

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
WEDNESDAY, JULY 8, 2009, 2:00 P.M.  
21 GRAND STREET, HARTFORD, CONNECTICUT 06106  
LARGE CONFERENCE ROOM**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Cheryl Lynn Clarke  
Alexia E. Cruz  
Milton Johnson (joined the meeting in progress)  
John Lobon  
Patricia Wrice

**COMMISSIONERS ABSENT**

Shelley Copeland  
Edward Mambruno

**STAFF PRESENT**

Robert J. Brothers, Jr., Acting Executive Director  
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor  
James O'Neill, Legislative and Regulations Specialist  
David Teed, Assistant Attorney General  
Linda Civitillo, Executive Secretary

**I. CHAIRPERSON**

A. Convene Meeting

Chairperson Andrew Norton convened the July 8, 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 June 10, 2009 Regular Commission Meeting

In the absence of Secretary Mambruno, Chairperson Norton requested a motion approving the minutes of the June 10, 2009 Regular Commission meeting. A motion was made by Commissioner Clarke and seconded by Commissioner Cruz to approve the minutes of the June 10, 2009 Regular Commission meeting as presented. There was no discussion. The motion carried with Commissioners Clarke, Cruz and Wrice voting in favor of the motion. Commissioner Lobon abstained, Commissioner Johnson was not present and Chairperson Norton did not vote on the motion.

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

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

Staff Recommendations: **Approvals**

1. Office of the Child Advocate
2. Military Department
3. Naugatuck Valley Community College
4. Quinebaug Valley Community College
5. Three Rivers Community College
6. Tunxis Community College

At the recommendation of Acting Executive Director Robert Brothers, Chairperson Norton requested a motion to amend the agenda for the purpose of moving Tunxis Community College from a disapproval recommendation to an approval recommendation. A motion was made by Commissioner Cruz and seconded by Commissioner Clarke to amend the agenda for the stated purpose. The motion carried with Commissioners Clarke, Cruz, Lobon and Wrice voting the affirmative. Commissioner Johnson was not present and the Chairperson did not vote.

Chairperson Norton requested a motion to accept staff recommendations for approval and retention of biennial filing status for the Office of the Child Advocate and approval and retention of annual filing status for the Military Department, Naugatuck Valley Community College, Quinebaug Valley Community College, Three Rivers Community College and Tunxis Community College. A motion was made by Commissioner Clarke and seconded by Commissioner Wrice to accept the staff recommendation for approval and retention of biennial filing status for the Office of the Child Advocate and approval and retention of annual filing status for the remaining five 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 Jeanne Milstein, Child Advocate, and Alicia Nuñez, EEO Specialist, in attendance from the Office of the Child Advocate. 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 and total goal achievement was 1 out of 1 or 100%. The agency's first filing was in 2007 and the plan was approved. No additional discussion followed.

**(Commissioner Johnson joined the meeting)**

The following individuals were in attendance representing the Military Department: Major John Whitford; Anthony Lewis, Human Resource Manager; Tom Thomas, Fiscal Administrative Manager; and Laura Guilmartin, EEO Specialist. 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 to achieve its goals and the agency has substantially addressed deficient elements in the previous plan. Short-term goal achievement was 4 out of 8 or 50%, total goal achievement was 4 out of 8 or 50% and there were no program goals set in the prior year. The plan has been approved for each of the past five years. Chairperson Norton asked if the federal government is involved in hiring within the Military Department. Anthony Lewis, Human Resource Manager, responded to Chairperson Norton and indicated the agency has a state and federal component. The agency's Commissioner, Adjutant General Thaddeus Martin, and Mr. Lewis are responsible for hiring all state employees, but there is also a federal counterpart who handles the enlistment of all soldiers in uniform. There are approximately 3,000 federal employees that report to the National Guard in Washington, D.C. Mr. Lewis also explained that the three employees who comprise the Officials/Administrator category are the Fiscal Administrative Manager, Fiscal Administrative Supervisor and Human Resource Manager. Commissioner Clarke noted that the General Trades Worker is listed as a non-competitive position and asked for an explanation. Mr. Lewis responded that competitive positions within state government are filled through the examination process; non-competitive positions do not require an exam. Positions such as Skilled Maintainer and Custodian, as well as other entry-level positions, do not require an employee to take an examination, however, candidates must meet certain criteria in order to be considered for the position. No further discussion followed regarding this Item.

Mr. Bingham introduced President Daisy Cocco-DeFilippis, A.J. DuBois, Director of Human Resources; and Ronald Clymer, Affirmative Action Officer, in attendance from Naugatuck Valley Community College. 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, 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 9 or 56%, long-term goal achievement was 4 out of 6 or 67%, total goal achievement was 9 out of 15 or 60% and promotion goal achievement was 3 out of 9 or 33%. The plan was approved for each of the past five years. Chairperson Norton commented that the workforce analysis for this agency provides a more detailed breakdown of the percentages of employees by protected class not only as a total of the agency, but within each category or class as well. Mr. Bingham and Mr. Brothers responded by noting that currently the regulations do not require this format and that the agencies that provide the

information in this format do so electively. No additional discussion followed.

The following individuals were in attendance representing Quinebaug Valley Community College: Jerry Blazek, Director of Human Resources/Affirmative Action Officer, and David Bull, Dean of Administration. 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 0 out of 4 or 0% and there were no long-term goals met. The plan was approved in 2004, conditionally approved in 2005 and approved in 2006, 2007 and 2008. Commissioner Clarke raised a question concerning the minimum qualifications for the Instructor of English position, noting it may be difficult to find viable candidates due to the large and very specific number of qualifications required. Jerry Blazek, Director of Human Resources, responded to Commissioner Clarke. He extended apologies on behalf of President Diane Williams who was unable to attend today's meeting. Mr. Blazek explained the large number of qualifications is fairly standard for most of the positions at the College. A major area which they are very selective in the English area is developmental experience. The College is looking for candidates who can teach writing, basic sentences and grammar inasmuch as the College deals with a student population that is lacking in some critical English usage skills, therefore, the focus is almost remedial English. Mr. Blazek added that the College does get a large number of applicants who possess the English literature and history background, but lack the basic developmental experience. Another area where the College has found deficiencies with the English instructor applicants is their demonstration of teaching. Mr. Blazek indicated that the faculty develops the criteria that are used to select candidates, which has been utilized for years. He stated he would be willing to bring this issue back to the College to determine if these types of standards are too selective and whether they can be adjusted, especially when looking at diverse pools of candidates. He concluded by noting the College's focus is to make its faculty as diverse as possible and has made attempts to expand its level of recruitment extensively. Chairperson Norton asked for an explanation as to why there were no goals set in the Secretary/Clerical and Technical/Paraprofessional categories. Mr. Blazek explained that with respect to the Secretary category, the College met all their utilization numbers and within the Paraprofessional category there are only two positions in the College and there were no goals required. There was no additional discussion regarding this Item.

Mr. Bingham introduced the following individuals in attendance from Three Rivers Community College: President Grace Jones and George Rezendes, Director of Institutional Research/Affirmative Action Officer. 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 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 2 out of 5 or 40%, long-term goal achievement was 1 out of 6 or 16%, total goal achievement was 3 out of 11 or 27% and promotion goal achievement was 1 out of 1 or 100%. The plan was approved for each of the past five years. Mr. Bingham confirmed short-term goal achievement was 40%, not 47% as indicated in the summary received by the Commissioners. Commissioner Clarke raised a question regarding the goals within the Service/Maintenance job category and why the hire of one Hispanic male is not mentioned in the narrative. Neva Vigezzi, Affirmative Action Program Analyst, reviewed the plan and explained that the reason why it was not mentioned in the narrative is because that goal had been achieved. The narrative only addresses the goal that was not achieved and if there are any goal candidates to achieve those goals and why they weren't hired or promoted. No further discussion followed regarding this item.

Mr. Bingham introduced President Cathryn Addy and David Welsh, Affirmative Action Officer, in attendance from Tunxis Community College. 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. Long-term goal achievement was 5 out of 8 or 62.5% and total goal achievement was 5 out of 8 or 62.5%. No short-term goals were set. The plan was approved in 2004, 2005, 2006 and 2007 and disapproved in 2008. Commissioner Lobon requested further explanation as to why the recommendation was changed from disapproval to approval. Mr. Bingham stated the plan was originally recommended for disapproval because multiple individuals reviewed the plan and an unnumbered section was overlooked. It was brought to the reviewers' attention, corrected and the recommendation changed. Commissioner Wrice raised a question regarding the large number of "race unknowns" under the position of Director of Educational Technology. David Welsh, Affirmative Action Officer, responded that often an applicant doesn't identify race or gender on an application, but is still considered for the position. Mr. Welsh added that many of the College's positions are not filled utilizing the State's PLD-1 application form, therefore, a follow-up questionnaire is mailed out to applicants. It is optional for the potential candidate to identify their race and gender. Acting Executive Director Brothers confirmed that if a candidate is unknown, they must be considered as a possible goal candidate. Commissioner Cruz asked why there were no short-term or promotional goals set. Mr. Welsh indicated that the College does have one set of promotion goals as there are enough full Professors which are treated as a separate category. Valerie Kennedy, HRO Representative, also responded to Commissioner Cruz and indicated that an agency has to set goals, regardless of whether they are short or long-term at every filing. With regard to why plans were reviewed by more than one staff

person, Mr. Brothers and Ms. Kennedy indicated that staff is being cross trained in an effort to review plans in a timely fashion. Mr. Brothers added his focus is on being as accurate as possible, but there may be a potential for approving plans by default in the future. There was no further discussion.

A motion having been made and properly seconded, Chairperson Norton called for a vote. The motion carried with Commissioners Clarke, Cruz, Johnson and Wrice voting in favor of the motion. Commissioner Lobon abstained and Chairperson Norton did not vote.

### **Staff Recommendations: Disapprovals**

#### **1. Connecticut Commission on Culture and Tourism**

A motion was made by Commissioner Clarke and seconded by Commissioner Wrice to accept the staff recommendation for disapproval and retention of annual filing status for the Connecticut Commission on Culture and Tourism. Mr. Bingham introduced the following representatives in attendance from the Commission on Culture and Tourism: Karen Senich, Executive Director; Amanda Anduaga-Roberson, EEO Manager; and Johnette Tolliver, EEO Specialist 2. The plan is 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 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 4 out of 7 or 51%, long-term goal achievement was 1 out of 1 or 100% and total goal achievement was 5 out of 8 or 62.5%. The agency's first plan was filed in 2007 and was approved and it was also approved in 2008. Lengthy discussion followed regarding the disapproval recommendation. Executive Director Karen Senich addressed the Commissioners. Ms. Senich acknowledged that the ultimate success or failure of the plan rests with her, however, she asked that the agency's goal attainment, specifically, 100% of long-term goals, be recognized by the Commissioners. Ms. Senich added that she and the staff of DAS took seriously the recommendations from CHRO after last year's plan, which was approved, and she committed that any recommendations or proposals in this year's plan will be reviewed and addressed. She requested the Commission consider conditionally approving the plan. Chairperson Norton questioned whether there was a typographical error because the summary indicated the agency met substantially all of its hiring goals. Commissioner Clarke observed that the agency did not meet all of its program goals. Neva Vigezzi addressed the Commission as the reviewer, Paula Ross, retired from state service. She noted that the reason for the disapproval recommendation was because none of the program goals that were established in the prior filing had been addressed in this filing. Ms. Vigezzi further explained that the standard of review states an agency must meet all or substantially all of

its hiring, promotion and program goals. If program goals have not been met, an explanation must be provided in the plan as to why program goals established in the prior filing were not met. The plan would not meet the (b)(2) standard and does not demonstrate good faith effort to meet the unmet goals. Commissioner Cruz noted that Ms. Ross did not address the non-goal hires. Ms. Vigezzi explained that if the (b)(2) standard is met, then an explanation of every hire is not required in the summary, however, every non-goal hire and promotion is addressed in Section 46a-68-48, Goals Analysis, of the affirmative action plan. Amanda Anduaga-Roberson, DAS Smart Unit, indicated that the summary states that "program goals were not addressed therefore goal achievement could not be determined." Ms. Anduaga-Roberson acknowledged the four program goals set in last year's plan were not addressed in the Goals Analysis section, however, all of the program goals were discussed in several other sections of the plan, including External Communications, Identification of Problem Areas, Program Goals and Timetables and Employment Process. Johnette Tolliver, also from the DAS Smart Unit, reiterated that each program goal was met, but that the agency failed to discuss the goals in the Goals Analysis section. Commissioner Wrice stated her discomfort with changing the staff recommendation because the agency did not follow the rules and that's the only thing to be objective about.

There was no further discussion. Chairperson Norton called for a vote on the motion to accept the staff recommendation for disapproval and retention of annual filing status. Commissioner Wrice voted in favor of the motion and Commissioners Clarke, Cruz, Johnson and Lobon opposed the motion. The Chair did not vote. The motion failed. A motion was made by Commissioner Lobon and seconded by Commissioner Johnson to conditionally approve and retain annual filing status for the affirmative action plan for the Commission on Culture and Tourism. The motion carried with Commissioners Clarke, Cruz, Johnson and Lobon voting in the affirmative. Commissioner Wrice abstained and Chairperson Norton did not vote.

## 2. Middlesex Community College

Mr. Bingham introduced President Wilfredo Nieves and Josephine Agnello-Velley, Affirmative Action Officer, in attendance from Middlesex Community College. The plan is being recommended for disapproval based on non-compliance with the following: the workforce, considered as a whole and by occupational category, is not in parity with the relevant labor market area, the agency has not met all or substantially all of its hiring, promotion and program goals and the agency has not demonstrated every good faith effort to achieve its goals. Long-term goal achievement was 2 out of 9 or 22% and total goal achievement was 2 out of 9 or 22%. The plan was approved in 2004, disapproved in 2005 and placed on six-month filing and disapproved again in 2005 and approved in 2006, 2007 and 2008. Commissioner Clarke requested feedback from the College relative to the disapproval recommendation.

President Nieves addressed the Commission and thanked them for the opportunity to speak. He recognized and expressed his appreciation to Josephine Agnello-Velley, the College's Affirmative Action Officer, as well as the faculty, staff and students for their efforts and contributions to make the College work towards fulfilling all its requirements and for being an organization that is inclusive and embraces diversity and equity. President Nieves stated the College does not agree with the disapproval recommendation and is in the process of preparing a written response to all of the areas. He further stated there are issues of concern that revolve around consistency, clarity, openness and objectivity. President Nieves also indicated the College has worked with the staff of CHRO and received technical assistance, but often times there is some confusion as how best to address certain issues. President Nieves emphasized the College is committed to addressing whatever deficiencies there are and making sure the requirements and standards are met. In response to a question from Commissioner Clarke, President Nieves noted there was not a staff change within either the College or the Commission's reviewer. Commissioner Lobon asked for further elaboration as to why this plan is recommended for disapproval in light of three consecutive approvals. Valerie Kennedy reviewed the plan and stated the biggest problem with the plan and why it is being recommended for disapproval is that under professional faculty there was a Black male goal and there were five Black male candidates in the pool that were not discussed. The College received notice in the comparative evaluation sent on July 24, 2008 that indicated the goals they had set were incorrect and needed to be corrected. Other problems that resulted in some weaknesses or deficiencies were areas not corrected from the previous plan. Josephine Agnello-Velley also addressed the Commissioners and expressed her concern that when the College sought assistance regarding the correct procedure in the rounding of numbers, she received no response from the Commission. Ms. Agnello-Velley also asserted that a Black male goal was not required in the prior filing due to the statistics. Acting Executive Director Brothers stated he will ask Mr. Bingham to follow up with the College regarding this issue. Mr. Brothers also indicated training agencies will become a priority as soon as a budget is finalized and staffing needs are addressed. Commissioner Clarke stated her reluctance to disapprove the plan until some of the noted inconsistencies are resolved. There was no further discussion regarding this Item.

A motion was made by Commissioner Lobon to conditionally approve the affirmative action plan for Middlesex Community College and retain annual filing status. The motion was seconded by Commissioner Clarke. The motion carried with Commissioners Clarke, Cruz and Lobon voting in favor of the motion. Commissioners Johnson and Wrice abstained and Chairperson Norton did not vote.

**IV. NEW BUSINESS**

A. Request for Contract Compliance Exemption Between the Department of Environmental Protection and Providence and Worcester Railroad Company

Acting Executive Director Brothers explained this Item is a request for a proposed agreement between the Department of Environmental Protection and the Providence and Worcester Railroad Company and involves federal money coming to the DEP for the conversion of a diesel locomotive engine to a more environmentally friendly engine. Mr. Brothers indicated the staff is recommending the exemption request be granted on a one-time basis. It was moved by Commissioner Clarke and seconded by Commissioner Cruz to accept the staff recommendation to grant the contract compliance exemption request between the Department of Environmental Protection and the Providence and Worcester Railroad Company. The motion carried unanimously with the exception of Chairperson Norton who did not vote.

The Chairperson asked if a company doing business with Connecticut through a contract passes a board resolution to place themselves in compliance must it pass a resolution each time or is one resolution sufficient. Mr. Brothers indicated the agency's interpretation is that one resolution is sufficient and it is not necessary to continue passing resolutions.

**V. DIVISION REPORTS**

A. Affirmative Action Program Manager's Report

Mr. Brothers indicated that Gloria Sparveri was in the office earlier today, but was not available for the meeting due to illness. There were no questions regarding the Affirmative Action Program Manager's reports.

B. Fiscal Report

Mr. Brothers noted Michelle Provost, Fiscal Administrative Supervisor, was also unavailable for the meeting. There was a short discussion regarding agency operations in the absence of a state budget. Mr. Brothers explained agencies are operating on a 30-day budget and have a 30-day allotment of money. He added all of the same constraints are in place, including the hiring and travel freeze. In response to a question from the Chairperson, Acting Executive Director Brothers stated the agency's retirees will not change the affirmative action goals until the next reporting period.

C. Field Operations Report

The Acting Executive Director reported that Donald Newton, the Commission's Chief of Field Operations, retired from state service effective July 1, 2009. Mr. Newton's Report on Caseload Statistics was included in the Commissioners' mailing packet. Mr. Brothers indicated the statistical portion of Mr. Newton's report may be able to continue to be computer generated.

D. Legislative Report

James O'Neill, Legislative and Regulations Specialist, provided the Commissioners with two recent communications – a letter to Governor Rell, Senator Williams and Representative Donovan, which represents an additional effort by Acting Executive Director Brothers to bring CHRO's budget concerns to their attention, and a memorandum to the members of the Black and Latino Caucus, which provides in greater detail how the changes to the Appropriations budget would impact CHRO. There was a short discussion regarding the budget proposals, including the recommended transfer of two affirmative action positions to DAS, two contract compliance positions to the Attorney General's Office, as well as two Business Office positions to DAS. There was also a short discussion regarding the impact of the agency's retirees. Mr. Brothers indicated the agency was required to submit a five, seven and ten percent reduction plan based on retirement. A total of eight employees took advantage of the retirement incentive, which was somewhere between the five and seven percent of the salaries of the retirees. Mr. Brothers reiterated that although there is still a hiring freeze in place, the Office of Policy and Management has instructed agencies that vacancies occurring as a result of the retirement incentive program not be abolished. Approval for the refill of positions must go through the Office of Policy and Management, Department of Administrative Services and the Governor's Office.

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

The Acting Executive Director's Activity Report was included in the Commissioner's mailing packet. There was no additional discussion as various issues of interest were previously covered by Mr. Brothers.

VI. **EXECUTIVE SESSION**

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Wrice 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 Johnson and seconded by Commissioner Wrice to return to Regular Session. The motion carried unanimously. 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. Valerie Gagne v. Steven and Julie MacCormack dba Pearl Street Apartments – CHRO Case No. 0950026

A motion was made by Commissioner Wrice and seconded by Commissioner Cruz to accept the staff recommendation to deny the reopening request in the matter of Valerie Gagne v. Steven and Julie MacCormack dba Pearl Street Apartments, CHRO Case No. 0950026. Chairperson Norton noted that there was no material mistake of fact or law that was committed by CHRO staff which warrants reopening the complaint. The motion carried unanimously. Chairperson Norton did not vote.

2. Ernest Gagne v. Steven and Julie MacCormack dba Pearl Street Apartments – CHRO Case No. 0950027

It was moved by Commissioner Clarke and seconded by Commissioner Johnson to accept the staff recommendation to deny the reopening request in the matter of Ernest Gagne v. Steven and Julie MacCormack dba Pearl Street Apartments, CHRO Case No. 0950027. Chairperson Norton reiterated that as in the previous case, there were no mistakes committed by the agency which would warrant reopening the complaint. 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 4:44 p.m. The motion carried unanimously. Chairperson Norton did not vote.