Consumer Protection has been approved for each of the past five years. No further discussion followed.

Mr. Bingham introduced Douglas Moore, Chief of Staff, and Natalie Shipman, EEO Manager, in attendance from the Department of Public Works. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring, promotion and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. During the reporting period, short-term goal achievement was 7 out of 10 or 70% and total goal achievement was 7 out of 10 or 70%. The affirmative action plan for the Department of Public Works was approved in 2003, 2004, 2005 and 2006 and conditionally approved in 2007. No further discussion followed on this Item.

Chairperson Norton asked if there is a reason why some agencies are not establishing long-term goals. Valerie Kennedy, HRO Representative, responded one of the things staff has recommended to all of the agencies is since they are on annual filing, the plan period is for only a year and for most agencies it does not make sense to set long-term goals. This is an area that the staff wants to address in changing the regulations.

A motion having been made and properly seconded to accept staff recommendations for approval and retention of annual filing for the noted five agencies, the Chairperson called for a vote. The motion carried with Commissioners Conaway, Cruz, Griffin, Mambruno and Mengual voting in favor of the motion. Commissioner Lobon abstained and Chairperson Norton did not vote.

Staff Recommendations: **Conditional Approvals**

1. Office of Health Care Access

A motion was made by Commissioner Mambruno and seconded by Commissioner Griffin to accept the staff recommendation for conditional approval and retention of annual filing status for the Office of Health Care Access. Mr. Bingham introduced Christine Vogel, Commissioner; Carolyn Treiss, Chief of Staff; Natalie Shipman, EEO Manager; and Irena Wright, EEO Specialist, who were in attendance from the Office of Health Care Access. The plan is being recommended for conditional approval based on compliance with the following: the agency has demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 3 out of 4 or 75% and total goal achievement was 3 out of 4 or 75%. Promotion goals were not established. The plan has been approved for each of the past five years. The Chair asked if the agency had 75% goal attainment, isn't there an operating presumption that they would be recommended for approval. Executive Director Pech stated it puts them into having met all or substantially all of their goals, but it does not automatically equal an approval. Commissioner Cruz asked for additional explanation regarding the weaknesses and deficiencies that were found in the plan. Susan Hom, HRO Representative, reviewed the plan and discussed the deficiencies found in the plan which lead to the conditional approval recommendation, including inconsistencies in the workforce analysis, errors in the availability analysis and errors in the utilization analysis and hiring/promotion goals and timetables. In addition, there were approximately 154 applicants for a specific position. Ten were interviewed, however, no explanation was provided for the remaining applicants, which refers to the missing data on chart 42A2. Ms. Hom further explained there was a pre-professional trainee that was included in the promotional pool for the professional occupational category even though the individual will not be promotable for three years. Natalie Shipman, EEO Manager, addressed the Commissioners and asked the Commission to consider

an approval, rather than a conditional approval. With respect to the pre-professional trainee, Ms. Shipman stated there was an individual in the promotable pool, which is standard practice in the development of their affirmative action plans. Ms. Shipman reiterated her belief that the agency should not be penalized for using a pre-professional trainee in a promotable pool when it is their interpretation that they are promotable and they have not had problems in the past. Ms. Kennedy said the situation with the promotable pool was discussed at a prior Commission meeting regarding the university system and that only employees who are eligible for promotion in the year reporting period should be included in a promotable pool. The problem with the state agencies is that it is not always apparent who is in the promotable pool and CHRO must rely on the information provided by the affirmative action officers. CHRO staff does ask agencies to revise the promotable pool if it is determined to be inaccurate. Neva Vigezzi, Affirmative Action Program Analyst, also stated that promotable pools are difficult to assess. Ms. Vigezzi emphasized the conditional approval recommendation for this agency was based on other errors in the plan, not simply the promotable pool error.

There was no further discussion. The motion to accept staff recommendation for conditional approval and retention of annual filing status carried with the following Commissioners voting in favor of the motion: Conaway, Cruz and Mengual. Commissioners Griffin and Mambruno opposed the motion, Commissioner Lobon abstained and Chairperson Norton did not vote.

2. Department of Veterans' Affairs

A motion was made by Commissioner Mambruno and seconded by Commissioner Mengual to accept the staff recommendation for conditional approval and retention of annual filing status for the Department of Veterans' Affairs. The following individuals were in attendance from the Department of Veterans' Affairs: John Wiltse, Deputy Commissioner, and Noreen Sinclair, Affirmative Action Officer. The plan is being recommended for conditional approval based on non-compliance with Sections (b)(2) and (b)(3) of the Regulations. Short-term goal achievement was 15 out of 20 or 75%, total goal achievement was 15 out of 23 or 65.2%, promotion goal achievement was 1 out of 1 or 100% and program goal achievement was 4 out of 4 or 100%. The plan has been approved for each of the past five years. Noreen Sinclair, Affirmative Action Officer for the Department, addressed the Commissioners and stated she does not agree with the conditional approval recommendation, noting the last 15 plans have been approved. Ms. Sinclair spoke to the agency's good faith efforts, indicating they met 75% of their short-term goals and 65.2% of their overall goals, as well as 100% of their promotion goals. She added some of the confusion may be attributed to the nine additional employees hired for which a clear explanation was not provided. Ms. Sinclair summarized the nine hires, including four veterans who are part of a program for veterans within the agency.

Deputy Commissioner Wiltse also addressed the Commission and reiterated the agency's history with respect to their approval record, as well as the agency's achievement in goals for having diversified their workforce. He cited Commissioner Schwartz's commitment to a diversified workforce that reflects the diversity within the veterans' community. Deputy Commissioner Wiltse detailed further examples of how the agency has achieved diversity within their district offices by adding one White female and two Hispanic males. Deputy Commissioner Wiltse also requested consideration for a full approval. Neva Vigezzi addressed the Commissioners, as the reviewer, Paula Ross, was not available. Ms. Vigezzi discussed the standard of review and the requirements which must be met in order to receive an approved status. In this case, the agency has not met all or substantially all of its goals. The agency met a combined total of 65.2% goals, which is not to the level that is considered to be substantial goal achievement. In addition, the reviewer found four areas where unmet goals were not sufficiently addressed. Ms. Vigezzi concluded by noting the reviewer did review the problem areas with the agency's Affirmative Action Officer and felt a conditional approval recommendation would allow the agency to address those areas where the goals were not properly addressed and work to prevent that type of omission from occurring in the future. There was no further discussion or comments on this Item. The Chairperson called for a vote. The motion for conditional approval with retention of annual filing status carried with Commissioners Mambruno and Mengual voting in the affirmative. Commissioner Cruz opposed the motion and Commissioners Conaway, Griffin and Lobon abstained. Chairperson Norton did not vote.

IV. NEW BUSINESS

- A. Request for Contract Compliance Exemption Between UCONN and Bentley Educational Network (PA)
- B. Request for Contract Compliance Exemption Between UCONN and Oracle Corporation (CA)
- C. Request for Contract Compliance Exemption Between UCONN and Massachusetts Institute of Technology
- D. Request for Contract Compliance Exemption Between Department of Administrative Services and JPMorgan Chase Bank, N.A. (NY)
- E. Request for Contract Compliance Exemption Between UCONN Health Center and Abbott Labs (CA)
- F. Request for Contract Compliance Exemption Between UCONN Health Center and Temple University Law School (PA)

- G. Request for Contract Compliance Exemption Between UCONN Health Center and McMaster University (Ontario, CA)
- H. Request for Blanket Contract Compliance Exemption By UCONN Health Center for Grant Based, Collaborative and Consulting Agreements
- I. Request for Contract Compliance Exemption Between Western Connecticut State University and Bank of America (NC)
- J. Request for Contract Compliance Exemption Between Board of Trustees of Connecticut Community-Technical Colleges and Scantron Corporation (MN)

A motion was made by Commissioner Mambruno and seconded by Commissioner Mengual to accept staff recommendations regarding contract compliance exemption requests IV. A. – J. Chairperson Norton requested a brief overview on each request. Managing Director and Commission Attorney Robert Brothers indicated recommendations pertaining to Items IV. C. – G. are included in the Commissioners' supplemental materials. These items were not included in the Commission mailing as staff was waiting for additional information from the requesting agencies in order to make a recommendation to the Commission.

Attorney Brothers noted Item A. is recommended for granting. It's a one-time contract and is a sole source provider for software programs that are required for the UCONN School of Engineering. Item B. is a recommendation to grant. It's a software package for support and maintenance and is also a sole source provider. Item C. was withdrawn. Item D. is a recommendation for denial, without prejudice, based on lack of information at the time the recommendation was made. Item E. is a recommendation for denial, without prejudice, based upon a lack of information at the time the recommendation was made. The recommendation is to grant Item F. It is a contract for consulting services dealing with an eastern European company. Item G. is recommended for granting. The contract is under \$10,000 and no Connecticut workers will be used. Item H. is being recommended for granting. This is a second submittal and is for a blanket exemption request. The recommendation is to grant it for an initial six months from the date of approval with quarterly reports detailing the contracts executed by UCONN Health Center under the waiver. Item I. is being recommended for granting. The contract is for \$600 in value. Item J. is recommended for granting. The exemption will allow continued and uninterrupted use of faculty evaluation forms. Attorney Brothers reiterated all of the Items are recommended to grant, with the exception of C., which was withdrawn, and D. and E., which are to deny without prejudice. There was no further discussion. The motion carried unanimously, with the exception of the Chairperson who did not vote.

V. EXECUTIVE SESSION

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Mambruno and seconded by Commissioner Cruz that the Commission go into Executive Session, including inviting Executive Director Pech and Managing Director and Commission Attorney Brothers, for the purpose of discussing the two reopening requests. The motion carried unanimously. Chairperson Norton did not vote. All members of the public were excused from the Executive Session.

Prior to the members of the public leaving the meeting, Debi Freund, President of the Connecticut Association of Affirmative Action Professionals and Director of Diversity at the Department of Children and Families, suggested a commendation was in order as this is Executive Director Pech's last Commission meeting. Chairperson Norton thanked Mr. Pech for his 31 years of service to CHRO. He spoke to Mr. Pech's dedication and passion to CHRO's mission and thanked him for his leadership to the agency when it was in need.

VI. RETURN TO REGULAR SESSION

It was moved by Commissioner Mengual and seconded by Commissioner Conaway to return to Regular Session. The motion carried unanimously. The Chairperson did not vote. Chairperson Norton noted no votes were taken during Executive Session and no other individuals were invited to participate in the Executive Session.

VII. VOTE ON EXECUTIVE SESSION ITEMS

A. Reopening Requests

1. Laverne Watts v. New Alliance Bank – CHRO Case #0730382

Chairperson Norton indicated the staff is recommending the reopening request be denied as the dismissal in this case was for a clear, established cause in concert with company policy and that similar actions had been taken by the company with other employees for like violations. It was moved by Commissioner Mambruno and seconded by Commissioner Mengual to accept the staff recommendation to deny the reopening request in Case No. 0730382, Laverne Watts v. New Alliance Bank. The motion carried unanimously. Chairperson Norton did not vote on the motion.

2. Khalilah Blankumsee v. Norwalk Emergency Shelter, Inc. – CHRO Case #0520159

A motion was made by Commissioner Mambruno and seconded by Commissioner Conaway to accept the staff recommendation to deny the reopening request in Case No. 0520159, Khalilah Blankumsee v. Norwalk Emergency Shelter, Inc. For the purpose of discussion, Chairperson Norton noted that staff advised the Commissioners there is an obligation on the part of complainants to keep in contact with CHRO so an investigation can effectively proceed. In this matter, the complainant, while in a difficult situation, did not do so. The motion carried unanimously, with the exception of Chairperson Norton who did not vote.

Chairperson Norton recessed the meeting at 3:30 p.m. in order for the Executive Director Search Committee to meet. Chairperson Norton reconvened the meeting at 5:55 p.m. Commissioner Mambruno was no longer present, but was participating in the meeting by phone.

VIII. EXECUTIVE SESSION

IX. RETURN TO REGULAR SESSION

X. VOTE ON EXECUTIVE SESSION ITEMS

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

No reports were given.

Chairperson Norton requested a motion to open the agenda to take up the appointment of an Acting Executive Director upon the retirement of Raymond Pech. It was moved by Commissioner Mengual and seconded by Commissioner Conaway to open the agenda for the purpose stated by Chairperson Norton. The motion carried unanimously. The Chairperson did not vote.

It was moved by Commissioner Conaway that Robert Brothers be appointed Acting Executive Director of CHRO effective June 1, 2008 for so long as the Commission requires. The motion was seconded by Commissioner Griffin. The Chair stated that while he may not be called upon to vote on the motion, he believes Mr. Brothers is a dedicated, hardworking and bright individual who is also dedicated to the agency and its mission and the agency will be in good hands for the period of time he will be serving as Acting Executive Director. There was no further discussion on the motion. The motion carried with Commissioners Conaway, Cruz, Griffin and Mambruno voting in favor of the

motion. Commissioner Lobon opposed the motion and Commissioner Mengual abstained. Commissioner Mengual explained that she has chosen to abstain on the motion because her recommendation was to appoint an acting director who is from outside of the agency. She stated she feels someone with strong organizational expertise and experience as an executive director would be the ideal appointment for this acting director position. She further clarified that her abstention is no reflection of her opinion of Mr. Brothers' capabilities, but rather, her concern about the growing demand within the legal department and her already expressed interests about having a fresh, outside perspective brought in during this interim period, which would be very productive. Chairperson Norton thanked Mr. Brothers in advance for the good services the Commission expects and hopes for.

Chairperson Norton indicated the Commission would like to take up the offer extended from staff of the Affirmative Action Unit to provide a tutorial regarding the affirmative action plan review process. He invited Mr. Bingham or Mr. Pech to coordinate scheduling such training for the Commissioners.

The Chair requested a motion to open the agenda for the purpose of voting to authorize the Chair to move ahead to expend monies for an executive director search. It was moved by Commissioner Griffin and seconded by Commissioner Mambruno to open the agenda for the purpose stated by Chairperson Norton. The motion carried unanimously, with the exception of the Chair who did not vote.

A motion was made by Commissioner Griffin that Chairperson Norton be given the authority to proceed with the expenditure of funds and other actions necessary to commence an executive director search. The motion was seconded by Commissioner Mengual and carried unanimously, with the exception of Chairperson Norton who did not vote.

Chairperson Norton apologized on the record for not acknowledging earlier that today was Mr. Pech's last Commission meeting as the Executive Director. He thanked him again for his service to CHRO.

XI. DIVISION REPORTS

- A. Affirmative Action Program Manager's Report
- B. Fiscal Report
- C. Field Operations Report
- D. Legislative Report
- E. Managing Director's Report
- F. Executive Director's Report

Written Division Reports were provided to the Commissioners in either their Commission mailing or in the supplemental handout packets provided at the meeting. There was no discussion on any of the reports.

XII. OLD BUSINESS

A. Discussion of Governor's Advisory Group on CHRO

Chairperson Norton reported he spoke to some individuals in the Governor's Office regarding the Advisory Group on CHRO, as well as Jeffrey Beckham, Undersecretary at the Office of the Policy Management, who now serves as Chair of the Advisory Group. Although there is not a lot to report at this point in time, they are looking at diversity issues in state agencies and they are inviting all of the Commissioners to come and speak to them at their next meeting scheduled for May 19. They hope to have a report to the Governor some time this summer.

XIII. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Conaway and seconded by Commissioner Griffin to adjourn the meeting at 6:07 p.m. The motion carried unanimously, with the exception of the Chairperson who did not vote.