

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106
WEDNESDAY, DECEMBER 12, 2012
2:00 P.M.**

COMMISSIONERS PRESENT

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

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
Cheryl Sharp, Human Rights Attorney 3
James J. O'Neill, Legislative Liaison
Heather Petit, Administrative Assistant

I. CHAIRPERSON

Chairperson Norton convened the Wednesday, December 12, 2012 regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:07 p.m.

II. SECRETARY

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, November 14, 2012, Regular Commission Meeting. A motion was made by Commissioner Clarke to approve the minutes which was seconded by Commissioner Pestana. The motion was approved unanimously. Chairperson Norton did not vote on the motion.

III. OUTREACH REPORT – Cheryl A. Sharp, Human Rights Attorney 3

Attorney Sharp stated that the FHIP/FHAP grant funding will be coming to an end as the public services announcements have been posted to the agency's website and they have met the deliverable requirements. Attorney Sharp stated that they will be applying for the grant again in the coming year.

Attorney Sharp stated that she participated in a roundtable discussion with the Department of Justice in regard to English speaking only rules in the workplace. Attorney Sharp said that they would be working with the Department of Justice to hold a seminar or conference as it relates to employment in conjunction with the FBI on issues of amnesty.

Attorney Sharp reported that she and Attorney Alix Simonetti provided training at the Connecticut Hospital Association on gender identity and expression.

Attorney Sharp said that Kids Speak will be held in the spring and the Military Department has expressed interest in participating. Attorney Sharp stated that they will then hold the Kid's Court competition at the end of May or beginning of June.

Attorney Sharp said that the documentary film is still in the process of being made. The documentary will have several interviews of recent complainants and footage of the Secretary of HUD will also be included.

Attorney Sharp reported that the Commission is being challenged in Federal Court as to whether or not the Commission has the authority to award emotional distress damages pursuant to Conn. Gen. Stat. §§46a-86c through 46a-58. Attorney Sharp said this has been something the office has been working diligently on so they have not had as much time to do outside training.

IV. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

- A. Staff Recommendations: ***Approvals***
1. Division of Criminal Justice
 2. Department of Motor Vehicles
 3. Department of Construction Services

Chairperson Norton asked for a motion to accept staff recommendations for approval of three Affirmative Action Plans: Division of Criminal Justice, Department of Motor Vehicles and the Department of Construction Services, which included the retention of their filing statuses. Such a motion was made by

Secretary Mambruno and seconded by Commissioner Gove. There was discussion on the motion.

1. Division of Criminal Justice

Representing the agency were Kevin Kane, Chief State's Attorney, John Russotto, Deputy Chief's Attorney, and Ngina Gibson, EEO Specialist.

Alvin Bingham reported that the Division of Criminal Justice'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 has substantially addressed deficiencies noted in the prior plan review.

Chief State's Attorney Kevin Kane thanked his staff and Ngina Gibson for all of their hard work on the plan and also thanked Dr. Valerie Kennedy and Mr. Bingham for all of their help.

2. Department of Motor Vehicles

Representing the agency were Melody Currey, Commissioner, Rebecca Martinez, HR Associate and Natalie Shipman, EEO Specialist.

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

Commissioner Currey thanked Ms. Martinez and Ms. Shipman for helping the agency reach the goals they had set. Commissioner Currey stated that the DMV is successful with its plan because of the job they do.

3. Department of Construction Services

Representing the agency were Donald DeFronzo, Commissioner, Pasquale Salemi, Deputy Commissioner, David Lynn, HR Associate and Alicia Nunez, EEO Manager.

Alvin Bingham reported that the Department of Construction Services' plan was recommended for approval based on compliance with the following: the plan contains all elements required. Mr. Bingham stated that as it is the first filling for the Department of Construction Services the plan is deemed to be in compliance with the b(2) standard.

Commissioner Niles asked why they were in non-compliance in regard to diversity training. Ms. Nunez stated that the agency works with Peggy Zabawar at DAS so that all new employees attend the training and the agency has a full training schedule.

Commissioner DeFronzo thanked his staff as well as CHRO staff for the wonderful job they have done.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the Division of Criminal Justice, Department of Motor Vehicles and the Department of Construction Services which included the retention of their filing statuses. The motion passed unanimously. Chairperson Norton did not vote.

V. NEW BUSINESS

A. Equal Rights Advocates' Request for Letter of Support

Mr. Brothers stated that he received a letter from Equal Rights Advocates who are looking to have a federal law passed in regard to pregnancy rights. Mr. Brothers stated that Connecticut has had a state statute to protect these rights for some time. Mr. Brothers asked the Commissioners to support them and join in and sign a letter of support. The Commissioners agreed to sign the letter of support. Mr. Brothers stated that he would give the Commissioners updates as he learns of them.

B. Request for Contract Compliance Exemption Between the State of CT Judicial Branch and Cornell University, School of Ecology.

Mr. Brothers said that the exemption request is in regard to a repeat contract that has been in place since 2008. Mr. Brothers stated that it is in regard to training provided to some employees of the Judicial Department wherein turn, those employees train other employees of Judicial. Mr. Brothers stated that because they have different laws in New York, Cornell University is not willing to sign as they may then not be in compliance with their own state's laws. Mr. Brothers recommended that the Commissioners grant the exemption.

Chairperson Norton asked for a motion to grant the contract compliance exemption to the Judicial Branch to enter into this contract with Cornell University. Commissioner Gove made such a motion. Commissioner May seconded the motion. The motion passed unanimously. Chairperson Norton did not vote.

C. Declaratory Ruling – Barbara Dubois v. Maharam Fabric Corporation

Mr. Brothers stated that a Petition for Declaratory Ruling is when a party comes to the Commission and asks for a legal opinion in regard to something not defined by statute. Mr. Brothers stated that the agency has jurisdiction to investigate and prosecute complaints for employers who have three or more employees. Mr. Brothers reported that the question is whether or not the three or more employees have to be in the State of Connecticut. Mr. Brothers stated that the longstanding position of the agency has been that the three employees do not all have to be in Connecticut; just one does. However, Mr. Brothers stated that this legal opinion is not set forth in a regulation or statute. Therefore, Mr. Brothers recommended to the Commissioners that they issue a declaratory ruling stating they will give a legal opinion as to how the Commission interprets the statute of three or more. Mr. Brothers stated that the Commission attorneys will draft a legal opinion for the Commission to consider, and they will attend a Commission meeting to present it. Mr. Brothers stated that the Respondent has also requested to intervene.

Chairperson Norton asked for a motion to grant Respondent's Motion to Intervene. Such a motion was made by Commissioner Pestana. Commissioner Niles seconded the motion. There was some discussion. The motion passed unanimously. Chairperson Norton did not vote.

Chairperson Norton asked for a motion to accept Mr. Brothers' recommendation to issue a Declaratory Ruling. Commissioner May made such a motion. Commissioner Pestana seconded. There was some discussion. The motion passed unanimously. Chairperson Norton did not vote.

D. Set Commission Meeting Schedule for 2013

After some discussion, Chairperson Norton asked for a motion to set the 2013 CHRO Commission Meeting schedule for the second Wednesday of each month beginning at 2:00 p.m. Secretary Mambruno made such a motion. Commissioner Pestana seconded the motion. The motion passed unanimously. Chairperson Norton did not vote.

E. January 2013 Special Meeting to Review Affirmative Action Regulations

After some discussion, Chairperson Norton called a Special Meeting of the Commission to be held on Tuesday, January 15, 2012 at 1:00 p.m. for the purpose of reviewing the proposed changes to the Affirmative Action regulations.

VI. DIVISION REPORTS

A. Legislative Report

Mr. James O'Neill reported that there will be a Special Session held on December 19, 2012, to close the deficit in the current budget year. Mr. O'Neill stated that the administration has implemented rescissions to all agencies; however, at this time it seems that CHRO will be able to cover these by lapses. Mr. O'Neill stated that when the statutes were amended last year in PA 11-237, it eliminated the necessity for certified mail and this will also help in the reduction of costs.

Mr. O'Neill stated he will send the proposed Affirmative Action Regulations and comments out to the Commissioners via email. Chairperson Norton asked who would be involved in the Special Meeting. Mr. O'Neill said he will invite all members of the working group to attend.

B. Executive Director's Report

Mr. Brothers stated that this year the agency was allowed to hire eight people which brings the total count of employees to 69. Mr. Brothers stated that since the agency is appropriated for 74 positions; these remaining 5 unfilled positions (which existed on paper but which had never been authorized for refill by DAS or OPM) helped to cover the rescissions issued by the Governor.

Commissioner Niles stated that the Supreme Court is going to hear a same-sex marriage case and asked if the agency could become involved. Mr. Brothers stated that he will look into the case and stated that the agency can submit an amicus brief. Chairperson Norton stated that there are actually two cases in regard to this issue at the Supreme Court. Mr. Brothers stated he will look into both cases, discuss them with Charles Krich, Principal Attorney, and get back to the Commissioners.

VII. EXECUTIVE SESSION

Chairperson Norton asked for a motion to go into Executive Session to discuss litigation as well as personnel matters. Chairperson Norton asked that the motion permit Mr. Brothers and David Teed to stay for the session. Such a motion was made by Secretary Mambruno and seconded by Commissioner May. The motion was approved unanimously. Chairperson Norton did not vote.

VIII. RETURN TO REGULAR SESSION

At 3:18 p.m. the Commission returned to Regular Session from Executive Session.

IX. 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 Robert Martin v. Danbury Hospital be granted for the limited purpose of issuing a release of jurisdiction. Such a motion was made by Commissioner Niles. Commissioner Clarke seconded the motion. The motion was approved unanimously. Chairperson Norton did not vote.

X. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Pestana and seconded by Secretary Mambruno to adjourn the meeting at 3:20 p.m. The motion carried unanimously. Chairperson Norton did not vote.