

**State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
Legislative Office Building – Rm 1A
Hartford, CT 06106
Wednesday, July 13, 2016
2:00 p.m.**



Regular Commission Meeting Minutes

Commissioners Present

Cherron Payne, Chair	
Lisa Giliberto	Edward Mambruno
Edith Pestana	Andrew Norton
Joseph Suggs	Shuana Tucker

Commissioners Absent

Dawn Niles

Staff Present

Cheryl Sharp, Deputy Director	
Emily Melendez, Assistant Attorney General	David Kent, Commission Counsel III
Robert Berriault, CHRO Legal Intern	Michelle Dumas Keuler, Commission Counsel III
Donna W. Brilliant, Regional Manager	Monica Richardson, Executive Secretary

I. Chairperson, Cherron Payne, Presiding

The meeting convened at 2:04 p.m.

II. Secretary, Edward Mambruno

A motion was made by Commissioner Shuana Tucker to approve the Minutes of the June 8, 2016 Regular Commission Meeting. It was seconded by Commissioner Edith Pestana. The motion carried by unanimous vote.

III. Affirmative Action Recommendations – Vote Required

The following plans were presented by Deputy Director Sharp: Department of Mental Health and Addiction Services, Department of Rehabilitation Services, Middlesex Community College, Naugatuck Community College, Three Rivers Community College, Tunxis Community College and Quinebaug Valley Community College.

A. Staff Recommendations: **Approval**

1. Department of Mental Health and Addiction Services

Representing the agency were Miriam E. Delphin-Rittmon, Commissioner, and Eric Smith, EEO Director.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; the agency has not met or substantially met all of its hiring goals at 42.1%, promotion goals were met at 56% and program goals were 100% met for this filing period. There were deficiencies in the prior plan review; the Department of Mental Health and Addiction Services has substantially addressed deficiencies noted by the Commission in the prior plan review and provided a Letter of Commitment as required by the regulations.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 175% for the SBE Goal achievement and 236% for the MBE.

The five year filing history is as follows: 2011, 2012, they were approved; 2013 conditionally approved, 2014 they were approved by default and 2015 conditionally approved.

They were recommended for approval and to retain their annual filing status.

A motion was made by Commissioner Andrew Norton and seconded by Commissioner Edith Pestana to **approve** the plan and retain the annual filing status of the Department of Health and Addiction Services. The vote was unanimous. The motion carried.

2. Department of Rehabilitation Services

Representing the Agency were Commissioner Amy Porter and Dorian Lord, DAS/ EEO Specialist. Chair Cherron Payne announced that CHRO Commissioner Andrew Norton recused himself from this plan's review and exited the room during the discussion.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; the agency did not meet all or substantially meet all of its hiring goals at 36.4%. The promotion goals were met at 60% and the program goals were 100% met for this filing period. There were no deficiencies in the prior plan review.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 150.7% goal achievement for the SBE and 151.5% for the MBE.

The five year filing history is as follows: 2012 (first filing), 2013, 2014 and 2015 were approved. **They were recommended to retain their annual filing status.**

A motion was made by Commissioner Edward Mambruno and seconded by Commissioner Shuana Tucker to **approve** the plan and retain the annual filing status of the Department of Rehabilitation Services. The motion carried by unanimous vote, with Andrew Norton abstaining.

3. Middlesex Community College

Representing the Agency were President Anna Wasescha, Ph.D. and Anastasia Pych, Director of Human Resources and Affirmative Action Officer.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; the agency did not meet all or substantially meet all of its hiring goals at 25%. No promotion goals were set at 60% and the program goals were met at 66.7% for this filing period. The deficiencies in the prior plan review were substantially addressed and Middlesex Community College provided a Letter of Commitment to the Commission on February 18, 2016 as required by the regulations.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 95.9% goal achievement for the SBE and 20.3% for the MBE.

The five year filing history is as follows: 2010, 2011, 2013 were approved; in 2015 it was disapproved for failure to file. **They were recommended for approval and to retain their annual filing status.**

A motion was made by Commissioner Edward Mambruno and seconded by Commissioner Edith Pestana to **approve** the plan and change to **biennial** filing status of the Middlesex Community College. The motion carried by unanimous vote.

4. Naugatuck Valley Community College

Representing the Agency were Kimberly Carolina, Director of Human Resources and Ronald Clymer, EEO Manager.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; the agency did not meet all or substantially meet all of its hiring goals at 43.8%. The promotion goals were met at 50% and the program goals were 100% met for this filing period. There were no deficiencies in the prior plan review.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 116.6% goal achievement for the SBE and 205.9% for the MBE.

The five year filing history is as follows: 2011, 2012, 2013, 2014 and 2015 were all approved. **They were recommended for approval and to retain their annual filing status.**

A motion was made by Commissioner Edith Pestana and seconded by Commissioner Shuana Tucker to **approve** the plan and retain the annual filing status of the Department of Rehabilitation Services. The motion carried by unanimous vote.

5. Three Rivers Community College

Representing the Agency were Louise Summa, Director of Human Resources, Kenneth Saad, Equity and Diversity Officer.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; there were no hires. The promotion goals were met at 60% and the program goals were 100% met for this filing period. There were no deficiencies in the prior plan review.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 86.7% goal achievement for the SBE and 139% for the MBE.

The five year filing history is as follows: 2010, approved, 2011 conditionally approved, 2012, approved, 2014 disapproved and 2015 approved. **They were recommended for approval and to retain their annual filing status.**

A motion was made by Commissioner Andrew Norton and seconded by Commissioner Edith Pestana to **approve** the plan and retain the annual filing status of the Department of Rehabilitation Services. The motion carried by unanimous vote.

6. Tunxis Community College

Representing the Agency were President Catherine Addy and Chuck Cleary-Dunn, Consultant.

The plan was recommended for **approval** based on compliance with the following: It contained all elements required; the agency demonstrated good faith efforts to achieve its goals; the agency did not meet all or substantially meet all of its hiring goals at 25%. The promotion goals were met at 100% and the program goals were 100% met for this filing period. There were no deficiencies in the prior plan review.

Tunxis Community College is not in compliance with the Diversity Training Requirements and did not submit all of the required reports, forms and correspondence regarding the Contract Compliance Set-Aside Program for FY 2014.

The five year filing history is as follows: 2009, 2010 approved, 2011 disapproved, 2012 and 2014 were approved. **They were recommended for approval and to retain their biennial filing status.**

A motion was made by Commissioner Andrew Norton and seconded by Commissioner Edward Mambruno to **approve** the plan and retain the biennial filing status of the Tunxis Community College. The motion carried by unanimous vote.

B. Staff recommendation: **Disapproval**

7. Quinebaug Valley Community College

Representing the Agency were President Carlee Drummer, Ph.D., and Paul Martland, Dean of Administrative Services and AA/ EEO Designee.

The plan was recommended for **disapproval** based on the following: While it contained all elements required, the agency demonstrated non-compliance with Sections 46a-68-102, (b)(1), (b)(2) and (b)(3) of the regulations.

The agency did not demonstrate good faith efforts to achieve its goals: the agency did not meet all or substantially meet all of its hiring goals with 2 out of 4 hiring goals or 42.9%; no promotion goals were set and 40% of program goals were met for this filing period. The Quinebaug Valley Community College reported that there were twenty (20) hires and three (3) promotions that met six goals. In searches where non-goal applicants / unknown race applicants (considered goal applicants) were interviewed yet there was no explanation provided for eliminating these applicants after interviewing them. Additionally, there was no information regarding the three promotions, no indication these were reclassifications and no information on applicant pools, as required.

There were deficiencies in the prior plan review that were not substantially addressed.

The following elements remain deficient in the proposed plan: Section 46a-68-90 Goals Analysis. There was no explanation for eliminating applicants who were interviewed when a non-goal applicant was hired, as required by the regulations.

The following sections were found to be weak: Section 46a-68-80 External Communication: The SBE/MBE quarterly reports were not included. Section 46a-68-81 Assignment of Responsibility and Monitoring: There was no description of the other job duties for which the AA/EEO Designee is responsible as required by the regulations.

The filing history is as follows: 2009, 2010 approved, 2011 conditionally approved, 2012 and 2014 approved. **They are recommended for disapproval and to annual filing status.**

A motion was made by Commissioner Edith Pestana and seconded by Commissioner Shuana Tucker for **disapproval** of the proposed affirmative action plan for the Quinebaug Community College and to move to annual filing status. The motion for **disapproval** was carried by unanimous vote.

IV. Division Reports

Executive Director's Report: presented by Deputy Director Sharp

The ED report was presented by Deputy Director Sharp. Director Hughes was in attendance at the Annual EEOC National Training Conference in New Orleans, LA. The report outlined the agency-wide production report, personnel updates, 450 Columbus Avenue relocation updates, Legislative and Program review and Auditors assessments, EEOC and HUD contract updates and upcoming training events. The deputy director highlighted the tremendous efforts of staff throughout the agency to achieve our now 1.22% aged inventory record, high case closure records and stellar settlement results at \$10,256,656 in settlements for FY 2016. Commissioner Suggs noted that we failed to meet our goal of achieving zero aged-inventory and admonished the commissioners to insist on zero aged-inventory to ensure justice is properly served for the people represented by these numbers. DD Sharp stressed that we were able to achieve unsurpassed success via streamlined case processing and accelerated efforts by all staff and that the staff should be properly celebrated, while maintaining our mission and goals.

Outreach Report: Cheryl Sharp, Deputy Director

Deputy Director Sharp provided a full detailed report on many outreach activities including:

- WZMX Hot 93.7 Radio Interview
- Health Equity Conference
- PSA for HUD
- Ms. Foundation for Women
- IAOHRA Conference
- Waterbury Fact-Finding Hearings
- Fox News Appearance
- CHRO Legends and Leaders Awards
- Diversity Counsel Panel Discussion
- Coalition for LGBT Issues
- ADA Training

Successes:

- US DOJ Presentation at the White House
- Kids Court Competition
- Sexual Harassment Prevention Training
- WZMX Hot 93.7 Radio Interview
- US DOJ Education Working Group
- Gender Identity and Gender Expression
- Contractor Event with State Rep. Ziobron
- PA 16-78 Disabilities Bill Signing

V. Executive Session

(Requires a two-thirds vote of Commissioners Present and Voting – Staff and Guests Invited to Attend Must Be Noted)

Commissioner Andrew Norton moved to go into executive session. The motion was seconded by Commissioner Edith Pestana. The motion carried by unanimous vote. Invited into executive session were: Deputy Director Sharp, Attorney Dumas-Kueler, Attorney David Kent and Attorney Emily Melendez.

1. CHRO ex rel. Alyssa Ayala & Eric McClain v. David Simpson & American Republican, Inc., CHRO Nos: 1550281 & 1550282
2. CHRO ex rel Ayala v. Alia Thomas, et al.
CHRO No. 1550261

VI. Return from Executive Session

Commissioner Edward Mambruno moved to resume the meeting following executive session. The motion was seconded by Commissioner Shuana Tucker. The motion carried unanimously.

1. CHRO ex rel. Alyssa Ayala & Eric McClain v. David Simpson & American Republican, Inc., CHRO Nos: 1550281 & 1550282

Commissioner Edward Mambruno moved to accept staff's recommendation. The motion was seconded by Commissioner Edith Pestana. The motion carried unanimously.

2. CHRO ex rel Ayala v. Alia Thomas, et al.
CHRO No. 1550261

Commissioner Shuana Tucker moved to accept staff's recommendation. The motion was seconded by Commissioner Edward Mambruno. The motion carried unanimously.

VII. New Business, Waterbury School District

Attorney Dumas Keuler reported on the status of the Fact-finding hearings that occurred on May 31 and June 7, 2016 at the Career Academy HS in Waterbury CT. Attorney Dumas-Keuler stated that CHRO still had not received the request for materials and cannot make a determination as to our next steps until we have had a chance to review said materials. It is anticipated that said review shall occur by July 15, 2016 with a staff recommendation to follow for the Commissioners' review and action.

VIII. Old Business

IX. Adjournment

A motion was made by Commissioner Edward Mambruno to adjourn the meeting and seconded by Commissioner Edith Pestana. The motion to adjourn carried unanimously. The meeting ended at 5:09 p.m.