

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
WEDNESDAY, SEPTEMBER 9, 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

COMMISSIONERS ABSENT

Cheryl Lynn Clarke
John Lobon
Milton Johnson
Patricia Wrice

Commissioner Clark was scheduled to participate in the Commission meeting telephonically, but unfortunately was not able to do so, due to technical difficulties with the phone equipment.

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
Cynthia L. Rose, Administrative Assistant

I. CHAIRPERSON

A. Convene Meeting

Chairperson Andrew Norton convened the September 9, 2009 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:07 p.m.

II. SECRETARY

A. Review and Approval of Minutes of August 12, 2009 Regular Commission Meeting

Secretary Mambruno requested a motion approving the minutes of the August 12, 2009 Regular Commission meeting. Commissioner Mambruno noted that the meeting was held at the Legislative Office Building. A motion was made by Commissioner Cruz and seconded by Commissioner Copeland to approve the minutes of the August 12, 2009 Regular Commission meeting as presented. There was no discussion. The motion carried unanimously. Chairperson Norton did not vote on the motion. There was no discussion.

III. AFFIRMATIVE ACTION RECOMMENDATIONS

A. Agencies Proposed Affirmative Action Plans

Staff Recommendations: **Approvals**

1. Office of State Comptroller
2. CT State University System
3. Department of Economic & Community Development
4. Office of the Chief Medical Examiner
5. Office of the Attorney General
6. Eastern Connecticut State University
7. Police Officer Standards and Training Council
8. Department of Education

Mr. Bingham reported that Central Connecticut State University will not be reviewed this year due to a shortage of staff and time constraints. Central Connecticut State University's affirmative action plan has been approved for the past five years. Central Connecticut State University will be approved by default based on the statute and requires no vote.

1. Office of State Comptroller

Mr. Bingham introduced the following individual(s) in attendance from the Office of State Comptroller: Mark Ojakian, Deputy State Comptroller and Leah Glende, EEO Specialist. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has demonstrated every good faith effort to achieve its goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Goal achievement was 3 out of 5 or 60%, total goal achievement 3 out of 5 or 60%. In addition, one out of the two possible promotion goals were met at 50%, there were no program goals. The five year history is as follows: In 2004, 2005, 2006, 2007, and 2008 the plan was approved. No questions or comments followed.

2. CT State University System

Mr. Bingham introduced the following individual(s) in attendance from the CT State University System: Dr. David G. Carter, Chancellor, CSU, Dr. Louise Feroe, Senior Vice Chancellor for Academic & Student Affairs, Pamela Kedderis, Vice Chancellor for Finance & Administration, Ellen Mantel, and Human Resources Manager/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 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. Goal achievement: short term goal achievement was 3 out of 4 or 75%, total goal achievement was 3 out of 4 or

75%. The five year history is as follows: in 2004, 2005, 2006, 2007, and 2008 the plan was approved. A brief discussion followed.

3. Department of Economic & Community Development

Mr. Bingham introduced the following individual(s) in attendance from the Department of Economic & Community Development: Irena Baj Wright, EEO Specialist and Joseph Oros, Chief of Staff for Commissioner McDonald. 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. Goal achievement: the short term goal achievement was 1 out of 5 or 20%, long term goal achievement was 1 out of 1 or 100%, total goal achievement was 2 out of 6 or 33%. In addition 1 out of 3 possible promotional goals were met or 33.3% and 4 out of 4 program goals were met or 100%. The five year history is as follows: in 2004, 2005, 2006, 2007, and 2008 the plan was approved. A brief discussion followed.

4. Office of the Chief Medical Examiner

Mr. Bingham introduced Joseph P. Olender, Chief Medical Examiner in attendance from the Office of the Chief Medical Examiner. 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 addressed all of its hiring goals. Program goals were all met. The agency has demonstrated every good faith effort to achieve such goals. The agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Goal achievement: short term goal achievement was 1 out of 4 or 25%, total goal achievement was 1 out of 4 or 25%. The five year history is as follows: in 2004, 2005, 2006, 2007, and 2008 the plan was approved. A brief discussion followed.

5. Office of the Attorney General

Mr. Bingham introduced the following individual(s) in attendance from the Office of the Attorney General: Carolyn K. Querijero, Deputy Attorney General, Richard C. Campbell, Chief Administrative Officer/Affirmative Action Officer, and Nancy B. Swanton, Principal 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 met all or substantially all of its hiring goals and program goals were substantially met. 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. Goal achievements: short term goal achievement was 4 out of 4 or 100%, long term goal achievement was 2 out of 9 or 22%, total goal achievement was 6 out of 13 or 46% and promotion goal achievement was 5 out of 6 or 87%. The five year history is as follows: the plan was approved in 2004 and 2005,

conditionally approved in 2006, and approved in 2007 and 2008. A brief discussion followed.

6. Eastern Connecticut State University

Mr. Bingham introduced the following individual(s) in attendance from Eastern Connecticut State University: Dr. Elsa Nunez, President, Dr. Marcia Catan, ACE Fellow, Dr. Constance B. Green, Chief Diversity Officer, and Jay Zhu, Coordinator, Human Resources and Affirmative Action. 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 such goals and the agency substantially addressed the deficiencies noted by the Commission in the prior plan review. Goal achievements: short term goal achievement was 20 out of 33 or 61%, total goal achievement 20 out of 33 or 61%, promotion goal 4 out of 16 or 25%. The five year history is as follows: the plan was approved in 2004, disapproved in 2005, approved in 2006, 2007, and 2008. A brief discussion followed.

7. Police Officer Standards and Training Council

Mr. Bingham introduced the following individual(s) in attendance from the Police Officer Standards and Training Council: William Schultz, Director of Basic Training and Laura Guilmartin, Equal Employment Opportunity Specialist. The plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency had no hires during the reporting period, therefore, is in compliance with the (b)(2) standard. There were no promotion or program goals established for the reporting period. The agency had no deficient elements in the prior plan review. Therefore, the agency is in compliance with the (b)(4) standard. The agency substantially addressed deficiencies noted by the Commission in the prior plan review. The five year history is as follows: the plan was approved in 2004, 2005, 2006, 2007, and 2008. No discussion followed.

8. Department of Education

Mr. Bingham introduced the following individual(s) in attendance from the Department of Education: Mark McQuillan, Commissioner of Education, Sharon Gaddy, Equal Employment Opportunity Director, (retired), Melissa Thompson, Equal Employment Opportunity Specialist I and Barbara Brown, Administrative Assistant. 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 such goals and the agency substantially addressed the deficiencies noted by the Commission in the prior plan review. Goal achievements: long term goal achievement was 34 out of 77 or 44.2%, total goal achievement 34 out of 77 or 44.2%, total promotion goal 10 out of 18 or 56%. The five year history is as follows: the plan was approved in 2004, disapproved in 2005, approved in 2006, 2007, and disapproved in 2008. A brief discussion followed.

Chairperson Norton requested a motion to accept the staff recommendations for approval of Office of State Comptroller, CT State University System, Department of Economic & Community Development, Office of the Chief Medical Examiner, Office of the Attorney General, Eastern Connecticut State University, Police Officer Standards and Training Council, and the Department of Education. 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. At the end of all of the presentations, Chairperson Norton called for a vote on the original motion for approval. The motion carried unanimously. No oppositions, no one abstaining. All eight plans were approved. There was no further discussion.

Staff Recommendations: Disapprovals

1. Capitol Community College

Mr. Bingham introduced the following individual(s) in attendance from Capitol Community College: Dr. Calvin Woodland, President. The plan is being recommended for disapproval based on noncompliance with the following: the workforce is not in parity with the relevant labor market. The agency has not met all or substantially all of its hiring, promotion, and program goals. The agency has not demonstrated every good faith effort to achieve such goals. The agency has not substantially addressed deficiencies noted by the Commission in the prior plan review. Goal Achievement: Short term goal was 2 out of 5 or 40%, total goal achievement 2 out of 5 or 40%, total promotional goal achievement could not be determined. The five year history is as follows: the plan was disapproved in 2004 and was sent back to a semi annual filing and was then approved in 2005 and 2006, disapproved in 2007 and conditionally approved in 2008. A brief discussion followed.

Chairperson Norton requested a Motion from any Commissioner to accept staff recommendation for disapproval for Capitol Community College and to move to semi-annual filing status. A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz. After discussion, Commissioner Mambruno withdrew his motion, Commissioner Cruz accepted that motion. Commissioner Mambruno made a motion to accept staffs approval to disapprove the plan, however, change the filing status to annual filing status. Seconded by Commissioner Cruz. The motion carried unanimously. There were no oppositions and no one abstaining, the motion passed.

IV. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Equal Employment Opportunity Specialist II provided an Affirmative Action report that was given to the Commissioners in their mailing packet.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, provided the Personnel Status Report and Comprehensive Financial Status Report as of August 31, 2009. This report was provided to the Commissioners in their mailing packet.

C. Field Operations/Case Processing Report

A statistical case processing report similar to the one prepared by Donald Newton was provided to the Commissioners in their mailing packet.

D. Legislative Report

N/A

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

Commissioner Norton decided to bypass the normal divisional report routine and communicate directly with Robert Brothers to inquire about the important matters of the Commission.

Robert Brothers discussed the reopening of Michelle Dingus v. Wachovia Bank, NA, CHRO Case No. 0930067 and noted that there were no parties representing the reopening.

Robert Brothers noted that we are still in a budget crisis. The Commission's current budget is being reduced by approximately 1.9 million which will have a significant effect on the agency. Commissioner Norton recognized that Robert Brothers has taken on a tremendous responsibility managing the Commission with much less managerial staff than the Commission had in the past. He is single handedly managing approximately four to five departments. A lengthy discussion followed regarding the budget.

V. **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 and David Teed, Assistant Attorney General 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.

VI. **RETURN TO REGULAR SESSION**

It was moved by Commissioner Copeland and seconded by Commissioner Mambruno 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.

VII. 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. Michelle Dingus v. Wachovia, NA – CHRO Case No. 0930067

Chairperson Norton noted that the legal staff recommended that a reopening should be allowed because by virtue of bank mergers the lawsuit by the complainant could be jeopardized by the changing nature of that corporation. The complainant would like to reopen the case to amend the complaint merely for the purpose of changing the parties names. In the interest of justice such a reopening is merited.

A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to accept the staff recommendations to reopen the request in the matter of Michelle Dingus v. Wachovia, NA, CHRO Case No. 0930067. The motion passed unanimously. The case was reopened. Chairperson Norton did not vote.

C. Personnel Matters

There was no discussion concerning personnel matters.

VIII. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Mambruno and seconded by Commissioner Cruz to adjourn the meeting at 3:32 p.m. The motion carried unanimously. Chairperson Norton did not vote.