

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
THURSDAY, SEPTEMBER 11, 2008, 2:00 P.M.
21 GRAND STREET, HARTFORD, CONNECTICUT 06106
LARGE CONFERENCE ROOM**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Larry Conaway (participated telephonically)
Alexia E. Cruz
George Marshall (participated telephonically)

COMMISSIONERS ABSENT

Jimmie L. Griffin
John Lobon

STAFF PRESENT

Robert J. Brothers, Jr., Acting Executive Director
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor
Donald Newton, Chief of Field Operations
Michelle Provost, Fiscal Administrative Supervisor
Gloria Sparveri, Affirmative Action Program Manager
David Teed, Assistant Attorney General
Linda Civitillo, Executive Secretary

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the September 11, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:13 p.m.

II. SECRETARY

A. Review and Approval of Minutes of August 14, 2008 Regular Commission Meeting

Secretary Mambruno requested a motion approving the minutes of the August 14, 2008 Regular Commission meeting, which was held in Room 1E of the Legislative Office Building. A motion was made by Commissioner Cruz and seconded by Commissioner Marshall to approve the minutes of the August 14, 2008 Regular Commission meeting as presented. There was no discussion. The motion carried unanimously with Commissioners Conaway, Cruz, Mambruno and Marshall voting in the affirmative. The Chairperson did not vote on the motion.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Office of the Chief Medical Examiner
2. Office of the State Comptroller
3. Department of Economic and Community Development
4. Connecticut State University System
5. Central Connecticut State University

Chairperson Norton requested a motion to accept the staff recommendations for approval and retention of annual filing status for the Office of the Chief Medical Examiner, Office of the State Comptroller, Department of Economic and Community Development, Connecticut State University System and Central Connecticut State University. The Chairperson invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency representatives in attendance and provide an overview for each approval recommendation.

Mr. Bingham introduced Joseph Olender, Human Resources Specialist, who was in attendance from the Office of the Chief Medical Examiner. 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 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. Short-term goal achievement was 6 out of 7 or 86%, long-term goal achievement was 1 out of 2 or 50%, total goal achievement was 7 out of 9 or 78% and promotion goal achievement was 1 out of 1 or 100%. The affirmative action plan for the Office of the Chief Medical Examiner has been approved for each of the past five years. Commissioner Mambruno commended this agency on its substantial attainment of goals, specifically, promotion goals met at 100% and short-term goals met at over 75%. No further discussion followed.

The following individuals were in attendance representing the Office of the State Comptroller: Deputy Comptroller Mark Ojakian and Leah Glende, 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 5 out of 18 or 28%, long-term goal achievement was 1 out of 1 or 100%, total goal achievement was 6 out of 19 or 32% and promotion goal achievement was 7 out of 9 or 78%. The affirmative action plan was approved for each of the past five years. Commissioner Cruz

asked if the agency has seen an increase in the amount of diverse candidates applying for professional positions within the agency. Deputy Comptroller Ojakian indicated the agency is seeing an increase in the number of diverse individuals applying for positions. He added that when the agency has an opening, it receives an extraordinary amount of applications from individuals whose names are on lists maintained by the Department of Administrative Services (DAS). Deputy Comptroller Ojakian also noted that outreach efforts have been somewhat successful, however, classified positions must be filled through the examination process administered by the DAS. There was no further discussion.

Mr. Bingham introduced the following representatives from the Department of Economic and Community Development: Ron Angelo, Deputy Commissioner; Mitch Drabik, Human Resources Director; Irena Baj Wright, EEO Specialist; and Amanda Anduaga-Roberson, EEO Manager. The plan is 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 3 out of 6 or 50%, long-term goal achievement was 1 out of 1 or 100%, total goal achievement was 4 out of 7 or 57% and promotion goal achievement was 2 out of 2 or 100%. The affirmative action plan for this agency has been approved for each of the past five years. Commissioner Cruz commented that the agency has only one minority in the Officials/Administrators category and requested feedback on how the Department might improve on this in the future. Mitch Drabik, Human Resources Director, addressed the Commissioners and indicated the agency has a limited number of positions within the Officials/Administrators category. The agency makes all attempts to conduct recruitment and work with the Department of Administrative Services and other agencies to try and bring up the numbers. Mr. Drabik added that positions within this category do not frequently become available and, like many other agencies, must be filled through the examination process. The Chairperson noted the one position within this category that was filled during the reporting period was subject to the provisions of Public Act No. 07-205. Mr. Drabik stated the position noted by the Chairperson refers to the Executive Director of the Office of Military Affairs. No further discussion followed.

Mr. Bingham introduced Dr. David Carter, Chancellor; Ellen Mantel, Human Resources Manager/Affirmative Action Officer; and David Trainar, Associate Vice Chancellor for Human Resources and Labor Relations, in attendance from the Connecticut State University System. 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 has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 2

out of 8 or 25% and total goal achievement was 2 out of 8 or 25%. The plan was approved for each of the past five years. No discussion followed.

Mr. Bingham introduced President Jack Miller and Moises Salinas, Chief Diversity Officer, in attendance from Central Connecticut State University. 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 has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 17 out of 36 or 47%, long-term goal achievement was 2 out of 16 or 13%, total goal achievement was 19 out of 52 or 37% and promotion goal achievement was 8 out of 26 or 31%. The plan has been approved for each of the past five years. A short discussion followed regarding the University's ability to draw large amounts of diverse candidates for the professorships and teaching positions. President Miller addressed the Commissioners and indicated the ability to draw diversity candidates tends to be discipline-specific and varies from area to area. In certain areas, the University is able to attract diverse pools and in other academic disciplines, such as physics, it tends to be more difficult. There was no further discussion on this Item.

A motion having been made and properly seconded approving the noted affirmative action plans, Chairperson Norton called for a vote. The motion carried unanimously. The Chair did not vote on the motion.

Staff Recommendation: **Conditional Approval**

1. Capital Community College

A motion was made by Commissioner Marshall and seconded by Commissioner Mambruno to accept the staff recommendation for conditional approval and retention of annual filing status for Capital Community College. Mr. Bingham introduced President Calvin Woodland in attendance from Capital Community College. 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 4 out of 8 or 50%, long-term goal achievement was 0 out of 3 or 0%, total goal achievement was 4 out of 11 or 36% and promotion goal achievement was 1 out of 5 or 20%. The five-year history is as follows: the plan was conditionally approved in 2003, disapproved in 2004 and placed on six-month filing, resubmitted in six months and approved, approved in 2005, and disapproved in 2006 and 2007. The Chairperson asked for further explanation regarding why a conditional approval is being proposed. Valerie Kennedy, HRO Representative, reviewed the plan and explained the plan is recommended for conditional approval because the goals analysis/good faith

effort is still weak. In addition, there are some significant problems in their goal setting and statistics and there were some searches where the applicant pools were not discussed clearly, which made it difficult to determine if all the goal candidates were accounted for. There was also a problem with the promotion goals for the Professor category. In light of the fact that CHRO has begun to see more problems with the Community Colleges, staff has been in contact with the System Office and will be meeting with them in the future. President Woodland addressed the Commissioners regarding the conditional approval recommendation. He highlighted efforts undertaken by the College, including meeting with staff of CHRO and realigning the affirmative action function to a new person. He also noted 75% of the staff and faculty have been involved in training. He cited the fact that the College achieved diversity from the hires made, but acknowledged the need for addressing the hiring of goal candidates. He stated his commitment to affirmative action and working with the Commission regarding the deficient areas in the plan.

There was a short discussion regarding whether it might be beneficial if the Community College System, as a whole, provided centralized staff support or oversight to the 12 institutions. Kenneth Armstrong from the Chancellor's Office addressed the Commissioners. He reported that the Community College System has a decentralized hiring process and each College is responsible for selecting its own candidates, therefore, there cannot be one centralized affirmative action plan. Mr. Armstrong added that the Colleges enjoy a certain amount of autonomy, noting there are differences in the clientele and students served in the various schools. Commissioner Cruz thanked Mr. Armstrong for his comments and noted the Commissioners have not lost sight of the efforts and accomplishments of the agencies that come before them.

There was no further discussion. The motion to conditionally approve the affirmative action plan for Capital Community College carried unanimously, with the exception of Chairperson Norton who did not vote.

Staff Recommendations: **Disapprovals**

1. Manchester Community College

A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to accept the staff recommendation for disapproval and retention of semi-annual filing status for Manchester Community College. Mr. Bingham introduced the following individuals in attendance from Manchester Community College: President Gena Glickman, Deborah Wilson, David Nelsen, Desreen Petgrave and Debbie Collucci. 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 3 out of 8 or 37.5%, long-term goal achievement was 0 out of 0 or 0%, total goal achievement was 3 out of 8 or 37.5% and promotion goal achievement was 3 out of 12 or 25%. The affirmative action plan was approved in 2003, 2004, 2005 and 2006, disapproved in 2007 with a six-month filing and conditionally approved in 2008. Discussion followed regarding the disapproval recommendation.

Valerie Kennedy reviewed the plan noted the deficiencies that were not corrected from the prior plan were in the availability analysis and the goals analysis. It was specifically noted in the last two evaluations that program goals were not addressed and they were not addressed again. With respect to the availability analysis, there are still problems with the numbers, and there were also problems with the promotable pools.

President Glickman thanked the Commissioners for the opportunity to address them regarding the disapproval recommendation. She highlighted several items and provided a written response to the Commissioners. President Glickman noted that the College met 37.5% of its goals and 80% of the non-goal hires were minority hires. The College also met 92% of its Small Business Enterprise goals and 163% of its Minority Business Enterprise goals. President Glickman indicated the College sought technical assistance for the final review of the plan and received mostly technical comments on the new plan and those corrections were made. President Glickman stated the College made every good faith effort to comply with the suggestions received as a result of technical assistance sought from Ms. Kennedy. At that point, President Glickman stated she believed the College was in compliance.

Chairperson Norton noted the letter provided to the Commissioners states that program goals were discussed on page 12-8 in the chapter titled Program Goals. He requested clarification regarding this issue. Ms. Kennedy explained that the program goals that were discussed in chapter 12-8 are the program goals for the coming year. The program goals that are to be discussed in goals analysis are the program goals that have been achieved for the previous plan. Ms. Kennedy also noted that a preliminary review, as requested by the former President, was done for several sections of the plan and detailed explanations were provided to the College. Some of the errors were corrected and others were not prior to the final submission of the plan. Chairperson Norton requested a copy of the section of the plan that discussed the previous program goals which the College believes should have been recognized. The College agreed to submit the requested information to Chairperson Norton.

Commissioner Cruz stated her concern that, going forward, CHRO and the College may not be in agreement as to what needs to be done to fix the plan and that further training may be warranted. She also stated she is concerned with the special circumstance afforded the College to review the plan in advance as it is not the Commission's standard practice to do so. Both Commissioners Conaway and Mambruno expressed their reluctance to disapprove the plan.

There was no further discussion. The Chairperson called for a vote on the motion accepting staff recommendation for disapproval of the plan. The motion failed with Commissioners Conaway, Cruz and Mambruno opposing the motion. Commissioner Marshall was no longer present and the Chairperson did not vote. A motion was made by Commissioner Conaway and seconded by Commissioner Cruz to conditionally approve the affirmative action plan for Manchester Community College and to re-establish an annual filing status whose anniversary will be March 30, 2009. The motion carried unanimously. Chairperson Norton did not vote.

Commissioner Mambruno asked President Glickman to ensure that the College seeks out the required technical assistance from staff so that the College can come back before the Commissioners with an approved plan next year.

2. Department of Education

A motion was made by Commissioner Cruz and seconded by Commissioner Mambruno to accept the staff recommendation for disapproval with retention of annual filing status for the Department of Education. Mr. Bingham introduced George Coleman, Deputy Commissioner; Rita Ferraiolo, Acting EEO Manager; and Melissa Thompson, EEO Specialist, in attendance from the Department of Education. 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 and the agency has not demonstrated every good faith effort to achieve its goals. Long-term goal achievement was 57 out of 130 or 44%, total goal achievement was 57 out of 130 or 44% and promotion goal achievement was 21 out of 36 or 58%. The plan was approved in 2003, disapproved in 2004 and approved in 2005, 2006 and 2007. Chairperson Norton requested further discussion regarding the disapproval recommendation.

Deputy Commissioner Coleman addressed the Commissioners. He expressed regrets on behalf of Commissioner McQuillan who was unable to attend due to a prior commitment. Deputy Commissioner Coleman stated he considers the disapproval recommendation to be an urgent concern, noting that the plan summarizes the significant activity of the Department to promote equity and equal opportunity within the Department. He indicated that the excellent

technical assistance provided five years ago by Commission staff has been followed and resulted in three successive approved plans. Deputy Commissioner Coleman also stated that the Department does not disagree with any finding established by the reviewers, whether technical or substantive, however, he asked that if the standards of the Commission have changed, the Department be informed in an instructional manner so they may remain in an approved status. Deputy Commissioner indicated that additional efforts are already underway to provide more explanation for hiring decisions during the reporting period and those efforts will be reflected in the next plan. Deputy Commissioner Coleman acknowledged that there was an error whereby in some places 60 White female goals were represented when that number should have been zero. This error regarding the goal number is being looked into. In closing, Deputy Commissioner Coleman petitioned the Commissioners to consider approving or conditionally approving the plan.

Chairperson Norton requested additional clarification regarding some of the findings noted in the summary where goals analysis was not done in hiring. Rita Ferraiolo, Acting Affirmative Action Officer, noted she was not involved in preparing the plan but she spoke with the person who was and there were communications about goal setting with the analyst that he worked with at the time, who is not the analyst who reviewed this plan. Ms. Ferraiolo also stated her belief that the person who reviewed the plan reviewed incorrect goals from an old copy of a plan that was never corrected. Valerie Kennedy and Reuben Jonathan-Lusack reviewed the plan. Ms. Kennedy stated there were at least 60 goals that were not reported nor was there any discussion for the searches that were affected by those 60 goals. In addition, in all of those searches there is no applicant pool presented and no information regarding the breakdown of the applicant pool. Ms. Kennedy added that based on the evaluation provided to the Department last year, these two categories did not have any errors in them so the goals should have been automatically transferred to this plan. Neva Vigezzi reiterated that if the utilization analysis was correct in the last plan, there would be no need for the agency to correct it. Chairperson Norton requested Mr. Brothers and Mr. Bingham research this issue to determine whether there may have been a lack of consistency from the prior review. There was no further discussion.

The motion to disapprove the affirmative action plan for the Department of Education carried unanimously. Chairperson Norton did not vote on the motion.

IV. NEW BUSINESS

- A. Request for Contract Compliance Exemption Between UCONN and BearingPoint, Inc. (VA)

- B. Request for Contract Compliance Exemption Between UCONN and Nielsen Media Research, Inc. (IL)
- C. Request for Contract Compliance Exemption Between UCONN Health Center and National Committee for Quality Assurance (DC)
- D. Request for Contract Compliance Exemption Between UCONN Health Center and BearingPoint, Inc. (VA)

Acting Executive Director Brothers summarized the staff recommendations for each of the four contract compliance exemption requests on today's agenda. Item IV. A. is being recommended for granting with conditions. The request is for an exemption from Public Act 07-142. The contract represents a third extension of an original purchase order. Mr. Brothers noted that should the extension go for a fourth time, CHRO is requiring a resolution by the Board of Directors. Items IV. B. and C. are being recommended for granting. Item IV.D. is being recommended for denial without prejudice as the agency did not submit the requested information in order to make a proper review. There was no further discussion. A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to accept all of the staff recommendations relative to the contract compliance exemption requests in Items IV.A. – D. The motion carried unanimously, with the exception of the Chairperson who did not vote.

V. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

The Affirmative Action Program Manager's reports were submitted to the Commissioners in their mailing. Ms. Sparveri stated that due to hiring restrictions, there was no activity to report for the previous month. The agency did receive authorization to refill one HRO Representative vacancy in the Waterbury Regional Office and interviews will be conducted within the next week. Ms. Sparveri reviewed the goals for the position and also noted she and Mr. Brothers are in the process of finalizing the three justifications needed for the current reporting period. Ms. Sparveri indicated a technical assistance session has been scheduled for September 15 regarding CHRO's plan. In closing, Ms. Sparveri noted the agency is in the process of developing a template regarding the information needed for justifications.

B. Fiscal Report

The personnel and fiscal status reports were furnished to the Commissioners in their mailing packet. There was no discussion regarding the reports.

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 from any of the Commissioners.

D. Legislative Report

Mr. Brothers reported that James O'Neill, Legislative and Regulations Specialist, is on vacation. Mr. Brothers added that the agency is in the processing of preparing its legislative package for the 2009 Legislative Session.

E. Managing Director's/Acting Executive Director's Report

Mr. Brothers noted there is one reopening request on today's agenda and he confirmed that the complainant and her attorney were in attendance. Mr. Brothers summarized recent activities. He reported the agency held a staff training session and agency picnic on Friday, September 5. Seventy-five employees attended the training and 55 employees attended the picnic. Acting Executive Director Brothers and Donald Newton attended the Equal Employment Opportunity Commission's State and Local Regional Conference on September 9 in Newport, Rhode Island, along with other state agency heads from the various New England states, New York and New York City. An EEOC Commissioner also attended the conference. The Commission, in partnership with EEOC, launched an advertizing campaign called "E-RACE." The Commission received funding from EEOC for the E-RACE initiative. Ads were placed in various minority newspapers within the Hartford area to reach out to individuals who believe they may have been discriminated against because of their race or color. Individuals can file a complaint with either CHRO or EEOC. Intake will be monitored at the Commission's Capitol Regional Office to determine if there is an increase in complaints as a result of the ad campaign. The agency is in the process of replying to a negative article that appeared in The Connecticut Law Tribune. In closing, Mr. Brothers reiterated that the agency continues to operate under the hiring freeze.

VI. EXECUTIVE SESSION

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Cruz and seconded by Commissioner Mambruno that the Commission go into Executive Session, including inviting Acting Executive Director Brothers and Assistant Attorney General David Teed for a portion of the Executive Session, for the purpose of discussing pending litigation, the reopening request and personnel matters as they may arise. The motion carried unanimously. Chairperson Norton did not vote on the motion. All members of the public were excused from the Executive Session.

VII. RETURN TO REGULAR SESSION

It was moved by Commissioner Cruz and seconded by Commissioner Mambruno to return to Regular Session. The motion carried unanimously. The Chair did not vote. Chairperson Norton noted for the record that the following individuals participated in a portion of the Executive Session for the purpose of discussing the pending reopening request in the matter of Cherie Warren v. Town of Old Lyme: Ms. Cherie Warren and Attorney Brian Estep. The Chairperson indicated no votes were taken during the Executive Session.

VIII. VOTE ON EXECUTIVE SESSION ITEMS

A. Report on Pending Claims or Pending Litigation

There was no discussion and nothing to report on pending claims and pending litigation.

B. Reopening Request

1. Cherie Warren v. Town of Old Lyme – CHRO Case #0640263

A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to deny the reopening request in the matter of Cherie Warren v. Town of Old Lyme, Case #0640263, as recommended by staff. The Chairperson observed that, in the Commissioners' review, there were no material mistakes of fact or law in this case and that complainant's contention that witnesses were not adequately interviewed was not substantiated. The motion carried unanimously. Chairperson Norton did not vote on the motion.

C. 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 Mambruno and seconded by Commissioner Cruz to adjourn the meeting at 5:10 p.m. The motion carried unanimously. Chairperson Norton did not vote.