

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106
WEDNESDAY, MAY 8, 2013
2:00 P.M.**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Cheryl Clarke
Tracey Gove
Dawn Niles
Edith Pestana

COMMISSIONERS ABSENT

Patricia Wrice

STAFF PRESENT

Robert J. Brothers, Jr., Executive Director
David Teed, Assistant Attorney General
Alvin K. Bingham, Supervisor, Affirmative Action/Contract Compliance
Valerie Kennedy, Human Rights & Opportunity Representative
Neva E. Vigezzi, Affirmative Action Program Analyst
Susan Hom, Human Rights & Opportunity Representative
Cheryl Sharp, Human Rights Attorney 3
James J. O'Neill, Legislative Liaison
Charles Krich, Principal Attorney
Marla Shiller, EEO Manager
Heather Petit, Administrative Assistant

I. CHAIRPERSON

Chairperson Norton convened the Wednesday, May 8, 2013, Regular Commission Meeting of the Commission on Human Rights and Opportunities to order at 2:03 p.m.

II. SECRETARY

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, April 10, 2013, Regular Commission Meeting. A motion was made by Commissioner Clarke to approve the minutes which was seconded by Commissioner Pestana. There was no discussion. The motion was approved unanimously. Chairperson Norton did not vote on the motion.

III. GUEST SPEAKER – Nichole Jefferson, Executive Director, City of New Haven Commission for Equal Opportunities

Ms. Jefferson stated that the relationship between the Commission on Human Rights and the Commission for Equal Opportunities in New Haven has been working very well. Ms. Jefferson stated that they solely enforce all labor law for the wage and enforcement arm of the city. Ms. Jefferson said they are involved in anything related to hiring practices for the City of New Haven. Ms. Jefferson reported that they are the oldest municipal civil rights agency in the country and their ordinance has been in effect since 1964.

Ms. Jefferson stated that the state has funded more than \$1.5 billion dollars in school construction. Ms. Jefferson said that in building Hill Central School, 608 jobs were created; 233 being minorities, 131 residents and 32 women. With the building of the school, \$1.6 million dollars went to minorities in job creation not including benefits. Ms. Jefferson stated the commission also does enforcement, inspections, etc. Ms. Jefferson stated that another school recently completed was East Rock School in which 706 jobs were created out of which 283 were minorities. Ms. Jefferson said that their ordinance states that they meet with every prime, sub and tier contractors that do business with the city and that there are certain hiring goals that those contractors need to meet.

Ms. Jefferson stated that they opened their own construction training school for New Haven residents in 2007. Ms. Jefferson stated they are the only city that has a school such as this and this year they had fifty graduates. Ms. Jefferson said they partner with the unions. The students attend school full time for six months to complete the training and then the contractors they partner with hire the graduates. Some of the graduates are also hired by non-union contractors.

Ms. Jefferson said she would be happy to come back and give a PowerPoint presentation to the Commissioners regarding their Commission.

Chairperson Norton and the Commissioners thanked Ms. Jefferson for the work that her Commission does and for coming to speak to them.

IV. OUTREACH REPORT – Cheryl Sharp, Human Rights Attorney 3

Attorney Sharp gave highlights of the May 2013 Outreach Report. Attorney Sharp distributed the May edition of the CHRO Times. Attorney Sharp said the newsletter highlights the accomplishments of Commissioner Gove in his role as Commissioner and also the Chief of Police for West Hartford.

Attorney Sharp congratulated Assistant Attorney General, David Teed, as he defended the agency victoriously in a case wherein the Respondent was seeking dismissal of five CHRO cases.

Attorney Sharp said that the 70th Anniversary Event would be held the following week on Tuesday, May 14, 2013, from 1-4 p.m. with a reception to follow from 4-6 p.m. Attorney Sharp asked the Commissioners to let her know if they would like to speak at the event.

Attorney Sharp reported that the Connecticut Kids' Speak will be held at the UConn School of Law on May 22, 2013, from 9:00-1:30 p.m. Attorney Sharp stated that they are looking for facilitators and asked the Commissioners to let her know if they would be willing to do so. Attorney Sharp said the goal of Kids' Speak is to make students aware of the law so that when they go out into the workforce they will have that knowledge with them.

Attorney Sharp reported that they continue to provide training as time allows.

Attorney Sharp stated that the summer internship program is about to begin.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

A. Staff Recommendations: *Approvals*

Chairperson Norton asked for a motion to accept staff recommendations for approval of two Affirmative Action Plans: the Office of Protection and Advocacy and the Connecticut State Library. The motion should include the retention of each agency's filing status. Such a motion was made by Secretary Mambruno and seconded by Commissioner Gove. There was discussion on the motion.

1. Office of Protection and Advocacy

Representing the agency were James McGaughey, Executive Director, Alicia Nunez, EEO Manager and Irena Baj Wright, Human Resource Specialist.

Mr. Bingham reported that the Office of Protection and Advocacy's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review.

Secretary Mambruno congratulated the agency on their approval history as the last five years' AA plans were approved.

Mr. McGaughey thanked Commission staff for their recommendations last year as they were incorporated into this year's plan. Mr. McGaughey thanked his agency's staff for their work on the AA plan as well.

2. Connecticut State Library

Representing the agency were Mark Smith, Director, Kendall Wiggin, State Librarian, and Alicia Nunez, EEO Manager.

Mr. Bingham reported that the Connecticut State Library's plan was recommended for approval based on compliance with the following: the plan contains all elements required; has met all or substantially all of its hiring program goals; the agency has demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review.

Mr. Wiggin stated that some of the staff members of the library go out to the community and schools to give presentations. Mr. Wiggin reported that Kevin Johnson will be reenacting a civil war soldier character, Private William Webb, who was a Hartford native. Mr. Johnson will be performing his 500th reenactment on June 20, 2013 at 12:00 p.m. at the State Library for those who would like to attend. Mr. Wiggin read several commendations on past performances by Mr. Johnson.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the Office of Protection and Advocacy and the Connecticut State Library including the retention of their filing statuses. The motion passed unanimously. Chairperson Norton did not vote.

B. Staff Recommendations: ***Conditional Approvals***

Chairperson Norton asked for a motion to accept staff recommendation for conditional approval of Capital Community College's affirmative action plan. The motion should include the retention of each agency's filing status. Such a motion was made by Commissioner Gove and seconded by Commissioner Niles. There was discussion on the motion.

1. Capital Community College

Representing the agency were Dr. Wilfredo Nieves, President, and Rita Kelley, Affirmative Action Officer.

Mr. Bingham reported that the Commission on Human Rights and Opportunities' plan was recommended for conditional approval based on compliance with the

following: the plan contains all elements required; the agency has substantially met all of its hiring, promotion and program goals; and the agency has substantially addressed deficiencies noted in the prior plan review.

Dr. Nieves said he was very proud of their efforts and work to implement the Commission's objectives. Dr. Nieves reported they had 75% promotion goals and 77% overall. Dr. Nieves stated that the college lives what the Commission's intentions are. Dr. Nieves stated he was disappointed with the conditional approval recommendation and believes they could have addressed very easily any concerns that Commission staff had with the plan. Dr. Nieves stated that they would like to receive full approval and thanked the Commissioners for their consideration.

Dr. Valerie Kennedy stated that there was a lot of data missing in the goals analysis which made it a conditional approval. Dr. Kennedy said that the number of people reported in some of the college's charts were not consistent throughout the plan and the numbers differed which was the problem. Dr. Kennedy said that the community colleges actively hire so the biennial filing is difficult.

Rita Kelley stated that she worked closely with Dr. Kennedy and feels they have a good relationship; however, fears there may have been a critical misunderstanding in regard to the plan. Ms. Kelley said that Ms. Kennedy referred to the applicant pools as being incomplete. However, Ms. Kelley stated that she felt it was a matter of perspective as she changed the format of the goals analysis. Ms. Kelly said that rather than do the summary of the total applicant pool at the top, she did it at the bottom and indicated what the applicant pools were. Ms. Kelley stated that once the plan is being reviewed you cannot ask questions so that stood in the way of providing clarity for that situation.

There was discussion in regard to the plan.

Chairperson Norton then called for a vote on the motion to conditionally approve the affirmative action plan for Capital Community College. The motion failed unanimously. Chairperson Norton did not vote.

Chairperson Norton then asked for a motion to approve or disapprove Capital Community College's affirmative action plan. A motion was made by Commissioner Pestana to approve Capital Community College's affirmative action plan including the retention of its filing status. Commissioner Clarke seconded the motion. There was no discussion on the motion.

Chairperson Norton then called for a vote on the motion to approve Capital Community College's affirmative action plan. The motion passed unanimously. Chairperson Norton did not vote.

C. Staff Recommendations: ***Disapprovals***

Chairperson Norton asked for a motion to accept staff recommendation for disapproval of Manchester Community College's affirmative action plan. The motion should include the retention of the college's filing status. Such a motion was made by Commissioner Pestana and seconded by Commissioner Niles. There was discussion on the motion.

1. Manchester Community College

Representing the agency were Dr. Gena Glickman, President, and Deborah Colucci, Affirmative Action and Staff Development Coordinator.

Mr. Bingham reported that Manchester Community College's plan was recommended for disapproval based on non-compliance with the following: the work force was not in parity with the relevant labor market area; the agency has not met all or substantially all of its hiring, promotion or program goals; and the agency has not demonstrated every good faith effort to achieve its goals.

Commissioner Niles stated that she is concerned with the college's five year history. Commissioner Niles said she is extremely disappointed as she thought after last year's approval the college was on the right track.

Dr. Glickman stated that they are extremely concerned about the disapproval this year. Dr. Glickman said they were very pleased when they received a letter from Dr. Kennedy stating their past deficiencies had been addressed. Dr. Glickman stated that as far as the issues presented today; no goal candidate was impacted and they have a 60% goal achievement and 67% promotional achievement. Dr. Glickman stated that her staff has worked with Dr. Kennedy throughout the year on the process. Dr. Glickman stated that she and Manchester Community College are absolutely committed to social justice and affirmative action.

Dr. Glickman stated she would like to address the issues of the goals analysis as stated by Dr. Kennedy in the recommendation. Dr. Glickman said they were cited for using vague language in the category of the goals analysis faculty section. However, Dr. Glickman stated they used the same language in 2009, 2010 and 2011 and no comments were made regarding the language at that time. Dr. Glickman stated that in non-faculty hires they were cited for having four white female hires. However, Dr. Glickman stated that they only had three white female hires which all met goals. Dr. Glickman said that the fourth white female was not a hire this year; she had been hired two years ago as a temporary educational assistant but she was included this year in the numbers because she was promoted into a permanent position. Dr. Glickman referred to one more citation that indicated there were 11 individuals that applied for a service

maintenance position, 7 being goal candidates, who weren't selected with no explanation.

Dr. Glickman stated that DAS gave the college a generic list of all candidates on the custodian exam list; however, they were looking for individuals with grounds keeping experience. Dr. Glickman said as all white males weren't qualified they were not considered. Dr. Glickman stated that she agrees that the college should have explained this more in the plan.

Dr. Glickman said they have a draft updated policy statement prepared; however, as explained in the plan, the statement first needs to be approved by the Board of Regents. In addition, Dr. Glickman stated they have achieved two out of four program goals and two are ongoing. Dr. Glickman stated that they do not feel they have been so deficient as to receive disapproval this year. Dr. Glickman asked the Commissioners to consider granting a conditional approval to the college.

Dr. Kennedy said that they need to know why the candidate was eliminated; what they did not have. Dr. Kennedy said that a failure to explain these things adequately leads to disapproval. Dr. Kennedy said they need the details in order to see whether or not a good faith effort was made. Dr. Kennedy said that many positions were not discussed or included in the workforce analysis.

There was further discussion in regard to the plan.

Chairperson Norton then called for a vote on the motion to disapprove the affirmative action plan for Manchester Community College. Commissioner Clarke and Secretary Mambruno voted in favor of the motion. Commissioner Pestana and Commissioner Gove voted against the motion. Being faced with a tie, Chairperson Norton voted against the motion and as such the motion failed.

Chairperson Norton then asked for a motion to approve or conditionally approve Manchester Community College's affirmative action plan. A motion was made by Commissioner Gove to conditionally approve Manchester Community College's affirmative action plan including the retention of its filing status. Commissioner Pestana seconded the motion. There was no discussion on the motion.

Chairperson Norton then called for a vote on the motion to conditionally approve Manchester Community College's affirmative action plan. Commissioner Gove and Commissioner Pestana voted in favor of the motion. Secretary Mambruno voted against the motion. Commissioner Clarke abstained. Chairperson Norton did not vote. The motion passed.

VI. NEW BUSINESS

A. Contract Compliance Exemptions

1. Request for Exemption from Contract Compliance Requirements Concerning a Contract between the Department of Administrative Services and State Services Organization; agreement to renew lease to sublet property in Washington D.C. for the Governor; Covers 2013-2020.

Chairperson Norton asked for a motion to grant approval for a contract compliance exemption to the Department of Administrative Services and State Services Organization. Secretary Mambruno made such a motion. Commissioner Gove seconded the motion. The motion passed unanimously. Chairperson Norton did not vote.

2. Request for Exemption from Contract Compliance Requirements Concerning a Contract between NewsBank, Inc. and the University of Connecticut; for a use license and online access to a library collection: "Readex Afro-Americana 1535-1922."

Ralph Urban reported that he was from the Attorney General's office and was there on behalf of UConn. Assistant Attorney General Urban stated that if the University wanted to have access to a more expansive collection they would then again have to come before the Commission. Assistant Attorney General Urban said that NewsBank is a sole source provider and they are unwilling to commit for the employees not in Connecticut; however will commit for those in Connecticut. Assistant Attorney General Urban said that it is important for the University to be able to have access to the material and it hurts the university that there is such a challenge to have to get the material. Assistant Attorney General Urban stated that because of the way the statute reads it is an ongoing issue for the software needs, library needs, etc. of the university.

There was further discussion in regard to the exemption request.

Chairperson Norton then asked for a motion to grant approval for a contract compliance exemption to the University of Connecticut and NewsBank, Inc. for the purpose of online access to the library collection: "Readex Afro-Americana 1535-1922" as outlined in Mr. Brothers' recommendation. Secretary Mambruno made such a motion. Commissioner Gove seconded the motion. The motion passed unanimously. Chairperson Norton did not vote.

VII. DIVISION REPORTS

A. Legislative Report

Mr. O'Neill reported that the summary of the CHRO technical revision bill came out in file form. Mr. O'Neill said that there are some concerns with the file form and some work will need to be done.

Mr. O'Neill stated that he has had meetings with Dr. Kennedy and Ms. Vigezzi regarding the Affirmative Action regulations for the past few weeks. Mr. O'Neill stated he has sent the last draft of the regulations out to the committee and has not heard back from them as of yet.

Chairperson Norton asked that when there is a final draft to have it sent along with a narrative summary of changes to the Commissioners to which Mr. O'Neill agreed. Mr. Brothers stated there will always be some disagreement and it is his opinion that they should write the best regulations they can and go forward. Mr. Brothers stated that they have done that.

Chairperson Norton asked if the new regulations include a more open communication between staff and agencies wherein they could fix corrections that need to be made ahead of time in order to have the plan approved. Mr. O'Neill stated that this concept came out of the new regulations. Chairperson Norton stated that he was disappointed as he believed the agency needs to have a more collaborative than contentious approach. Mr. O'Neill stated that one of the ideas behind it is to have the plan available electronically to decrease numerical errors. Chairperson Norton stated that he believes agencies should be allowed to fix what is wrong if able.

There was further discussion in regard to the Affirmative Action regulations.

B. Executive Director's Report

None

VIII. EXECUTIVE SESSION

Chairperson Norton asked for a motion to go into Executive Session. Chairperson Norton asked that the motion permit Mr. Brothers and David Teed to stay for the session at times. Such a motion was made by Commissioner Clarke and seconded by Commissioner Gove. The motion was approved unanimously. Chairperson Norton did not vote.

IX. RETURN TO REGULAR SESSION

At 5:07 p.m. the Commission returned to Regular Session from Executive Session and Chairperson Norton noted that no votes were taken in Executive Session.

X. VOTE ON EXECUTIVE SESSION ITEMS

(Requires a Vote by Commissioners on the Record)

Chairperson Norton asked for a motion to approve Mr. Brothers' recommendation that the reopening request for Emmanuel Ochieke v. Mercy Housing and Shelter a/k/a Saint Elizabeth House be denied. Such a motion was made by Commissioner Pestana. Commissioner Clarke seconded the motion. The motion was approved unanimously. Chairperson Norton did not vote.

XI. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Clarke and seconded by Commissioner Pestana to adjourn the meeting at 5:10 p.m. The motion carried unanimously. Chairperson Norton did not vote.