

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
WEDNESDAY, JUNE 10, 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
Shelley Copeland
Alexia E. Cruz

COMMISSIONERS ABSENT

Milton Johnson
John Lobon
Patricia Wrice

STAFF PRESENT

Robert J. Brothers, Jr., Acting Executive Director
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor
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 June 10, 2009 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:10 p.m.

II. SECRETARY

A. Review and Approval of Minutes of May 13, 2009 Regular Commission Meeting

Secretary Mambruno requested a motion approving the minutes of the May 13, 2009 Regular Commission meeting. A motion was made by Commissioner Cruz and seconded by Commissioner Copeland to approve the minutes of the May 13, 2009 Regular Commission meeting as presented. There was no discussion. The motion carried with Commissioners Copeland, Cruz and Mambruno voting in favor of the motion. Commissioner Clarke abstained and Chairperson Norton did not vote on the motion.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Board of Trustees of Community-Technical Colleges
2. Connecticut State Library
3. Department of Social Services

Chairperson Norton requested a motion to accept the staff recommendations for approval and retention of annual filing status for the Board of Trustees of Community-Technical Colleges, Connecticut State Library and the Department of Social Services. A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to accept the staff recommendations for approval and retention of all filing status for the three noted affirmative action plans. The Chairperson asked Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to introduce the agency representatives in attendance and provide an overview for each recommendation.

Mr. Bingham introduced Kenneth Armstrong, System Officer for Equity and Diversity, in attendance from the Board of Trustees of Community-Technical Colleges. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring, promotion and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 6 out of 8 or 75% and total goal achievement was 6 out of 8 or 75%. The plan has been approved for each of the past five years. No additional discussion followed.

Kendall Wiggin, State Librarian, and Louise Carey, Human Resources Specialist and Affirmative Action Officer, were in attendance representing the Connecticut State Library. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring, promotion and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 3 out of 4 or 75%, total goal achievement was 3 out of 4 or 75% and 4 out of 4 program goals, or 100%, were met. The plan was approved for each of the past five years. Commissioner Mambruno commended the agency on its impressive goal achievement, specifically having met 100% of their program goals. Chairperson Norton asked if looking at the goals can determine if an agency is closer to achieving workforce parity. Neva Vigezzi, Affirmative Action Program Analyst, responded to the Chairperson. She stated that an agency with a workforce of

100 employees will have fewer goals than an agency with 1,000 employees. In addition, the type of workforce is a factor. Some agencies and job titles are easier to recruit for because more individuals go into those positions. Ms. Vigezzi gave an example using faculty positions. All colleges would recruit on a nationwide basis to fill a certain discipline, however, a college located in a more remote area may have a more difficult time having a goal candidate accept a position than a college located in an urban setting. A goal candidate may want to establish their family in an area that reflects their own ethnicity or racial group. There were no further questions or discussion regarding this Item.

Mr. Bingham introduced Deputy Commissioner Claudette Beaulieu and Astread Ferron-Poole, Director of Administration for Affirmative Action, in attendance from the Department of Social Services. 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, the agency has demonstrated good faith effort to achieve its goals and there were no deficient elements in the prior plan. Short-term goal achievement was 59 out of 120 or 49.2%, total goal achievement was 59 out of 120 or 49.2% and promotion goal achievement was 36 out of 61 or 58%. The plan was approved for each of the past five years. Commissioner Clarke asked the staff to explain why the original recommendation to disapprove the plan was changed to the current approval recommendation. Acting Executive Director Brothers, Mr. Bingham and Paula Ross, HRO Representative who reviewed the plan, responded to Commissioner Clarke. Mr. Brothers explained that his procedure is to review any disapproval recommendation with the staff prior to signing off on the summary. With respect to this particular plan, Mr. Brothers felt a conditional approval recommendation may be appropriate. Additional information was brought to the reviewer's attention and, after further discussion with staff, the recommendation was revised. Ms. Ross explained that during the review she was unable to determine what happened to four Black male candidates in one job search. Based on that and the criteria of the regulations, she made the disapproval recommendation, however, she felt that the plan was very well done and that was the only error found in the goals analysis. Subsequently, it was brought to her attention that despite the fact that the four Black males were not discussed, the agency had met all their Black male goals, therefore, they were no longer goal candidates. Accordingly, it was a misinterpretation on the part of the reviewer based upon looking at the explanation and the numbers. Ms. Ross also noted that when an agency has job categories where searches are done multiple times during the year for the same titles, the goal candidates are not goal candidates half way through the year because those goals have been met. Commissioner Clarke thanked Ms. Ross for the explanation relative to the approval recommendation and noted that the agency's minority percentages across the total workforce are excellent. No further discussion followed.

The motion accepting staff recommendations for approval and retention of annual filing status for the Board of Trustees of Community-Technical Colleges, Connecticut State Library and Department of Social Services carried unanimously. Chairperson Norton did not vote on the motion.

Staff Recommendations: Disapprovals

1. Manchester Community College

A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept the staff recommendation for disapproval and retention of annual filing status for Manchester Community College. Mr. Bingham introduced the following individuals in attendance from Manchester Community College: Gena Glickman, President; Deborah Wilson, Affirmative Action Officer/Human Resources Director; and Debbie Colucci, Affirmative Action and Staff Development Coordinator. 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 substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 6 out of 9 or 67%, long-term goal achievement was 3 out of 6 or 50%, total goal achievement was 9 out of 15 or 60% and promotion goal achievement was 5 out of 15 or 33.3%. The plan was approved in 2004, 2005 and 2006, disapproved in 2007 and placed on a six-month filing schedule, conditionally approved in 2008 and later in 2008 the College submitted another plan and it was conditionally approved. Mr. Bingham stated for the record that although the summary indicated the College did not submit a Letter of Commitment, it was in fact received on November 3, 2008. In addition, in the initial mailing, the section for Identification of Problem Areas was marked as weak. It was deficient and was changed to be placed in the deficient section rather than the weak section in the summary. It was deficient in the previous plan as well. There were two areas that were not substantially addressed; now there are three. Commissioner Cruz requested further explanation relative to comments in the summary that data was not corrected in this year's plan. Valerie Kennedy, HRO Representative, reviewed the plan and responded to Commissioner Cruz. A handout was also provided to the Commissioners. Ms. Kennedy stated that after reviewing the previous two plans, there were substantial errors in the Availability, Utilization, Hiring Goals and Timetables, Identification of Problem Areas and Employment Analysis. In February, a technical assistance session was held at which time the College was asked to submit a summary confirming what was reviewed and their understanding concerning the need for corrections. CHRO's practice will be to have all agencies complete a summary of technical support following a technical

assistance session. Areas highlighted in the handout address specific issues that were involved and problematic in the previous plan. The College was advised that under availability analysis, The Digest of Education Statistics has data for 2005 which should have been used for this plan, that all worksheets should be included and that third quarter unemployment data should be used. In addition, the College was to ensure that the data was correct for setting goals. Ms. Kennedy spoke of errors that were not corrected in the Employment Analysis and Identification of Problem Areas. She also explained in detail the numerous errors in the College's use of the data contained in the Digest of Education Statistics and in their identification and computation of unemployment statistics. In response to a question from Commissioner Copeland, Ms. Kennedy confirmed that there was some staff turnover in the College's Affirmative Action Office, but noted this is the fourth time the plan is being recommended for disapproval.

President Glickman and Ms. Colucci addressed the Commissioners regarding the disapproval recommendation. President Glickman distributed a comprehensive response to the summary to the Commissioners. President Glickman stated her belief that the College has made substantial improvements, cited the increase in goal achievement from the prior year and requested a conditional approval and annual filing. Ms. Colucci discussed the fact that her role is to look at the writing of the plan and the implementation of programmatic pieces of it, as well as staff development. Ms. Colucci reiterated that the College believes it made substantial improvements from the previous plans, but acknowledged that the wrong data was used. Ms. Colucci added that she joined an organization of state universities in order to improve networking, and is committed to working closely with Ms. Kennedy. Commissioner Copeland asked Ms. Kennedy what is needed from a capacity building standpoint to get to the place to have an approved plan. Ms. Kennedy emphasized that the College needs to input the accurate data and stressed the importance of having a single person responsible for all of the data to address the continuing problems in their availability analysis. Ms. Kennedy also indicated it is standard procedure that whenever a section is deficient, agencies are requested to meet with staff for a technical assistance session.

Commissioners Cruz and Mambruno stated their concern regarding the College's prior comments to come back and present the best plan possible and as a result of those commitments, the Commissioners twice changed the disapproval recommendations to conditional approvals. They indicated they would not be willing to do so again. No additional discussion followed regarding the disapproval recommendation.

The motion accepting the staff recommendation for disapproval and retention of annual filing status for Manchester Community College carried unanimously. Chairperson Norton did not vote on the motion.

2. Charter Oak State College

A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno to accept the staff recommendation for disapproval and retention of annual filing status for Charter Oak State College. Mr. Bingham introduced Shirley Adams, Deputy Executive Director, Board for State Academic Awards – Charter Oak State College, and Clifford Williams, Chief Financial Officer/Affirmative Action Officer, Board for State Academic Awards – Charter Oak State 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 and the agency has not demonstrated every good faith effort to achieve its goals. Short-term goal achievement was 2 out of 9 or 22%, total goal achievement was 2 out of 9 or 22% and 1 out of 4 possible program goals were met or 25%. The plan was approved in 2004, disapproved in 2005, conditionally approved in 2006, disapproved in 2007 and approved in 2008. Commissioner Cruz requested clarification regarding hires that do not appear to be affiliated with a category. Susan Hom, HRO Representative, reviewed the plan and explained that the two White male hires and one Hispanic male hire are part of the Professional occupational category, but do not correspond to any hiring goals. Further discussion followed regarding the disapproval recommendation. Clifford Williams addressed the Commissioners and indicated that the agency did not respond to last year's comments because he, as the Affirmative Action Officer, did not receive the formal evaluation and recommendations on the prior plan. Upon learning that this plan was being recommended for disapproval, he asked Mr. Bingham to fax last year's evaluation. Ms. Hom confirmed that the evaluation had in fact been e-mailed and faxed to the agency. Ms. Hom also indicated that there was a weakness in last year's plan and after last year's meeting the prior reviewer had requested Mr. Williams to contact him to address the weaknesses in the plan and he did not. Commissioner Cruz asked if a representative from the College could explain whether they are having difficulty recruiting diverse candidates for the Professional category. Mr. Williams stated that the College continues to experience difficulty in this area and acknowledged that they have to do a better job recruiting. Both Mr. Williams and Ms. Adams explained that the College is unique in that they are an online school and only have employees in the Administrative and Professional categories. Mr. Williams also noted that the College did demonstrate good faith effort during the reporting period as reflected by hiring a Hispanic male, which added diversification to the workforce, as well as two Black females and a part-time Hispanic female. A full-time position was offered to a Black female candidate who turned down the position due to salary issues. He asked the Commissioners to weigh all of these factors in making a recommendation on this plan. No further discussion followed.

The motion accepting the staff recommendation for disapproval and retention of annual filing status for Charter Oak State College carried with Commissioners Copeland, Cruz and Mambruno voting in the affirmative. Commissioner Clarke opposed the motion and the Chairperson did not vote.

IV. NEW BUSINESS

A. Request for Extension of the Memorandum of Understanding Between the Commission on Human Rights and Opportunities and the Department of Transportation Regarding Contract Compliance Equivalent Agency Status

Acting Executive Director Brothers noted that this Item pertains to a request for an extension of a Memorandum of Understanding between CHRO and the Department of Transportation. The Commission is authorized under Conn Gen. Stat. Sec. 46a-68k to give equivalency status to another agency if it is deemed they are doing the same type of review as CHRO. This Memorandum of Understanding has been in place since 1993. The current request would grant authorization to the Acting Executive Director to continue entering in an annual MOU with the Department of Transportation, as well as to execute the MOU. A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno granting the Acting Executive Director the authority to enter into a Memorandum of Understanding for one more year with the Department of Transportation. The motion carried unanimously. Chairperson Norton did not vote.

B. Petition for Declaratory Ruling in the matter of Joseph J. Saviano, Jr. v. Town of Westport

Acting Executive Director Brothers provided background information on this Item. A Petition for Declaratory Ruling is a request to the Commission for a legal opinion. In this particular case, Mr. Brothers indicated the first order of business is that there is a Motion to Intervene from the complainant. The Petition for Declaratory Ruling was submitted by the Respondent and deals with a case pending in the field. By statute and regulation, the Commission must give notice to any interested party, which was done, and the complainant made a request to intervene in this matter. Acting Executive Director Brothers recommended the Commissioners vote to grant the complainant intervener status. A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno granting intervener status in the Declaratory Ruling proceeding to Mr. Saviano. The motion carried with Commissioners Clarke, Cruz and Mambruno voting in the affirmative. Commissioner Copeland abstained and the Chairperson did not vote. With respect to the Petition, Acting Executive Director Brothers reiterated that the case is pending in the field and subsequent to this proceeding, there has been a final recommendation and the matter has been resolved through the

investigation stage. Mr. Brothers' recommendation to the Commissioners regarding the Declaratory Ruling is to set it down for a specified proceeding, specifically, the ongoing investigation. A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke to accept staff recommendation to set the Petition for Declaratory Ruling aside for a specified proceeding. The motion carried unanimously with the exception of the Chairperson who did not vote.

C. Discussion and Vote to Change Location of August and September 2009 Regular Commission Meetings

Acting Executive Director Brothers recommended the Commissioners vote to change the location of the August Regular Commission meeting due to the fact that the health center holds its annual health fair which creates parking problems on Grand Street. With respect to the September meeting, Mr. Brothers indicated there will be as many as ten state agency affirmative action plans on the agenda and the Commission's large conference room may not accommodate the number of anticipated visitors, however, Mr. Brothers will ask Mr. Bingham to request agencies bring fewer representatives to the meeting for this reason. Accordingly, the recommendation is to vote to move August meeting to a location other than the Commission's large conference room. A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno to move the August 2009 Regular Commission meeting to a location to be determined. 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 provided to the Commissioners in their mailing packet. Gloria Sparveri, Affirmative Action Program Manager, noted there was only one personnel transaction since last month's report, which was the resignation of an Office Assistant in the Commission's Norwich Office.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, stated the Office Assistant position noted by Ms. Sparveri has been abolished, leaving a total of 95 agency positions, including two support staff in the Norwich Office. Commissioner Clarke commented that the fiscal reports prepared by Ms. Provost are laid out extremely well and are very easy to understand.

C. Field Operations Report

Acting Executive Director Brothers indicated Donald Newton, Chief of Field Operations, was not available today. There was no discussion regarding the Report on Caseload Statistics.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, provided the Commissioners with a summary of bills of interest to CHRO. Mr. O'Neill highlighted several bills supported by CHRO, including an amendment regarding equal pay for equal work and House Joint Resolution 1, which is a Resolution Expressing the Profound Regret of the Connecticut General Assembly For The History Of Wrongs Inflicted Upon Black Citizens By Means Of Slavery, Exploitation And Legalized Racial Segregation, And Calling On All Citizens To Take Part In Acts Of Racial Reconciliation. In addition, Public Act 09-158, An Act Concerning Certain State Contracting Nondiscrimination Requirements, significantly changes the contract nondiscrimination exemption issue. Mr. O'Neill indicated this bill will most likely be addressed in greater detail next month. Another bill of interest to CHRO, Public Act 09-87, An Act Concerning Affirmative Action and Contract Procedures for the Metropolitan District of Hartford County, would have taken the MDC and considered them a state agency for the purposes of filing an affirmative action plan with CHRO. The Governor vetoed this bill today. The Commission's bill regarding technical changes to affirmative action plans regarding 90 days and status within housing discrimination lawsuits was left on the calendar and was not addressed. In response to a question from Chairperson Norton, Mr. O'Neill noted it is not likely that any of CHRO's bills would go into implementer bills.

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

Acting Executive Director Brothers noted that there are two reopening requests on today's agenda. He confirmed there were no representatives in attendance for either request. Mr. Brothers highlighted various items from his written report. He stated he transferred a Secretary I from the Capitol Region Office to the Legal Division. Supply requests continue to be approved only for items deemed absolutely essential. As a result, Mr. Brothers has asked staff to make two-sided copies of documents. Commissioners Clarke, Copeland and Cruz indicated they can receive Commission meeting materials electronically. Mr. Brothers also discussed budget issues. There was another recommendation to the Governor's budget in addition to her previous proposal, which included closing the Norwich and Waterbury offices and now proposes adding the Appropriations changes. Currently, there are three CHRO employees who have officially signed up for the Retirement Incentive Program. Looking ahead, Mr. Brothers indicated it may

take some shuffling to determine how staff resources will best be utilized in light of the retirements and budget proposals. In closing, Mr. Brothers noted the East Haven Police Department issue has been addressed. Copies of correspondence pertaining to this matter were provided to the Commissioners in their mailing packet.

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 Clarke 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 requests 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 Clarke and seconded by Commissioner Mambruno to return to Regular Session. The motion carried with Commissioners Clarke, Cruz and Mambruno voting in favor of the motion. 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

There was no discussion regarding pending claims or pending litigation.

B. Reopening Requests

1. Ana Sanchez v. Hartford Housing Authority – CHRO Case No. 0950071

A motion was made by Commissioner Clarke and seconded by Commissioner Cruz to accept the staff recommendation to deny the reopening request in the matter of Ana Sanchez v. Hartford Housing Authority, CHRO Case No. 0950071. Chairperson Norton commented that while the Commission sympathizes with Ms. Sanchez, she knowledgeably withdrew her complaint and ended her involvement with CHRO. It is also clear that she did so in both English and Spanish in order to avoid confusion. There was no further discussion. The motion carried unanimously, with the exception of the Chairperson who did not vote.

2. Atiya Sample v. Securitas Security Services USA, Inc. – CHRO Case No. 0840408

It was moved by Commissioner Clarke and seconded by Commissioner Cruz to accept the staff recommendation to deny the reopening request in the matter of Atiya Sample v. Securitas Security Services USA, Inc., CHRO Case No. 0840408. The Chairperson pointed out that the complainant in this matter received certified mail that was attested to by the Post Office, and thereby failed to do due diligence to check on mail sent to her by the Commission. No further discussion followed. The motion carried unanimously. Chairperson Norton did not vote on the motion.

C. Personnel Matters

There was no discussion concerning personnel matters.

IX. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Clarke and seconded by Commissioner Cruz to adjourn the meeting at 4:43 p.m. The motion carried unanimously. Chairperson Norton did not vote.