

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
WEDNESDAY, MARCH 11, 2009, 2:00 P.M.
21 GRAND STREET, HARTFORD, CONNECTICUT 06106
LARGE CONFERENCE ROOM**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Cheryl Lynn Clarke (participated telephonically)
Shelley Copeland
Alexia E. Cruz
Milton Johnson
John Lobon
Patricia Wrice (participated telephonically)

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
David Teed, Assistant Attorney General
Linda Civitillo, Executive Secretary

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the March 11, 2009 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:05 p.m.

II. SECRETARY

A. Review and Approval of Transcript of February 11, 2009 Regular Commission Meeting

Secretary Mambruno requested a motion approving the verbatim transcript of the February 11, 2009 Regular Commission meeting. A motion was made by Commissioner Cruz and seconded by Commissioner Johnson to approve the transcript in lieu of minutes of the February 11, 2009 Regular Commission meeting as presented. There was no discussion. The motion carried with Commissioners Clarke, Copeland, Cruz, Johnson, Mambruno and Wrice voting in favor of the motion. Commissioner Lobon abstained and Chairperson Norton did not vote on the motion.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Department of Correction
2. Insurance Department
3. Department of Public Utility Control

Chairperson Norton requested a motion accepting the staff recommendations for approval and retention of annual filing status for Items III.A.2. and 3., Insurance Department and Department of Public Utility Control. A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept the staff recommendations for the noted agencies.

Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, introduced Commissioner Thomas Sullivan and Leah Glende, EEO Specialist, in attendance representing the Insurance Department. 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 and program goals and the agency had no deficient elements in the previous plan. Short-term goal achievement was 3 out of 5 or 60%, long-term goal achievement was 5 out of 5 or 100% and total goal achievement was 8 out of 10 or 80%. In addition, 1 out of 3 promotion goals, or 33%, were met and 1 out of 2 program goals, or 50%, were met. The affirmative action plan has been approved for each of the past five years. (Commissioner Wrice was no longer participating in the meeting) Commissioner Cruz asked if someone from the Insurance Department could discuss their efforts to diversify the agency's workforce and speak to some of the challenges they may be facing to attract diverse candidates. Ms. Glende described some of the agency's outreach efforts and explained that the agency conducted recruitment by placing an ad on monster.com before examinations were given in an attempt to reach more applicants. While over 76 individuals took the examinations, only three indicated they saw the announcements on monster.com. The remainder saw the announcement on the DAS website. Ms. Glende also indicated there was not a large pool of diverse candidates who qualified for the specific expertise requirements of the positions. In addition to monster.com, the agency also utilizes local businesses and community organizations to advertise openings, as well as outreach at colleges, but at that level applicants would be trainees and would not qualify for the higher level positions. Commissioner Sullivan addressed the Commissioners and noted over one third of the agency's technical staff is in the Financial Examination Unit and many of those positions require a CPA, advanced degree and other technical experience and therefore is a very finite target recruitment audience. In response to an inquiry from Commissioner

Cruz, CHRO staff explained that regardless of whether or not an agency's plan is approved on goal achievement, the agency still has to address unmet goals in the section called goals analysis. Staff also noted that the Insurance Department was approved based on the (b)(2) standard, which is substantial goal achievement, and the regulations do not require a demonstration of good faith effort for the plan to be approved. Commissioner Copeland requested the staff reports contain more content which reflect agencies' programmatic efforts, including outreach, innovations and any recruitment barriers the agencies may be experiencing. Acting Executive Director Robert Brothers stated he will work with the staff of the Affirmative Action Unit to ensure the additional information requested by Commissioner Copeland is included in the staff summaries. No further discussion followed.

The following individuals were in attendance representing the Department of Public Utility Control: Executive Director William Palomba, Laura Guilmartin and Steve Caliendo. The plan is being recommended for approval based on 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 and promotion goals, however, it has met all of its program goals and the agency has demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 1 out of 2 or 50% and total goal achievement was 1 out of 2 or 50%. The plan has been approved for each of the past five years. Commissioner Lobon noted the agency's workforce numbers are very good and applauded their efforts to achieve diversity. No further discussion following regarding this Item.

A motion having been made and properly seconded to approve the affirmative action plans and retain annual filing status for the Insurance Department and Department of Public Utility Control, Chairperson Norton called for a vote. The motion carried with Commissioners Clarke, Copeland, Cruz, Johnson, Lobon and Mambruno voting in the affirmative. Chairperson Norton did not vote on the motion.

A motion was made by Commissioner Mambruno and seconded by Commissioner Johnson to accept the staff recommendation for approval and retention of annual filing status for Item III.A.1., Department of Correction. Mr. Bingham introduced Commissioner Theresa Lantz, Robert Jackson, Director of Equal Opportunity Assurance; Debbie Sass, EEO Specialist 1; Christian Moore, EEO Specialist 2; Valerie Mathis, Leadership Associate; and Quentin Murray, Leadership Associate. 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. Long-term goal achievement was 215 out of 441 or 49%, total goal achievement was 215 out of 441 or 49% and promotion goal achievement

was 47 out of 97 or 47%. The plan was approved in 2003, disapproved in 2004 and approved in 2005, 2006 and 2007. Commissioner Copeland commended the agency's innovation, especially their work in recruiting military personnel through their "Hero's for Hire" initiative. Commissioner Lobon noted that while the agency's numbers are decent in relationship to minority hires, he expressed a desire to see those percentages improve. In response to a question from Chairperson Norton, Mr. Jackson explained the difference between the Protective and Professional categories. The Protective category includes hazardous duty positions, such as Correctional Officers, and the Professional category includes the more traditional positions, such as those in human resources, fiscal and some other administrative positions. Commissioner Lantz addressed the Commissioners. She thanked the Commission for its support during some of the agency's challenging years and for working closely with the staff. She also thanked Neva Vigezzi, who reviewed their plan, for her outstanding assistance and guidance. No further discussion followed.

The motion to approve the affirmative action plan and retain annual filing status for the Department of Correction carried with Commissioners Clarke, Copeland, Johnson, Lobon and Mambruno voting in favor of the motion. Commissioner Cruz abstained and the Chair did not vote.

IV. NEW BUSINESS

- A. Request for Contract Compliance Exemption Between UCONN and Standard & Poor's
- B. Request for Contract Compliance Exemption for Three Agreements Between Department of Transportation and Metro-North Railroad
- C. Request for Contract Compliance Exemption Between UCONN Health Center and Varian, Inc.

Acting Executive Director Brothers requested the Chair amend the agenda to include an additional contract compliance exemption request between UCONN Health Center and Varian, Inc. A motion was made by Commissioner Lobon and seconded by Commissioner Cruz to open the agenda for the purpose of adding the noted contract compliance exemption request. The motion carried unanimously, with the exception of the Chairperson who did not vote. Chairperson Norton indicated the additional exemption request will become Item IV.C. and Item IV.C. will be IV.D. A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept the staff recommendations regarding Items IV.A. Request for Contract Compliance Exemption Between UCONN and Standard & Poor's, IV.B. Request for Contract Compliance Exemption for Three Agreements Between Department of Transportation and Metro-North Railroad and Item IV.C. Request for Contract

Compliance Exemption Between UCONN Health Center and Varian, Inc. Acting Executive Director Brothers presented a brief overview regarding each request. The staff is recommending Item IV.A. be tabled to the future as there is inadequate information in order to make a determination at this time. The staff recommendation for Item IV.B. is to grant all three agreements between DOT and Metro-North. With respect to Item IV.C., Mr. Brothers explained that UCONN Health Center has a grant that requires the purchase of nuclear magnetic resonance equipment be completed by April 1, 2009. As the company is willing to put the request for a resolution for adoption by its Board of Directors on its next Board meeting, the staff is recommending the request be granted conditionally with the proviso that the company obtain the Board resolution and provide the Commission with evidence that the resolution requirement has been accomplished.

There was a brief discussion regarding Item IV.A. A representative from UCONN, Leslie Langworthy, addressed the Commissioners. Ms. Langworthy confirmed that Standard & Poor's is the sole provider of the information needed by UCONN's Business School. She thanked the Commission and the staff of the Legal Division for their patience and willingness to table the Item. Ms. Langworthy also indicated that after significant negotiation with both Standard & Poor's and their parent company, The McGraw-Hill Company, UCONN is hopeful to be able to satisfy the Commission at a future meeting. Ms. Langworthy discussed the ramifications should the company not comply, which would result in cancellation of the Ph.D. program and in 2010 the University would lose accreditation without this actual product. Ms. Langworthy acknowledged that it is often compliance with the board resolution requirement that becomes an issue. Mr. Brothers restated his reluctance to grant a contract compliance exemption if the contractor is not willing to comply with the resolution requirement. Commissioner Copeland indicated it would be beneficial if, going forward, background information is provided for both grant and denial recommendations which explains the impact should an exemption request fail. Chairperson Norton suggested asking future applicants for an exemption to include in their submission a 20-40 word bullet justifying the consequences if an exemption is not granted and that information can then be conveyed by the staff to the Commissioners. Mr. Brothers agreed to work on Commissioner Copeland's request. There was no additional discussion.

The motion accepting staff recommendations for Items IV.A., B., and C. carried with Commissioners Clarke, Copeland, Cruz, Lobon, and Mambruno voting in favor of the motion. Commissioner Johnson abstained and the Chairperson did not vote.

D. Scheduling of Affirmative Action Plan Review Workshop for Commissioners

The Chair discussed the fact that several Commissioners expressed an interest in an affirmative action plan review workshop. Chairperson Norton asked Ms. Civitillo to coordinate a mutually-convenient date to hold the workshop. The Commissioners agreed that the workshop shouldn't be held on the same day as a Commission meeting and that an afternoon session would be better. Acting Executive Director Brothers suggested blocking out approximately three to four hours for the workshop.

V. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

The Affirmative Action Program Manager's reports were included in the mailing. Gloria Sparveri, Affirmative Action Program Manager, indicated that while there was no new activity to report, she received feedback from the Acting Executive Director that at last month's meeting the Commissioners expressed an interest in having additional information included in her reports. As an example, the Commissioners suggested that a narrative describing any innovations, networking activities or information describing related activities performed by Ms. Sparveri would be useful. In response to a question from Commissioner Cruz, Ms. Sparveri noted that the goals included in last month's report are the goals that have been set for the current reporting period, which is November 1, 2008 through October 31, 2009.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, indicated the February personnel status report, which did not change since the prior month, was provided to the Commissioners in their mailing packet, as well the financial status reports. There were no questions or comments for Ms. Provost from the Commissioners.

C. Field Operations Report

The *Report on Caseload Statistics* was provided to the Commissioners in their mailing. Donald Newton, Chief of Field Operations, asked if there were any questions or comments. Chairperson Norton reported that he, Commissioner Wrice and Commissioner Mambruno were approved by the Executive and Legislative Nominations Committee yesterday. At that time, a question was raised regarding how CHRO deals with non-citizens. Mr. Brothers explained that an individual could file a complaint and it would be processed, but it may have some impact on damages. The Chair also raised a question as to the percentage of cases that come before CHRO that get settled. Mr. Brothers

stated 35% of pre-merit assessment review cases settle, 55% of cases retained for a full investigation settle and 90% of cases that are certified to a public hearing settle. The Chair asked Mr. Brothers if he could send the information regarding non-citizens to Representative Giannaros and the information concerning settlement statistics to Representative Johnston.

Mr. Newton reported that the Bridgeport office continues to have the highest aged caseload and there are still two staff members out on extended leave. There was also a short discussion concerning timeframes. Mr. Newton stated the majority of cases are concluded well within a two-year timeframe, which compares favorably to neighboring states, however, processing may take longer due to situations such as complainants amending their complaint. Commissioner Copeland thought it might be a good idea to produce a document setting forth the status of civil rights in Connecticut, including complaint trends, critical issues and historical data. Commissioner Lobon raised a concern, based on information he received, that individuals may be turned away from filing a complaint. Mr. Newton described situations whereby a complaint might not be taken, such as if someone cannot articulate a jurisdictional complaint or if a complaint is well beyond the 180-day timeframe. Mr. Brothers stressed the importance of bringing negative feedback regarding the agency to his attention.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, reported that the Commission has four bills requested from the Judiciary Committee. Two are now out in file form. Both he and the Acting Executive Director have had a number of meetings concerning the agency's budget. Mr. O'Neill offered his observations and suggestions to the Commissioners regarding the proposed budgetary cuts from the Governor's Office. The Chairperson acknowledged that some of the Commissioners may not be familiar with the Legislative process and that had they been aware of any hearings concerning CHRO's budget, they would have voiced their support to maintain the agency's resources. The Chair suggested the Commissioners may want to contact their appointing authority, state representative and senator, or members of the Appropriations Committee to share their concerns regarding the proposed budget and the impact that closing two regional offices will have on complaint processing. It was the general consensus of the Commissioners that Mr. O'Neill should prepare a draft press release conveying the Commissioners' concerns relative to the funding cuts.

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

Mr. Brothers highlighted various issues. He noted the agency's vacant positions have been abolished, which include the Executive Director position, HRO Representatives and two secretarial positions. Mr. Brother stated that the agency has to begun to seek re-establishment of the Executive Director position.

He stressed that his priority is the budget and he is working with Jim O'Neill to discuss the issue with as many Legislators as necessary and that a detailed report concerning the agency was prepared for the members of the Appropriations Regulation and Protection Subcommittee. Mr. Brothers indicated he is looking into the feasibility of implementing a pilot program to begin e-mailing the Commission packets to those Commissioners who expressed an interest in receiving the mailing electronically. He added that every attempt is made to get the meeting materials to the Commissioners in a timely fashion. In closing, Mr. Brothers reported that the agency is now up to date on its obligation to publish an annual affirmative action report. The report has been completed for calendar years 2004, 2005, 2006 and 2007 and copies were included for the Commissioners in their mailing packet. The agency is now in the process of finalizing the contract compliance reports.

VI. 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 Johnson 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 Mambruno and seconded by Commissioner Cruz to return to Regular Session. The motion carried unanimously. Chairperson Norton did not vote. The Chairperson noted pending litigation and the reopening request were discussed during the Executive Session and that no votes were taken.

VIII. VOTE ON EXECUTIVE SESSION ITEMS

A. Report on Pending Claims or Pending Litigation

There was no discussion and no action required on pending claims and pending litigation.

B. Reopening Request

1. Clara Montalvo v. New Haven Adult and Continuing Education – CHRO Case No. 0830055

A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept the staff recommendation to deny the reopening request in the matter of Clara Montalvo v. New Haven Adult and Continuing Education, CHRO Case No. 0830055. Chairperson Norton noted that the complainant in this matter failed to articulate a clear, statutory reason to grant the reopening request. The motion carried unanimously. Chairperson Norton did not vote on the motion.

C. Personnel Matters

No personnel matters were discussed.

Commissioner Lobon indicated that he sent an e-mail to the Commissioners regarding a rumor indicating he was responsible for former Commissioner Griffin's removal from the Commission. He stated the rumor is untrue. Acting Executive Director Brothers responded that he was not aware of such a rumor and that he would be willing to discuss the matter with Commissioner Lobon should he wish to do so.

IX. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Johnson and seconded by Commissioner Mambruno to adjourn the meeting at 4:55 p.m. The motion carried unanimously. Chairperson Norton did not vote.