

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES
WEDNESDAY, OCTOBER 14, 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
Milton Johnson
Patricia Wrice

COMMISSIONERS ABSENT

Alexia E. Cruz
John Lobon

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 October 14, 2009 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:12 p.m.

II. SECRETARY

A. Review and Approval of Minutes of September 9, 2009 Regular Commission Meeting

Secretary Mambruno requested a motion approving the minutes of the September 9, 2009 Regular Commission meeting. A motion was made by Commissioner Copeland and seconded by Commissioner Wrice to approve the minutes of the September 9, 2009 Regular Commission meeting as presented. Commissioner Clarke abstained. There was no discussion. 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 Secretary of State

Chairperson Norton requested a motion to accept the staff recommendations for approval of the Office of the Secretary of State and retain annual filing status. A motion was made by Commissioner Wrice and seconded by Commissioner Clarke to accept the staff recommendation for approval and retention of annual filing status. Chairperson Norton did not vote in the motion

Mr. Bingham introduced the following individual(s) in attendance from the Office of the Secretary of State: Deputy Secretary, Leslie Mara and Blanche H. Tucker, Fiscal Administrative Manager. 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 4 out of 4 or 100%, long term goal achievement was 2 out of 2 or 100%, total goal achievement was 6 out of 6 or 100%. The five year history is as follows: in 2004, 2005, 2006, 2007, and 2008 the plan was approved. A brief discussion followed.

Chairperson Norton requested a motion to accept staff recommendation for approval of the Office of the Secretary of State to retain its annual filing status. The motion carried unanimously. The motion passes. Chairperson Norton did not vote on the motion.

Staff Recommendations: Disapprovals

1. Department of Public Health

2. Western Connecticut State University

A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno to accept staff recommendation for disapproval and retention of annual filing status for the Department of Public Health.

Mr. Bingham introduced the following individual(s) in attendance from the Department of Public Health: Dr. Norma Gyle, Deputy Commissioner, Catherine Kennelly, Chief Administrative Officer, and Amanda Anduaga-Roberson, Equal Employment Opportunity Manager, and LaWanda Scott, EEO Assistant. The plan is being recommended for disapproval based on

noncompliance with the following: the plan is being recommended for disapproval based on noncompliance with the following: The workforce

considered as a whole and by occupation of category 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 substantially addressed deficiencies noted by the Commission in the prior plan review. Goal Achievement: short term goal achievement was 27 out of 52 or 52%, total goal achievement was 27 out of 52 or 52%, promotion goal achievement was 9 out of 16 or 56%. The five year history is as follows: in 2004, 2005 the plan was approved, 2006 disapproved, 2007 approved and 2008 disapproved. A lengthy discussion followed.

The motion before us is to accept staff recommendation for disapproval. I did hear sentiment expressed for conditional approval, and sentiment expressed for disapproval fully. There are two possibilities we could invite the person who made the motion to change the motion or we could proceed with a vote which is to say if you like the idea of conditional approval you should vote no. So why don't I proceed that way, or of course if you like the idea of approval. All those in favor of accepting staff recommendation for disapproval say aye/I. All those opposed say nay. Requested a hand count for clarity. The Chairperson votes against the motion. The motion fails. Chairperson Norton invites any Commissioner to make another motion. Commissioner Copeland makes a motion for conditional approval of the plan. Commissioner Wrice moves to second the motion conditional approval. Commissioners Mambruno, Copeland and Clarke have a discussion about conditional approval.

Chairperson Norton requested a motion for a conditional approval and to retain annual filing status for the Department of Public Health. Commissioners Copeland and Wrice moved to conditionally approve the Department of Public Health's Affirmative Action plan, Commissioners Clarke and Mambruno oppose, Commissioner Johnson abstained, a tie has resulted and Chairperson Norton casts a vote in support of the motion. The motion passed.

2. Western Connecticut State University

Mr. Bingham introduced the following individual(s) in attendance from Western Connecticut State University: Dr. James Schmotter, President, Charles Spiridon, Associate Vice President for Human Resources, and Carolyn Lanier, Affirmative Action Officer. 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 and promotion goals. The agency has not demonstrated every good faith effort to achieve such goals. Goal Achievement: short term goal achievement was 8 out of 20 or 40%, total goal achievement was 8 out of 20 or 40%, promotion goal achievement was 0 out of 2 or 0%. The five year history is as follows: in 2004, 2005, 2006, 2007 and 2008 the plan was approved.

Chairperson Norton requested a motion to accept staff recommendation for disapproval of Western Connecticut State University and to retain its annual filing status. A motion was made by Commissioner Mambruno and seconded by Commissioner Clarke. Chairperson Norton did not vote. A brief discussion followed.

IV. NEW BUSINESS

- A. Request for Contract Compliance Blanket Exemption and Contract Compliance Exemption for Contract Between the Department of Transportation and Contractor's, American Association of State Highway and Transportation Officials (AASHTO)
- B. Request for Contract Compliance Blanket Waiver by the Connecticut Community Colleges from the nondiscrimination Certification Requirements of CONN. GEN. STAT. §§4a-60 and 4a-60a for Certain Clinical Site Agreements

Robert Brothers, Executive Director commented on Item IV. A. that the Department of Transportation has a contract that has been running several years with the American Association of State Highway and Transportation Officials (AASHTO). It is an extension of the same type of contract. The staff's recommendation is to grant it. The contractor that they are working with is making great strides toward getting a board resolution and it may be the last time we will be addressing this issue. The period of time is for one year, ending in 2010.

Robert Brothers, Executive Director commented on Item IV. B. in which Connecticut Community Colleges are requesting an extension that deals with clinical placement of students. They do a quarterly report with respect to that contract exemption. The staff's recommendation is to grant it.

Chairperson Norton requested a motion to accept staff counsel's recommendation for the granting of the waivers requested by the Department of Transportation regarding their work with the American Association of State Highway and Transportation Officials, (AASHTO), and from the Connecticut Community Colleges regarding certification requirements for certain clinical site agreements. A motion was made by Commissioner Clarke and seconded by Commissioner Mambruno. Chairperson Norton did not vote.

V. DIVISION REPORTS

A. Affirmative Action Program Manager's Report

Gloria Sparveri, Equal Employment Opportunity Specialist II indicated that the reporting year is ending at the end of this month.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, indicated the Personnel Status Report and Comprehensive Financial Status Report as of October 14, 2009 were provided to the Commissioners in their mailing packet. There were no questions for Ms. Provost regarding either report.

C. Field Operations/Case Processing Report

A statistical case processing report was provided to the Commissioners in their mailing packet.

D. Legislative Report

James O'Neill, Legislative Liaison provided handouts to the Commissioners regarding three sections of the implementer bills that affect the Commission on Human Rights and Opportunities. They are as follows: 1. training for

commissioners, 2. restoring of the five public hearing officers, and 3. establishing a task force.

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

Robert Brothers, Acting Executive indicated that he and Michelle Provost, Fiscal Administrative Supervisor have been working with various state agencies that have the ability to make decisions regarding CHRO's budget. Although, the implementer bill has been passed, it still does not address how the money that is allocated to CHRO is to be spent. Bob informed the Commissioners that on Friday, October 23, 2009 the Business Office will no longer be within the agency.

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 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 Clarke 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

Ginger Jee v. Davis-IGA – CHRO Case No. 0930168

Ginger Jee v. Davis-IGA – CHRO Case No. 0930169

The reopening requests were tabled for the November Commission Meeting. No action was taken and there was no objection.

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 Wrice and seconded by Commissioner Johnson to adjourn the

meeting at 4:42 p.m. The motion carried unanimously. Chairperson Norton did not vote.