

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
WEDNESDAY, MAY 13, 2009, 2:00 P.M.  
21 GRAND STREET, HARTFORD, CONNECTICUT 06106  
LARGE CONFERENCE ROOM**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Shelley Copeland  
Alexia E. Cruz  
Milton Johnson  
John Lobon

**COMMISSIONERS ABSENT**

Cheryl Lynn Clarke  
Patricia Wrice

**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 May 13, 2009 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:09 p.m.

**II. SECRETARY**

A. Review and Approval of Minutes of April 8, 2009 Regular Commission Meeting

A motion was made by Secretary Mambruno to approve the minutes of the April 8, 2009 Regular Commission meeting as presented. The motion was seconded by Commissioner Lobon. There was no discussion. The motion carried with Commissioners Copeland, Lobon and Mambruno voting in favor of the motion. Commissioners Cruz and Johnson abstained and Chairperson Norton did not vote on the motion.

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

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

Staff Recommendations: **Approvals**

1. Commission on Human Rights and Opportunities
2. Office of the Governor
3. Department of Consumer Protection
4. Department of Emergency Management and Homeland Security
5. Office of Health Care Access
6. Office of Protection and Advocacy for Persons with Disabilities
7. Department of Mental Health and Addiction Services
8. Department of Veterans' Affairs

Chairperson Norton requested a separate motion to accept the staff recommendation for approval and retention of annual filing status for Item III.A.1., Commission on Human Rights and Opportunities. 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 for the Commission on Human Rights and Opportunities' affirmative action plan. Chairperson Norton asked Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency's representatives in attendance and provide an overview regarding the staff recommendation.

Mr. Bingham introduced Robert Brothers, Acting Executive Director, and Gloria Sparveri, Equal Employment Opportunity Specialist, representing the Commission on Human Rights and Opportunities. 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 4 out of 7 or 57% and total goal achievement was 4 out of 7 or 57%. The plan was approved in 2004 and 2005, conditionally approved in 2006, disapproved in 2007 and conditionally approved in 2008. Commissioner Copeland noted the summary indicates "the agency speaks at community organizations on topics related to civil rights" and suggested it would be beneficial for the Affirmative Action Program Manager's updates to incorporate this type of information. Mr. Brothers indicated his activity report reflects a number of various speaking engagements and other activities attended by CHRO staff, but agreed that this information could be included in Ms. Sparveri's monthly updates as well. Commissioner Lobon commended Ms. Sparveri on her efforts to complete the plan within a timely manner and for preparing a plan that has been recommended for approval. In response to an inquiry from Commissioner

Lobon, Acting Executive Director Brothers stated he did not sign the summary as he felt it would be a conflict to do so. Chairperson Norton and Commissioner Mambruno echoed Commissioner Lobon's comments relative to the effort put forth by the staff, including Mr. Brothers, Ms. Sparveri and Neva Vigezzi. There was no further discussion. The motion accepting staff recommendation for approval and retention of annual filing status carried unanimously. Chairperson Norton did not vote on the motion.

Chairperson Norton requested a motion accepting staff recommendations for approval and retention of annual filing status for Items III.A.2.-8., Office of the Governor, Department of Consumer Protection, Department of Emergency Management and Homeland Security, Office of Health Care Access, Office of Protection and Advocacy for Persons with Disabilities, Department of Mental Health and Addiction Services and Department of Veterans' Affairs. A motion was made by Commissioner Mambruno and seconded by Commissioner Copeland to accept staff recommendations for approval and retention of annual filing status for the seven noted affirmative action plans.

Mr. Bingham introduced Stacey Serrano, Legal Counsel, Office of the Governor, and Amanda Anduaga-Roberson, EEO Manager, DAS, in attendance representing the Office of the Governor. The plan is recommended for approval based on compliance with the following: the plan contains all the elements required, the workforce is not in parity with the relevant labor market area, the agency has demonstrated every good faith effort to achieve its goals and there were no deficient elements in the prior plan. Short-term goal achievement was 7 out of 10 or 70%, long-term goal achievement was 3 out of 8 or 37.5% and total goal achievement was 10 out of 18 or 55.6%. Promotion and program goals were not set. The plan was approved for each of the past five years. There was a short discussion concerning what groups are comprised within the "other" category, specifically, the definition of Asian. Paula Ross, HRO Representative, explained Asian includes China, Japan, Southeast Asia, any of the countries that fall under the Asian continent, as well as the Indian sub-continent. Commissioner Mambruno commented on the pilot programs utilized by the Governor's Office for recruitment and employment initiatives. He stated that use of these innovative programs is a reflection on the part of the Governor's Office to try various programs in an effort to hire minority individuals. In response to an inquiry from Chairperson Norton, Ms. Serrano confirmed that the 125 employees listed in the Governor's workforce include every Commissioner and agency head appointed by the Governor. No further discussion followed.

Mr. Bingham introduced Commissioner Jerry Farrell, Alicia Nuñez, EEO Specialist; and Stephen Caliendo, Human Resources Administrator, representing the Department of Consumer Protection. The plan is being recommended for approval based on compliance with the following: the plan contains all the

elements required, the workforce is not in parity with the relevant labor market area, the agency has demonstrated every good faith effort to achieve its goals and the agency had no deficient elements in the previous plan. Short-term goal achievement was 3 out of 8 or 37.5%, total goal achievement was 3 out of 8 or 37.5%, promotion goal achievement was 1 out of 1 or 100% and program goal achievement was 3 out of 3 or 100%. The plan was approved for each of the past years. Commissioner Lobon commended the agency for its efforts relative to its workforce and their minority hiring since they have exceeded 20%. Commissioner Cruz asked for an explanation as to what positions constitute the Professional category. Both Commissioner Farrell and Ms. Nuñez responded and noted the Professional category includes Legal Administrative positions, Consumer Information Representatives and Drug Control Agents. No further discussion followed regarding this Item.

The following individuals were in attendance from the Department of Emergency Management and Homeland Security: James Thomas, Commissioner; Brenda Bergeron, Legal Counsel; Scott DeVico, Legislative Program Manager; Alicia Nuñez, EEO Specialist; and Timothy Geary, Human Resources Specialist. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has not met all or substantially all of its hiring goals, but has met its promotion and program goals, 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%, total goal achievement was 3 out of 6 or 50% and promotion goal achievement was 1 out of 1 or 100%. The agency has only been filing plans for two years and the plan was approved in 2007 and 2008. Chairperson Norton noted that the DAS SMART Unit is an attendee at the Connecticut Career Job Fairs and asked if the SMART Unit represents all the various agencies it serves at the fairs. Ms. Nuñez indicated the SMART Unit represents all 26 agencies it serves, including the Department of Emergency Management and Homeland Security, at the fairs. The larger state agencies not served by the SMART Unit are also represented at the job fairs. She added that the job fairs provide a full range of examination and employment opportunities and typically attract a large number of participants, including members of underrepresented groups. There were no further questions or comments regarding this Item.

Mr. Bingham introduced Carolyn Treiss, Chief of Staff, representing Commissioner Vogel, and Irena Baj Wright, EEO Specialist, in attendance from the Office of Health Care Access. The plan is recommended for approval based on compliance with the following: the plan contains all the elements required, the workforce is not in parity with the relevant labor market area, the agency has met all or substantially all of its hiring and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan

review. Short-term goal achievement was 1 out of 2 or 50%, total goal achievement was 1 out of 2 or 50% and 1 out 1, or 100%, of program goals were met. The plan was approved in 2004, 2005, 2006, and 2007 and conditionally approved in 2008. Commissioner Cruz noted that in the summary of deficiencies/weaknesses there is a comment that the data appears to be inaccurate and asked if the reviewer could provide further elaboration regarding this inaccuracy. Susan Hom, HRO Representative, reviewed the plan and responded to Commissioner Cruz. Ms. Hom indicated that the inaccuracy only occurred in the workforce analysis under the office/clerical category and appeared to be a typographical error. There was a short discussion regarding the job titles that comprise the Professional category as 16 out of the agency's 21 employees fall within this category. Carolyn Treiss, Chief of Staff, responded to the Chairperson's inquiry and indicated that the Professional category includes Associate Health Care Analyst, Health Care Analyst, IT Analyst and Planning Specialists. Ms. Treiss also provided a summary of the function of these positions. Commissioner Mambruno commented that the MBE numbers are quite significant and asked for an example of the types of contracts that are awarded. Ms. Treiss stated that as a small agency they typically have very few contracts. Currently, the agency has two contracts with outside vendors and the largest contract recently awarded was to redo the hospital reporting system. The vendor that was used to create that system is a minority-owned business. No additional discussion followed.

James McGaughey, Executive Director, and Laura Guilmartin, EEO Specialist, were in attendance representing the Office of Protection and Advocacy for Persons with Disabilities. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the workforce 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 and there were no deficient elements in the prior plan. Goal achievement does not apply in this review due to the lack of personnel activity. There were no openings, recruitment, hires or promotions. The plan was approved in 2004, 2005, and 2006, disapproved in 2007 and approved in 2008. Commissioner Mambruno asked the agency if they have any specific programs for employment of people with disabilities. Executive Director McGaughey noted the agency has internship programs that open up from time to time that are coordinated through Community Colleges or other individuals who want to place someone in the agency. Unfortunately, they have not led to full-time employment due to the agency's inability to increase its statutory position count. As mentioned in some of the program goals, the agency is attempting to address concerns about whether or not most of their job categories are listed as professionals, which means individuals must meet a fairly high standard to take civil service examinations to become eligible for employment, and whether this may present a barrier and if there may be ways to work around that. Mr. McGaughey also added that the

agency was successful in establishing an entry-level position that is competitive, but does not require a college education, however the experience gained in that position did not translate to professional experience that would qualify an individual for appointment to an Advocate position. The agency has also begun discussions with the SMART Unit to begin continuity of operations planning in order to develop alternative routes for employment within the agency. There was no additional discussion regarding this Item.

Mr. Bingham introduced the following individuals in attendance from the Department of Mental Health and Addiction Services: Thomas Kirk, Commissioner; Caren Clarke, Human Resources Administrator; Carl Jordan, EEO Director; Eric Smith and Tommy Wilson, EEO Specialists; and Ann Smith, Legal Policy Advisory. Mr. Bingham noted this filing represents the consolidation of nine plans into one plan as a result of legislation enacted in 2007. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the workforce 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 and there were no deficient elements in the prior plan. Goal achievement does not apply due to the consolidation. Some of those plans did not have filings last year due to the new statute and many had different plan periods and cannot be combined. There is no five-year history. Acting Executive Director Brothers commended the staff of both CHRO and DMHAS on their efforts, noting it was a monumental undertaking to develop this plan. Commissioner Cruz raised a question as to why there were no charts included in the summary. Ms. Ross explained that because it was a first filing, there were no goals. There was no additional discussion on this Item.

Mr. Bingham introduced John Wiltsie, Deputy Commissioner; Noreen Sinclair, HR Administrator; and Chris Beloff, EEO Specialist, in attendance representing the Department of Veterans' Affairs. 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 15 out of 24 or 62.5%, long-term goal achievement was 3 out of 8 or 37.5% and total goal achievement was 18 out of 32 or 52.3%. The plan was approved by default in 2004, approved in 2005, 2006 and 2007 and conditionally approved in 2008. There was no discussion regarding this Item.

The motion accepting staff recommendations for approval and retention of annual filing status for the Office of the Governor, Department of Consumer Protection, Department of Emergency Management and Homeland Security, Office of Health Care Access, Office of Protection and Advocacy for Persons with Disabilities, Department of Mental Health and Addiction Services and

Department of Veterans' Affairs carried unanimously. Chairperson Norton did not vote on the motion.

### **Staff Recommendation: Disapproval**

#### 1. Department of Public Works

A motion was made by Commissioner Johnson and seconded by Commissioner Cruz to accept the staff recommendation for disapproval and retention of annual filing status for the Department of Public Works. Mr. Bingham introduced Commissioner Raeanne Curtis, Douglas Moore, Deputy Chief; Stephen Caliendo, Personnel Administrator; Johnette Tolliver, EEO Specialist; and Amanda Anduaga-Roberson, EEO Manager, in attendance representing the Department of Public Works. 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. Short-term goal achievement was 5 out of 7 or 71.4%, long-term goal achievement was 0 out of 2 or 0% and total goal achievement was 5 out of 9 or 55.6%. The plan was approved in 2004, 2005 and 2006, conditionally approved in 2007 and approved in 2008.

Lengthy discussion followed regarding the disapproval recommendation. Commissioner Curtis addressed the Commissioners. She thanked them for the opportunity to speak to them regarding the recommended disapproval of the affirmative action plan. Commissioner Curtis requested the plan be conditionally approved noting some information may not be in the plan, however, the agency continues to have good faith efforts within their equal employment opportunity activities and programs. Commissioner Curtis stated that their goal attainment is commendable and that any recommendations and proposals in this year's plan review, as well as any technical assistance required, will be vigorously addressed and adhered to. Johnette Tolliver, EEO Specialist, also addressed the Commissioners. Ms. Tolliver stated there is some additional information which should be considered before voting on the staff recommendation. Ms. Tolliver emphasized that during the reporting period, there was staff turnover resulting in three separate EEO professionals handling DPW's affirmative action programs and plan development. Ms. Tolliver also noted that the CHRO reviewer, Valerie Kennedy, provided technical assistance before, during and after the process. The Department requested the opportunity to submit revisions to Ms. Kennedy, but was refused. Ms. Tolliver stated that currently nothing in the affirmative action regulations requires nor does it prohibit the submission of additional affirmative action plan material after the agency's statutory filing date. Commissioner Copeland asked for further explanation regarding the additional

information that was refused. Ms. Tolliver noted that the goals analysis did not contain the applicant flow information. She acknowledged that the omission of this information was an oversight on her part, however, she is aware of other agencies submitting additional information. Mr. Bingham emphasized that it is impossible to accept information during the review process, or staff would be unable to meet its statutory deadlines. Commissioner Copeland also asked for the measure between conditional approval and disapproval. Valerie Kennedy noted the plan was reviewed in March and April and the deficiencies were discussed with Ms. Tolliver after the review was submitted, the recommendation was made and it had gone for signatures. The only time a plan can be recommended for approval is if it meets the standard of review as outlined on page 2 of every summary. Although there is no definition of conditional approval in the regulations, conditional approval is a plan that meets the standard of review, but the plan is in dismal shape. For example, there are no viable goals for the next plan period. Since the agency did not have sufficient goal achievement to be approved on the b(2) standard, the agency was required to demonstrate good faith effort to achieve the goals. To simply state that 80% of the goal candidates did not meet the basic qualifications does not provide sufficient information. Ms. Kennedy explained that significant goal achievement is over 70%. Ms. Anduaga-Roberson indicated that the agency did do what it was required to do. The inadvertent lack of information was a product of the SMART Unit that prepares the plan, including the turnover that occurred within the Unit. Commissioner Cruz stated her concern that the agency did not satisfy any of the components of the standard of review. Statutorily, the Commissioners are not allowed to approve a plan, and a conditional approve would be an approval, if they don't meet any of the required criteria. Commissioner Johnson echoed Commissioner Cruz's concerns and stated his belief that a conditional approval of the plan is unwarranted. In closing, Commissioner Copeland stated that she is concerned that the staff is being just and fair and not vindictive. No further discussion followed.

The motion accepting the staff recommendation for disapproval and retention of annual filing status carried with Commissioners Cruz, Johnson and Mambruno voting in favor of the motion. Commissioners Copeland and Lobon opposed the motion and the Chair did not vote.

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

- A. Request for Contract Compliance Exemption Between Judicial Branch and The Center for Court Innovation

B. Request for Contract Compliance Exemption Between Connecticut Community Colleges and General Physics Corporation

Acting Executive Director Brothers provided an overview regarding the two contract compliance exemption requests on the agenda which are both being recommended for granting. Item IV.A. is between the Judicial Branch and The Center for Court Innovation. The U.S. Department of Justice is giving money to the City of New York to set up a mentoring court program. The Connecticut Judicial Branch has established community courts in Connecticut and the Hartford Community Court Session filed an application for and was selected as one of five courts for the designation as a mentor court. Item IV.B. was initially being recommended for granting with a number of conditions, however, the recommendation was modified as of today. The request is in connection with a contract with General Physics Corporation to provide specialized academic training for United Technologies Corporation employees and Manchester Community College students. General Physics Corporation has agreed to allow the Community College System to use their program and will pay the state money for doing so. In essence, the state will be receiving a gift. There was no further discussion on the two exemption requests. A motion was made by Commissioner Lobon and seconded by Commissioner Mambruno to accept the staff recommendations to grant the contract compliance exemptions between the Judicial Branch and The Center for Court Innovation and the Connecticut Community Colleges and General Physics Corporation. The motion carried unanimously with the exception of Chairperson Norton who did not vote.

V. **DIVISION REPORTS**

A. Affirmative Action Program Manager's Report

The Affirmative Action Program Manager's reports were provided to the Commissioners in their mailing packet. Ms. Sparveri indicated there was only one personnel transaction since last month's activity report which was the transfer of a Secretary I from the Capitol Regional Office to the Legal Division.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, stated that the personnel status report reflects the permanent Executive Director position has been approved with conditional refill authorization from the Office of Policy and Management. Ms. Provost noted she spoke with a representative from the Department of Administrative Services yesterday and it is anticipated the position will be posted within the next week to ten days. There were no questions regarding the financial status reports.

C. Field Operations Report

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

D. Legislative Report

Mr. Brothers indicated that Mr. O'Neill was not present as he was attending a session at the Legislative Office Building. Mr. O'Neill continues to provide weekly updates regarding legislation to the Commissioners. Chairperson Norton asked Mr. Brothers to convey to Mr. O'Neill that the weekly updates are helpful and informative.

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

As requested at last month's meeting, a more detailed, written outline regarding the Acting Executive Director's activities was provided to the Commissioners. Mr. Brothers noted the report is not all inclusive and highlighted some of the activities noted in the report, as well as other additional items, including: the completion of a Commissioners' Resource Manual, which was compiled with the assistance of Attorneys Cheryl Sharp and David Kent, and the favorable decision from the Connecticut Supreme Court in the Lyons matter, which authorizes actions against the state. Mr. Brothers added that he continues to meet with various Legislators to address pending legislation and consideration regarding modification of the Governor's and Appropriations budgets. The agency has completed, and is now in compliance with, the annual reports regarding affirmative action and contract compliance. Both reports are now current. In closing, Mr. Brothers stated Microsoft has adopted a board resolution, which is significant. Commissioners Lobon and Copeland commended Attorneys Sharp and Kent on the Commissioners' Resource Manual noting it is a very useful document for the Commissioners.

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 Cruz that the Commission go into Executive Session, including inviting Acting Executive Director Brothers, Assistant Attorney General David Teed, Attorney Cheryl Sharp and Attorney Robert Zamlowski, for different portions of the Executive Session, for the purpose of discussing pending litigation 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 Lobon to return to Regular Session. The motion carried with Commissioners Cruz, Johnson, Lobon and Mambruno voting in the affirmative. Commissioner Copeland was no longer present and Chairperson Norton did not vote. The Chairperson reported no votes were taken in the Executive Session.

**VIII. VOTE ON EXECUTIVE SESSION ITEMS**

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

No reports were provided concerning pending litigation or personnel matters.

**IX. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Lobon and seconded by Commissioner Mambruno to adjourn the meeting at 5:00 p.m. The motion carried unanimously. Chairperson Norton did not vote.