

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 2B**

HARTFORD, CT 06106

Wednesday, August 14, 2013 @ 2:00 p.m.

Regular Commission Meeting

COMMISSIONERS PRESENT

Cesar Noble, Presiding Chairperson
Edward Mambruno, Secretary
Dawn Niles
Edith Pestana
Andrew Norton

COMMISSIONERS ABSENT

Gary H. Collins, Chairperson
Cheryl Lynn Clarke
Patricia Wrice
Tracy Gove, Commissioner

STAFF PRESENT

Tanya A. Hughes, Interim Executive Director
David Teed, Assistant Attorney General
James O'Neill, Legislative Liaison
Cheryl Sharp, Human Rights Attorney III
Michelle Dumas Keuler, Human Rights Attorney III
Alvin K. Bingham, AA/CC Supervisor
Valerie Kennedy, HRO Representative
Neva E. Vigezzi, AA Program Analyst
Dedra A. Morris, Administrative Assistant
Carolyn Anderson, Assistant Commission Counsel I

I. CHAIRPERSON

Presiding Chairperson Cesar Noble convened the Wednesday, August 14, 2013, regular monthly meeting of the Commission on Human Rights and Opportunities to order at 1:33 p.m. at the Legislative Office Building, Hartford, CT.

II. SECRETARY

Commissioner Mambruno requested a motion for the approval of the minutes of the Tuesday, July 16, 2013 regular Commission meeting. A motion was made by Commissioner Norton to approve the July 16, 2013 minutes as presented and seconded by Commissioner Niles. The vote was three, in favor, zero opposed and two abstentions; the motion passes.

III. OUTREACH REPORT - Attorney Cheryl Sharp from the Legal Division

Cheryl Sharp, Human Rights Attorney 3 reported that the Commission continues its outreach efforts and continues to build partnerships with various legislative commissions and nonprofit organizations throughout the state. At the end of this month we are partnering with the US Department of Justice. Attorney Michelle Dumas Keuler and Attorney Sharp are going to provide training in New Haven. This is an initiative by the Department of Justice to reach out to these communities and make them aware of the services available to them as it relates to discrimination, and to what our agency does, and provide them with national support as well.

Attorney Sharp announced that we are applying for 10 partnership grants, including partnerships with CT DEEP, UCONN Law School, OPA and others. She further announced that the documentary film is available for presentation. A date for the screening or unveiling of our documentary is forthcoming.

Regarding the Racial Profiling Committee, a Town Hall style meeting is being planned per request of Chairperson Collins; pending preferred date from the Commissioners.

IV. CONTRACT COMPLIANCE REQUIREMENTS

A. University of Connecticut Requests for Exemption

- (1) Battelle Energy Alliance, LLC
- (2) The Common Application, Inc.
- (3) Gaussian, Inc.

There was significant discussion about variances in the language quoted for the above requests. It was moved and properly seconded to modify the proposals so that they all mirror the same language. A motion was made by Commissioner Norton and seconded by Commissioner Pestana. Motion carried.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

A. Staff Recommendations: *Approvals*

- (1) Northwestern Connecticut Community College
- (2) Norwalk Community College
- (3) Asnuntuck Community College
- (4) Department of Transportation

Presiding Chairperson Noble asked for a motion to accept staff recommendations for approval of four Affirmative Action Plans: Northwestern Connecticut Community College (biennial filing status), Norwalk Community College (annual filing status), Asnuntuck Community College (biennial filing status) and Department of Transportation (annual filing status)

1. Northwestern Connecticut Community College

The Northwestern Connecticut Community College plan was recommended for conditional approval based on compliance with the following: the plan contains all elements required; the agency has demonstrated every good faith effort to achieve such goals and despite these efforts has been unable to do so; and the agency has substantially addressed deficiencies noted by the Commission in prior plan reviews. A motion was made by Commissioner Niles and seconded by Commissioner Norton to change the plan to approval instead of conditional approval. The motion was approved unanimously.

2. Norwalk Community College

The Norwalk Community College plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency is deemed to have met all or substantially all of its hiring, promotion, and program goals because it had not activity during this reporting period; and the agency has substantially addressed deficiencies noted by the Commission in prior plan. Such a motion was made by Commissioner Niles and seconded by Commissioner Mambruno. The motion was approved unanimously.

3. Asnuntuck Community College

The Asnuntuck Community College 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 despite these efforts has been unable to do so; and the agency has substantially addressed deficiencies noted by the Commission in prior plan reviews. Such a motion was made by Commissioner Norton and seconded by Commissioner Niles. The motion was approved unanimously.

4. Department of Transportation

The Department of Transportation plan was recommended for approval based on compliance with the following: the plan contains all elements required; the work force is not in parity; the agency has not met all or substantially all of its hiring, promotion and program goals have been substantially met; the agency had no deficiencies in the prior

plan review. Such a motion was made by Commissioner Norton and seconded by Commissioner Niles. The motion was approved unanimously.

The President of the Northwestern Connecticut Community College indicated that the first notice she had received of the CHRO staff's recommendation of conditional approval was when she appeared for the CHRO meeting this afternoon. The Minutes which appeared on the CHRO web site indicated that the staff recommendation was for approval rather than conditional approval. This was a typographical error. After some inquiry the Commission was made aware that none of the agencies who appeared for this meeting had received any advance notice of the staff's recommendation. While the Commission recognizes the workload of the Affirmative Action staff, it expressed its dismay that no advance notice was provided. Such notice can provide the agencies which submit affirmative action plans with an opportunity to intelligently respond to any adverse recommendations and potentially revise the plan in order to address and resolve expressed concerns. Interim Executive Director Hughes indicated that she had not been aware of the lack of notice to the four agencies on this occasion and that she would ensure that going forward prior notice would be provided to the agencies.

VI. DIVISION REPORTS

A. Legislative Report

Jim O'Neill reported that he is in the process of preparing a summary, pending receipt of additional information relative to the budget. There were no significant changes that effect CHRO other than the MDC addition and definition of what a minority business is; trying to provide greater clarity to that definition.

B. Executive Director's Report

Interim Director Hughes reported on her interaction with the Department of Labor. With respect to staffing levels, she met with the Department of Labor and the Office of Policy Management to firm up the budgetary accounting issues related to vacant positions. It is determined that we do have authority to hire for the following positions.

The Legal Department has openings for two Assistant Commission Counsel I's, and that's effective immediately. The funding is available for a full year for both positions and it is anticipated that we will be able to backfill any positions if it disrupts the regional staffing levels as a result of that because we do have two ACC I's that are currently employed in our regional offices.

We have two openings for the HRO Investigator positions in the Affirmative Action and Contract Compliance Unit, designated specifically to work on the MDC contract. We hired two secretaries for the Affirmative Action and Contract Compliance Unit so we will not have any more problems with effective notification and follow-ups with the summary reports as well. An executive secretary was also hired to replace Heather Petit.

The regional manager posting date closed and we have 11 firm candidates. We're scheduling the interviews for the first week in September. All of the regional unit heads as well as supervisors of all of the other units were advised that the performance evaluations are due by September 30th. All will be completed with the exception of the Capital Office as they weren't completed by the prior regional manager; it has been determined that no other person is eligible to provide that review. Persons in that unit will be given a satisfactory evaluation rating automatically as a result by default.

With respect to personnel, Ms. Hughes established a monthly executive staff meeting, held every first Friday to get a clear report on what's going on in each unit in preparation for our monthly Commission meetings. She is also planning an agency-wide training retreat event, and some dates were circulated to the staff.

Additional outreach activities included: an invitation participate in a roundtable discussion that's being hosted by the permanent Commission on the Status of Women; an invitation to attend the Association for Affirmative Action Officers' meeting on September 20th, and invitation to attend the African American Affairs Commission meeting on September 4th.

With respect to housing and enforcement, Jim Flynn, the regional manager from the Eastern Region, will serve along with Jim O'Neill in collaboration with B.E.S.T. personnel to develop a prototype of a reporting system that will better satisfy our needs. The current prototype that we're using is not really helpful and doesn't allow us to sort information; it takes a really long time to pull it up. When people, ask for information we need to be able to access it at every remote location.

With respect to closure statistics, HUD officials came down from Boston and reviewed our performance assessment report for fiscal year 2012. We were awarded over \$211,000 from the HUD officials. We discussed concerns about CHRO fair housing expenditures falling short of the required 20 percent. The HUD office requires that we utilize at least 20 percent of our entire budget on fair housing activities. We fell short of about \$180,000; we utilized over \$900,000 on fair housing activities.

The one thing that was a note of concern was that we need to remove the notarization/oath requirement for housing complaints. They find it to be a barrier or an impediment to

complainant's ability to file. We're working with Jim O'Neill to include this revision for the next session in the legislative package.

We currently have 103 cases pending in the Housing Unit and we reduced our aged inventory from 56 cases to 20; that's a 64 percent reduction in aged inventory, primarily due to the additional staff. We were able to hire another investigator in that department for this past year and so it was reflected in our closings.

The Legal Office currently has 134 cases pending at public hearing. This was an increase from 63 cases just two years ago. There are 21 cases pending request for reconsideration, 49 cases pending early legal intervention, and they incurred \$305,000 in settlement amounts for the 2012 fiscal year; they were able to secure \$400,000 in settlements for July alone.

The Capital Region leads our regional closures with 635 closures and this includes releases of jurisdiction that are completed by our legal staff or interns, but they're from the Capital inventory. The Capital Region closed \$1,378,818 in settlements for the fiscal year 2013, that ended June 30th. The Eastern region had 328 closures, \$609,000 in settlements. The Southwest, 423 closures, \$1,301,857 in settlements and West Central 468 closures and \$1,531,000 in settlement amounts.

EEOC closure statistics: our records demonstrate that we will be able to either meet or exceed our contract. Currently we're contracted to complete 1,520 cases and we have until September 30th to reach that number. Right now we're approximately at 1,240, but there are some cases that have not been entered into the system; we're working very diligently to reconcile those numbers and make sure we get accurate credit our completed investigations.

Finally, in addition to all of the stars that you've heard from or about at CHRO, Ms. Hughes gave highlight Jim O'Neill, who has been her "other right-hand" who assists her as needed.

COMMISSIONER NORTON: raised the question about whether we might want to provide for a deputy director; and would we have the money to do it?

MS. HUGHES: Yes. If we decide to hire a deputy director then there may only be two additional positions as opposed to four.

COMMISSIONER NORTON: raised the question about the new Early Legal Intervention process as giving the Legal Department a heightened role.

MS. HUGHES: explained that in her limited experience in this role and experience as regional manager has demonstrated that the new procedures have allowed us to dispense

with some of the more frivolous cases. We refer them for ELI or we can dismiss them at merit assessment review for failure to state a claim. We are utilizing those tools.

VII. EXECUTIVE SESSION

A. Reopening Request:

- (1) Benjamin Lai v. National Certification Board for Therapeutic Massage
CHRO No. 0930403

Presiding Chairperson Noble determined that Benjamin Lai was in attendance as was Attorney Collins, on behalf of National Certification Board for Therapeutic Massage.

Presiding Chairperson Noble initiated review of the request for reopening and asked Benjamin Lai if he wanted to speak. Mr. Lai explained his position on the facts of the case.

Attorney Collins was allowed to rebut.

Presiding Chairperson Noble recapped the Lai case.

Commissioner Norton moved to deny the reopening of the case and Commissioner Mambruno seconded. The motion was approved unanimously.

XI. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Niles and seconded by Commissioner Pestana to adjourn the meeting at 3:50 p.m. The motion carried unanimously.