

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
THURSDAY, AUGUST 14, 2008, 2:00 P.M.  
LEGISLATIVE OFFICE BUILDING – ROOM 1E  
HARTFORD, CONNECTICUT 06106**

**COMMISSIONERS PRESENT**

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

**COMMISSIONERS ABSENT**

George A. Marshall

**STAFF PRESENT**

Robert J. Brothers, Jr., Acting Executive Director  
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  
Gloria Sparveri, Affirmative Action Program Manager  
Linda Civitillo, Executive Secretary

**I. CHAIRPERSON**

A. Convene Meeting

Chairperson Andrew Norton convened the August 14, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:14 p.m.

**II. SECRETARY**

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

Secretary Mambruno requested a motion approving the minutes of the July 10, 2008 Regular Commission meeting, which was held in Room 1E of the Legislative Office Building. A motion was made by Commissioner Conaway and seconded by Commissioner Lobon to approve the minutes of the July 10, 2008 Regular Commission meeting as presented. There was no discussion. The motion carried unanimously. Chairperson Norton did not vote on the motion.

### III. AFFIRMATIVE ACTION RECOMMENDATIONS

#### A. Agencies Proposed Affirmative Action Plans

Staff Recommendation: **Approval**

##### 1. Norwalk Community College

A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to accept the staff recommendation for approval and retention of annual filing status of the affirmative action plan for Norwalk Community College. Chairperson Norton invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency representatives in attendance and provide an overview of the staff recommendation for each agency on the agenda.

Mr. Bingham introduced David Levinson, President, and Eleanor Bascom, Affirmative Action Officer, in attendance representing Norwalk Community College. The plan has been 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 substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 5 out of 15 or 33.3% and total goal achievement was 5 out of 15 or 33.3%. The plan was approved in 2003 and 2004, disapproved in 2005 and approved in 2006 and 2007. Chairperson Norton raised a question regarding the requirement that the Dean of Students hold a Master's degree in student personnel. President Levinson confirmed that it is a minimum qualification for the position. He added that it is a common concentration, particularly in a Master's degree program in education, and is often a career path. There was no further discussion on this Item. The motion accepting the staff recommendation for approval and retention of annual filing status carried unanimously, with the exception of Chairperson Norton who did not vote.

Staff Recommendations: **Conditional Approvals**

##### 1. Gateway Community College

The Chairperson requested a separate motion for each conditional approval recommendation. 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 affirmative action plan of Gateway Community College. Mr. Bingham introduced the following

individuals in attendance from Gateway Community College: Dr. Dorsey Kendrick, President; Vincent Tong, Affirmative Action Officer; and Lucy Brown, Human Resources Director. The plan has been 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. Long-term goal achievement was 6 out of 15 or 40% and total goal achievement was 6 out of 15 or 40%. In addition, the agency met 3 out of 4 possible promotion goals or 75% and 5 out of 6 possible program goals or 83%. The plan was approved in 2003 and 2004, disapproved in May 2005, resubmitted in six months and approved in November 2005, and approved in 2006 and 2007. Chairperson Norton asked for discussion concerning the conditional approval recommendation. President Kendrick addressed the Commissioners and stated that although she would like an approval of the plan, she is committed to complying with CHRO's expectations as part of their overall commitment to the College and the community. Susan Hom, HRO Representative, explained some of the deficiencies she found in the plan. She indicated that when she reviewed the plan, she found errors in the way the availability analysis was calculated which affected the utilization analysis and goals and timetables. There was also one promotion of a white male that was not adequately explained and the College was not in compliance with sexual harassment training. A short discussion followed concerning the goals set by the College, specifically, why all the goals were merged into the long-term goal category. Dr. Tong explained that the previous plan reviewer advised him to only establish long-term goals rather than separate them. With the respect to the unexplained promotion, Lucy Brown, the Human Resources Director, indicated the issue relates to movement of an employee from one category to another category and the matter will be addressed in a technical assistance session. She further noted the College has taken the necessary steps through the Permanent Commission on the Status of Women and sexual harassment training will start with the beginning of the school year. No further discussion followed.

The motion accepting the staff recommendation for conditional approval and retention of annual filing status carried unanimously. Chairperson Norton did not vote.

## 2. Commission on Human Rights and Opportunities

A motion was made by Commissioner Lobon and seconded by Commissioner Mambruno to accept the staff recommendation for conditional approval and retention of annual filing status for the affirmative action plan of the Commission on Human Rights and Opportunities. Robert Brothers, Acting Executive Director, and Gloria Sparveri, Equal Employment Opportunity Specialist 2, were in attendance representing CHRO. The affirmative action plan for CHRO has been

recommended for conditional approval based on its 127-day late filing and its 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 7 out of 9 or 78%, total goal achievement was 7 out of 9 or 78% and promotion goal achievement was 1 out of 1 or 100%. The five year history is as follows: the plan was approved in 2003, 2004 and 2005, conditionally approved in 2006 and disapproved in 2007. The Chairperson asked for discussion regarding the conditional approval recommendation.

Commissioner Lobon requested an explanation regarding the 127-day late filing. Acting Executive Director Brothers stated the due date for CHRO's plan is in February. When the plan was due, former Executive Director Pech was on vacation. Mr. Brothers requested a draft of the plan from Ms. Sparveri so he could begin reviewing it. Mr. Brothers reviewed a draft of the plan and upon Mr. Pech's return, he also reviewed it and they both had some concerns with some specific areas within the plan. They met with Ms. Sparveri in early March to discuss making modifications to it. Mr. Brothers stated he is not certain of the communication that took place between Mr. Pech and Ms. Sparveri because he was not directly involved in the process at that time. Mr. Brothers also noted there was a period in time when Ms. Sparveri was absent due to a medical reason. As a result, the plan was not filed prior to Mr. Pech's retirement. When Mr. Brothers was appointed the Acting Executive Director, his first order of business was to hold an executive staff meeting and provide instructions to managers that submitting the plan was his only priority. Mr. Brothers worked with Ms. Sparveri and the plan was filed within nine days. Mr. Brothers noted he is embarrassed by the late filing. He gave the Commissioners his assurance that should he remain the Acting Executive Director and have the authority to file the plan next year, it will not be submitted late.

Commissioner Lobon responded that there are a number of people involved in this plan that wanted certain information injected into it to accommodate certain elements and certain environments in it as well, and with that there were disputes. In addition, others tried to inject what they felt was necessary in order to make this plan fit some type of template. One issue at dispute was the justification for the former Executive Director and some people injected themselves into that area. As a result of that dispute, the Commissioners asked Mr. Pech to get another opinion regarding that justification. Commissioner Lobon also stated that within the plan there were justifications that were submitted that were not acceptable. Mr. Brothers concurred with Commissioner Lobon's comment regarding the justifications and indicated that during his review of the plan, he determined the justifications that were in the plan were not satisfactory. He reiterated that as soon as he had the authority to do so, he worked with the

parties responsible for submitting them to make them a better product. He has also taken steps to ensure that any future justifications will be satisfactory at the time they are written by having Ms. Sparveri and the Human Resources Specialist involved in every hire. Immediately after a hiring decision, the justification will be written to the satisfaction of Ms. Sparveri and then Mr. Brothers will review it. Once that is done, the Commissioners will be provided with a copy of the justification. Commissioner Lobon also expressed his disappointment with the late submission and his belief that the Commissioners should not have been placed in the position they are in today.

Commissioner Griffin asked Mr. Brothers or Ms. Sparveri to elaborate further on the concerns that were initially detected which caused the plan to be delayed. Mr. Brothers indicated he does not recall specifically, but there were a number of pages that were flagged throughout the plan. He restated that he was able to work with Ms. Sparveri to resolve any existing conflict. Some of the problems included structure, formatting, justifications and narratives. Ms. Sparveri also addressed the Commissioners regarding the late filing. She confirmed that she submitted the plan to Mr. Brothers in Mr. Pech's absence on February 8. On March 6, she met with Mr. Brothers and Mr. Pech. The next communication she received was an e-mail from Mr. Pech on May 20 regarding the plan and the issues that were in the plan. Shortly thereafter, she went out on FMLA leave and returned on June 2. She acknowledged there was a lot of discussion back and forth regarding the justifications and the goals analysis. Neva Vigezzi, who reviewed the plan, confirmed there were two non-goal hires during the plan period which required justifications. In response to a question from Commissioner Lobon, Ms. Vigezzi noted both were within the office/clerical category in the Hartford office, but she was not certain who was responsible for preparing them. A short discussion followed regarding the Commissioners' role with respect to the plan. The Chairperson acknowledged that although the Commissioners received monthly reports following the disapproval of CHRO's plan last year, the actual justifications submitted following a hire were not seen by him or the other Commissioners as it was not made clear what level of detail they were to receive.

Chairperson Norton asked Ms. Vigezzi if there were justifications that were faulty which resulted in a negative opinion of the plan. Ms. Vigezzi responded to Chairperson Norton and indicated the section that requires the justifications is the goals analysis section and she did determine it was deficient. She added that that determination did not go toward the overall recommendation of the plan because the agency met seven out of nine of its hiring goals and one out of one of its promotion goals and was deemed to have met substantially all of its goals. The Chairperson asked Ms. Vigezzi if she could explain why the plan falls short of a full approval. Ms. Vigezzi stated the plan falls short of a full approval due to factors such as the extreme late filing of the plan, as well as the fact that there

are a number of errors in the plan in the availability analysis that move over to the utilization analysis and then to the goals and timetables that need to be corrected and submitted. The agency has been given 15 days following the receipt of the detailed evaluation to correct these areas and resubmit them so the agency will have viable goals for the remainder of the reporting period. Ms. Vigezzi also stated the plan may not have been recommended for conditional approval had it not been filed so late. She also stated her recollection that, as discussed at last month's meeting, the plan was to be reviewed the same as any other affirmative action plan so the Commissioners could get an understanding of where it stands on its own merit. The plan was reviewed based on its merits and what she believed the recommendation should be aside from the 90-day time frame because it had not been decided whether that 90-day time frame was a lawful action for the Commission to take because it is not specifically spelled out in the regulations that a plan be disapproved solely for lateness. Ms. Vigezzi emphasized there are still a number of problem areas that need to be addressed, including the extremely late filing, and the late filing cannot be ignored.

There was a short discussion regarding the fact that the plan did not indicate if there were any complaints filed with the Commission by CHRO employees. Ms. Sparveri stated she could not respond to the question because they were not filed with her and she was not able to obtain the necessary information. Mr. Brothers confirmed there were no complaints filed within the last year and half.

Before a vote on the motion, Chairperson Norton discussed the fact that during this process, he spoke with the former Executive Director regarding the plan. Mr. Pech conveyed, with real conviction, his belief that areas needed to be changed in the plan as it had been turned in to him in order for it to pass. Chairperson Norton stated his belief that Mr. Pech was sincere in believing that an effort needed to be made to amend the plan so it could do better upon review and that Mr. Pech spent a great deal of time trying to do so.

There was no further discussion on this Item. The motion accepting the recommendation for conditional approval and retention of annual filing status carried unanimously, with the exception of Chairperson Norton who did not vote.

**Staff Recommendation: Disapproval**

1. Housatonic Community College

It was moved by Commissioner Griffin and seconded by Commissioner Mambruno to accept the staff recommendation for disapproval and retention of annual filing status of the affirmative action plan of Housatonic Community College. Mr. Bingham introduced Anita Gliniecki, President, and Brenda Alexander, Director of Human Resources/Affirmative Action Officer, who were in

attendance from Housatonic Community College. The plan is being recommended for disapproval based on non-compliance with the following: the workforce, considered as a whole and by occupational category, is not in parity with the relevant labor market area, the agency has not met all or substantially all of its hiring, promotion and program goals, the agency has not demonstrated every good faith effort to achieve its goals and the agency has not substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 6 out of 11 or 55%, long-term goal achievement was 2 out of 3 or 67% and total goal achievement was 8 out of 14 or 57%. The affirmative action plan for Housatonic Community College was approved in 2003, 2004 and 2005, disapproved in 2006 and conditionally approved in 2007. Commissioner Mambruno invited comment from the College regarding the disapproval recommendation. President Gliniecki addressed the Commissioners and stated the College's commitment to diversification of its faculty and staff to reflect the local labor market and noted the College does make a good faith effort to meet the goals as established within their affirmative action plan. President Gliniecki indicated she was disappointed with the staff recommendation for disapproval. Upon reviewing the staff comments on the plan, she noted the areas recommended for change and correction of data elements. The College has been able to address some of the areas found to be deficient, but has been unable to address some of the other areas as they do not have a clear understanding of the concerns. In an effort to address some of the concerns, President Gliniecki stated the College will correct the errors in reporting calculations and, going forward, will also send a specific notification to the unions. She reiterated that the College is doing everything possible to provide an accurate report to CHRO. The College is also committed to the set-aside program with small and minority businesses, noting the College has consistently overachieved in these areas. Commissioners Lobon and Conaway expressed some concern regarding the College's approval history, specifically the fact that the two prior plans have been disapproved and conditionally approved, and asked if there has been ongoing corrective action taken in relationship to the process. President Gliniecki reported the College has worked very closely with the staff of CHRO and reiterated that some of the deficient areas have already been corrected. Brenda Alexander also addressed the Commissioners and stated she has worked closely with Valerie Kennedy who reviewed the plan. As a result, some of the areas found deficient in last year's review, such as availability data, were correct this year. She acknowledged additional technical assistance is needed regarding the utilization data and restated her willingness to continue working with CHRO to correct the deficient areas. Ms. Kennedy confirmed she worked very closely with Ms. Alexander during the past year and reviewed several deficient sections of the plan prior to its submission. It is her hope that all the errors that persist can be fixed, as well as any new errors that were identified. In response to a question from Commissioner Cruz regarding why this plan is being recommended for disapproval rather than conditional

approval, Ms. Kennedy indicated that the good faith effort requirement was not met and that the workforce must either be at parity or have substantial goal achievement or demonstrate every good faith effort, which means to provide detailed, searching and complete discussion of every goal candidate in a search where a non-goal candidate was hired. In addition, there was a section that was deficient last year that is still deficient this year. There was no further discussion on this Item.

The motion accepting the staff recommendation for disapproval with retention of annual filing status carried with the following Commissioners voting in favor of the motion: Conaway, Cruz, Griffin and Mambruno. Commissioner Lobon abstained and the Chairperson did not vote on the motion.

#### **IV. NEW BUSINESS**

- A. Request for Contract Compliance Exemption By Connecticut State University System for Certain Agreements with Out-of-State Entities
- B. Request for Contract Compliance Exemption Between UCONN Health Center and Electronic Data Systems Corporation (CT)
- C. Request for Contract Compliance Exemption Between UCONN Health Center and Microsoft Corporation (WA)
- D. Request for Contract Compliance Exemption Between Board of Trustees of Community-Technical Colleges and PayPal, Inc. dba Verisign Payments Services (CA)
- E. Request for Contract Compliance Exemption Between UCONN and Nielsen Media Research, Inc. (IL)
- F. Request for Contract Compliance Exemption Between Office of Policy and Management and United Technologies Corporation
- G. Request for Contract Compliance Exemption Between Department of Administrative Services and Océ North America

Acting Executive Director Brothers called the Commissioners' attention to one correction to the agenda regarding the staff recommendation pertaining to Item IV.E. Mr. Brothers asked the Commissioners to modify the recommendation to deny without prejudice, as opposed to granting with conditions. Mr. Brothers went on to say the original recommendation was based upon assurances that all the necessary documents requested by staff would be submitted by the contractor in time for today's meeting. As of this morning, the necessary

documents have not been received. Mr. Brothers indicated he has been very liberal trying to accommodate agencies that come before the Commission at the last minute with exemption requests. As it creates a hardship for the staff, effective with this meeting, if the Commission does not have all the documents necessary to make a recommendation granting a request within 48 hours prior to the Commission meeting, the staff will recommend the request be denied without prejudice. Chairperson Norton entertained a motion regarding the staff recommendations for Items IV. A. – G. Rather than having one single motion, Commissioner Lobon suggested having separate motions as there are a number of different staff recommendations.

A motion was made by Commissioner Lobon and seconded by Commissioner Conaway to accept staff recommendations granting the contract compliance exemption requests regarding Items IV.B. Request for Contract Compliance Exemption Between UCONN Health Center and Electronic Data Systems, IV.D. Request for Contract Compliance Exemption Between Board of Trustees of Community-Technical Colleges and PayPal, Inc. dba Verisign Payments Services, IV.F. Request for Contract Compliance Exemption Between Office of Policy and Management and United Technologies Corporation and IV.G. Request for Contract Compliance Exemption Between Department of Administrative Services and Océ North America. There was no discussion on the motion. The motion carried unanimously. Chairperson Norton did not vote.

A motion was made by Commissioner Lobon and seconded by Commissioner Conaway to accept the staff recommendations granting, with conditions, the contract compliance exemption requests regarding Items IV.A. Request for Contract Compliance Exemption by Connecticut State University System for Certain Agreements with Out-of-State Entities and IV.C. Request for Contract Compliance Exemption Between UCONN Health Center and Microsoft Corporation. Mr. Brothers provided a brief explanation regarding the conditions pertaining to Item IV.A. The exemption applies to three types of agreements with out-of-state entities – student interns, student and faculty externships and a federal research project. The recommendation requires quarterly reporting and extends the exemption for a limited time period through 2010. The request in Item IV.C. represents the third time Microsoft Corporation has been before the Commission. In December 2007 the Commission granted an exemption and did so again in April 2008 at which time the agency requested information from Microsoft, specifically, when their Board of Directors will meet again to ensure CHRO would receive compliance regarding the resolution requirement. Mr. Brothers stated although UCONN Health Center is cooperating with CHRO, they have not been successful in obtaining the requested information from Microsoft. In the interest of allowing the Health Center to continue utilizing Microsoft's technical support and in light of the fact that the contract involves software related to patient care, the conditions are to have Microsoft explain its non-

discrimination policies, specifically in connection to civil unions. In addition, the recommendation requests a list of when the Board meets and when the resolution would be brought forward. Mr. Brothers stated his belief that UCONN Health Center understands the staff will not continue to recommend granting the requests with Microsoft unless they comply. Mr. Brothers also stated he hopes to submit a legislative proposal for the upcoming legislative session in order to streamline the process and make it less burdensome for both the state agencies and CHRO. Matthew Larson, Director of Purchasing Services for UCONN Health Center, also addressed the Commissioners. Mr. Larson clarified the Microsoft contract in this case is for consulting services and provides support to the Health Center's IT Department. He emphasized it involves patient safety. Mr. Larson also stated his belief that the sticking point for a number of the large corporations, including Microsoft, is the Board resolution requirement. There was no further discussion. The motion carried unanimously, with the exception of Chairperson Norton who did not vote on the motion.

A motion was made by Commissioner Griffin and seconded by Commissioner Mambruno to deny without prejudice the contract compliance exemption request regarding Item IV.E. Request for Contract Compliance Exemption Between UCONN and Nielsen Media Research, Inc. There was no discussion. The motion carried unanimously. Chairperson Norton did not vote.

**V. DIVISION REPORTS**

A. Affirmative Action Program Manager's Report

The Affirmative Action Program Manager's reports were furnished to the Commissioners as part of their mailing. Ms. Sparveri noted there was not much activity to report during the past month in light of the hiring freeze, however, the report reflects employees who have transferred or separated. In response to a question from Commissioner Cruz, Ms. Sparveri indicated she is finding it easier to review justifications now that she is part of the interviewing process.

B. Fiscal Report

There were no significant activities to report and no questions from any of the Commissioners regarding the Fiscal Report.

C. Field Operations Report

The *Report on Caseload Statistics* was provided to the Commissioners in their mailing packet. There were no questions or comments for Mr. Newton.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, commented that he provided Senator McDonald with a copy of the documentation concerning Microsoft's exemption request on today's agenda in an effort to underscore some of the issues the agency is experiencing with the requirements of Public Act 07-142.

E. Managing Director's Report

F. Acting Executive Director's Report

Mr. Brothers provided a brief report for both the Managing Director and Acting Executive Director. He stated since assuming the role of Acting Executive Director he has attempted to address as many problems within the agency as possible, including increasing morale. An agency training session and picnic have been scheduled for September 5. In addition, regular meetings are held with executive staff members either one-on-one or at a staff meeting. He is also looking at ways to increase production without additional staff in light of the hiring freeze. With respect to the affirmative action plan, Mr. Brothers has implemented a number of steps to make it better in the future. There was nothing new to report regarding litigation in the Legal Division. With regard to staffing issues, a secretary within the Legal Division resigned. The agency is seeking authorization to refill the position. The agency was denied refill on two of the three HRO representative vacancies. In addition, the agency was denied refill on the Assistant Executive Director position because of the lengthy duration it has been open. In response to an inquiry from Commissioner Lobon, Mr. Brothers stated it is his understanding that the position was denied for refill due to the current economic climate and the Governor's request to make budgetary cuts.

Chairperson Norton stated there was no need for an Executive Session as Assistant Attorney General David Teed was unavailable for today's meeting due to depositions.

**VI. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Lobon and seconded by Commissioner Cruz to adjourn the meeting at 4:27 p.m. The motion carried unanimously. Chairperson Norton did not vote.