

**MINUTES OF THE REGULAR MEETING OF THE  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
LEGISLATIVE OFFICE BUILDING – ROOM 1A  
HARTFORD, CT 06106  
WEDNESDAY, JANUARY 9, 2013  
2:00 P.M.**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Tracey Gove  
Lyn May  
Patricia Wrice

**COMMISSIONERS ABSENT**

Cheryl Lynn Clarke  
Edith Pestana  
Dawn Niles

**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  
Epifanio Carrasquillo, HRO Regional Manager  
Heather Petit, Administrative Assistant

**I. CHAIRPERSON**

Chairperson Norton convened the Wednesday, January 9, 2013, regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:08 p.m.

Chairperson Norton asked for a moment of silence to reflect on the tragedy at Newtown.

**II. SECRETARY**

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, December 12, 2012, Regular Commission Meeting. A motion was made by Commissioner Gove to approve the minutes which was seconded by Commissioner May. The motion was approved unanimously. Commissioner Wrice abstained from the vote. Chairperson Norton did not vote on the motion.

**III. GUEST SPEAKER – Richard Strauss, The Connecticut Academy of Science and Engineering (CASE)**

Mr. Strauss, Executive Director of CASE, introduced the research team members also in attendance: Richard Pierce, managing member of Evolution Enterprises, the consulting group working with CASE on the Disparity Study and Carmel Ford, research analyst at Connecticut Economic Resource Center (CERC).

Mr. Strauss stated that on September 19, 2012, the contract was executed with the Office of Legislative Management. Subsequently, CASE contracted CERC and Evolution Enterprises to consult with them on the project along with Attorney Colette Holt from Oakwood, CA.

Mr. Strauss stated they have developed assignments for the research team and conducted initial meetings with key state agencies and branches of government including CONNDOT, DAS, Judicial Branch, Legislative Branch, Board of Regents and UConn. Mr. Strauss stated that they also met with Robert Brothers, Executive Director of CHRO, in regard to the study.

Mr. Strauss stated that they asked branches of government for data samples and conducted interviews to learn agency procedures and practices. Additionally, they participated in a webinar on a data management software system for possible state use to manage set aside and minority business enterprise programs.

Mr. Strauss reported that they held a study committee meeting on October 17, 2012 where Attorney Holt came to speak. Attorney Holt was co-author of National Highway Cooperative Program Research Board report on guidelines to conducting a disparity study for the Federal Disadvantaged Business Enterprises program.

December 11, 2012, CASE heard a presentation from Maureen Berner, Professor of Public Administrative Government at the University of North Carolina. In addition, the California Department of Transportation (CALTRANS) gave a presentation on a disparity study they just completed.

Mr. Strauss stated that right now CASE is working on putting together the legal review chapter of the study. If strict scrutiny is not satisfied, it is sure to be struck down in court. Mr. Strauss stated that one of the conditions of the contract is that the study will be completed on the data that is available. However, they have found that subcontracting information is not available. Mr. Strauss stated that subcontracting information is necessary and required for the study. Therefore, Mr. Strauss stated that they are currently assessing the best way to get that information so that the study would be upheld in court if challenged.

Chairperson Norton asked what the state does have in regard to data available for the study (i.e. race and gender). Mr. Strauss stated that the study is specifically on the set aside program not the DBE program which is through the federal government and DOT. Mr. Strauss stated that because DOT has to meet DBE requirements by the federal government they have contracting information on their goals and subcontractors. Mr. Strauss stated that this DOT information is available but is not linked into the financial system in terms of goals and dollars spent.

Mr. Pierce stated that the study is not just those businesses in Connecticut but also those in the broader market area including out of state contractors. Mr. Pierce stated that the disparity study is not reflective of the population but of certain contractors.

Mr. Strauss stated they look at the ownership of the contractors and subsequently, the owners of the subcontractors in regard to goals. They look at how did they meet the goal, and what were the actual expenditures given to the subcontractor.

Commissioner May asked about the timeline for the disparity study. Mr. Strauss stated that the initial timeline they were on was one where the state had all the information available to conduct the study. Mr. Strauss said that because the state does not have one of the major components of information that is necessary (subcontract information), the effort now is to determine what will be needed in order to do that and will it meet the strict standards of having a disparity study upheld in court.

Commissioner Norton asked if every state has a program and how many of them have suffered lawsuits against their program. Mr. Strauss stated that he is not an expert in this area but he suspects that the contracting communities are dissatisfied with goals that are followed and forces the institutions into conducting the disparity studies. In most cases, those studies find that those government agencies do not have the data to successfully run their programs. As there is an issue with the data, they will be deciding how to best continue.

Commissioner Norton thanked Mr. Strauss for the work he is doing and his commitment to the project.

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

Attorney Sharp stated that the roundtable discussion that was had with the Department of Justice is leading to a conference on Title VI, specifically, that any educational facilities receiving federal money must administer programs in a non-discriminatory manner.

Attorney Sharp reported that the agency will also hold a conference surrounding the religious exemption controversies that have arisen in regard to when religious institutions are exempt and when they are not. Chairperson Norton asked if there were many cases in which churches are respondents. Attorney Sharp gave an example of some cases the agency has received in which employees of a church have been terminated because they became pregnant but were not married or because their sexual preference is not heterosexual.

Attorney Sharp stated that Legal Division staff will conduct training at schools surrounding the issue of transgender students and how they are dealing with this issue in the classroom. Attorney Sharp reported that the agency has seen an increase in cases in regard to bullying because of transgender identity. In addition, the agency will be holding several sessions on transgender protection for the general public as well as investigative staff.

Attorney Sharp distributed a copy of a report written by Charles Krich, Principal Attorney, in regard to PA 11-237. Attorney Sharp stated that mediation has helped to reduce the backlog in the regions. Attorney Sharp said that this year the agency had a 94% intake to closure rate. Attorney Sharp stated that the agency's settlement rate is about 52% whereas other states are at approximately 23%.

Commissioner May asked how long the average case stays with the Commission from date of filing to settlement. Attorney Sharp stated that the national average from is 850 days whereas the agency's average is 600 days.

**V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED**

A. Staff Recommendations: ***Approvals***

1. Department of Emergency Services and Public Protection
2. University of Connecticut Health Center
3. Department of Banking

Chairperson Norton asked for a motion to accept staff recommendations for approval of three Affirmative Action Plans: Department of Emergency Services and Public Protection, University of Connecticut Health Center and the Department of Banking. The motion included the Department of Emergency Services and Public Protection's move to an annual filing status, and that the University of Connecticut Health Center retain its annual filing status and Department of Banking retain its biennial filing status. Such a motion was made by Commissioner May and seconded by Commissioner Wrice. There was discussion on the motion.

1. Department of Emergency Services and Public Protection

Representing the agency were Reuben F. Bradford, Commissioner, Jewel White, EEO Specialist, Diane Benedetto, Daphne Lewis and Cordula.

Alvin Bingham reported that the Department of Emergency Services and Public Protection's plan was recommended for approval based on compliance with the following: the plan contains all elements required; and the agency has been deemed to have met all or substantially all of its goals as it is their first filing.

Commissioner Norton asked if agency has to submit information in regard to employees hired even though no goals were set. Dr. Valerie Kennedy stated that the agency did submit information discussing who they hired and their search process. Dr. Kennedy said that in terms of the technical approach, as it is a new, combined agency, it is considered a new agency and starts out fresh.

Commissioner Bradford thanked the Commission and his staff, Jewel White, Diane Benedetto and Cordula for putting the plan together in such a short time. Commissioner Bradford also thanked Mr. Bingham and Dr. Kennedy for their help.

Chairperson Norton asked Commissioner May and Commissioner Wrice to accept an amendment of the motion to accept staff recommendation to approve just the Department of Emergency Services and Public Protection's affirmative action plan and annual filing status to which they agreed. There was no discussion. The motion passed unanimously. Commissioner Gove abstained. Chairperson Norton did not vote.

Chairperson Norton then asked for a motion to accept staff recommendations for approval of the University of Connecticut Health Center's and the Department of Banking's affirmative action plans including the retention of their filling statuses. Such a motion was made by Commissioner May and seconded by Commissioner Wrice. There was discussion on the motion.

2. University of Connecticut Health Center

Representing the agency were Dr. Frank M. Torti, Executive Vice President for Health Affairs and Dean of the School of Medicine, Carolle Andrews, Chief Administrative Officer, Kristi Gafford, Chief of Staff, Terry Segar, Affirmative Action Specialist, Joyce Smith, Director Employment Services and Human Resources, and Nicole Smith, Supplier and Diversity Compliance Coordinator.

Mr. Bingham reported that the University of Connecticut Health Center's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has not met all or substantially all of its hiring and promotion goals but has met its 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.

Secretary Mambruno applauded the Health Center's efforts in regard to their enrichment program. Secretary Mambruno stated that it is a great program for youth and should be recognized.

Dr. Torti thanked Secretary Mambruno for his comments. Dr. Torti stated that they are preparing data for the Governor and Legislature in regard to Bioscience Connecticut Initiatives which to date are 12.6%; more than double what is required by state law. Dr. Torti stated the three pillars they are building the new UConn Health Center on are distinction, stewardship and community; which all relate to equity and health. Dr. Torti said he looks forward to working with the Commissioners to achieve this goal.

### 3. Department of Banking

Representing the agency were Howard Pitkin, Commissioner, Claudia Helfgott, Principal HR Specialist and Affirmative Action Designee, and James Heckman, Division Director.

Alvin Bingham reported that the Department of Banking'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 there were no deficiencies in the prior plan review.

Commissioner Pitkin thanked the Commissioners. Commissioner Pitkin gave a special thank you to Claudia Helfgott who he stated has successfully put the plan together for many years and has done a marvelous job for the Department. Commissioner Pitkin stated that Ms. Helfgott will be retiring at the end of the month.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the University of Connecticut Health Center and the Department of Banking which included the retention of their filing statuses. There was no further discussion. The motion passed unanimously. Chairperson Norton did not vote.

**VI. DIVISION REPORTS**

A. Legislative Report

Mr. Brothers reported that the agency's legislative proposal has been submitted. Mr. Brothers stated that the proposal incorporates technical revisions; for example, sexual orientation had been a stand-alone class basis and they have proposed it be grouped together with the other protected classes. Mr. Brothers said it is a comprehensive technical revision which puts definitions in alphabetical order, etc.

Mr. O'Neill gave a legislative update during which he discussed a recent meeting with the Black and Puerto Rican Caucus regarding the affirmative action regulations and case processing. Attorney Charles Krich, Attorney Sharp, Attorney Alix Simonetti and Mr. Bingham also attended the meeting. Mr. O'Neill reported that members of the Black and Puerto Rican Caucus asked that the Commission continue to have meetings regarding the newly proposed affirmative action regulations before approving them. Dr. Kennedy asked that the proposed regulations be posted on the Commission's website before the Special Meeting scheduled for Tuesday, January 15, 2013. Mr. Brothers stated that they would be posted.

B. Executive Director's Report

Mr. Brothers reported that they are in the process of trying to acquire new software to track cases throughout the agency as the old database is antiquated and dysfunctional. Mr. Brothers stated that the Commission, along with BEST, put out a Statement of Work for vendors to submit proposals to build the database with IBM. Mr. Brothers stated that the only question is the matter of funding available given the current budget. Mr. Brothers said he is optimistic as a functional system to track cases and produce reports is imperative.

Mr. Brothers stated that he received approval to refill a HRO Representative position. Mr. Brothers said that within this past year he has been able to hire 7-8 employees; all HRO Representatives with the exception of one Administrative Assistant. Mr. Brothers said he is pleased with this as it is the first time the agency has been able to hire since 2008. Mr. Brothers stated that the old HRO Representative Exam list has been exhausted and a new list will be generated by DAS shortly.

**VII. 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. Such a motion was made by Commissioner May and seconded by Commissioner Wrice. The motion was approved unanimously. Chairperson Norton did not vote.

**VIII. RETURN TO REGULAR SESSION**

At 4:08 p.m. the Commission returned to Regular Session from Executive Session and Chairperson Norton noted that no votes were taken in 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 Susan Smith v. Securitas Service USA, Inc. be denied. Such a motion was made by Commissioner Wrice. Commissioner Gove seconded the motion. The motion was approved unanimously. Chairperson Norton did not vote.

Chairperson Norton asked for a motion to approve Mr. Brothers' recommendation that the reopening request for Dyneisha Palmares v. Family Friends Healthcare, Inc. be denied. Such a motion was made by Commissioner Wrice. Secretary Mambruno 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 May and seconded by Secretary Mambruno to adjourn the meeting at 4:10 p.m. The motion carried unanimously. Chairperson Norton did not vote.