

**State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
Legislative Office Building – Rm 1A
Hartford, CT 06106
Wednesday, September 14, 2016
2:00 p.m.**



Regular Commission Meeting Minutes

Commissioners Present

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

Commissioners Absent

Dawn Niles

Staff Present

Tanya Hughes, Executive Director

Cheryl Sharp, Deputy Director	Michelle D. Keuler, Commission Counsel III
Brian Festa, Commission Counsel I	Alix Simonetti, Commission Counsel III
David Kent, Commission Counsel III	Margaret N. Goodison, Commission Counsel III
Jodi W. Smith, Commission Counsel, II	Monica Richardson, Executive Secretary
Emily Melendez, Assistant Attorney General	

- I. **Chairperson:** Cherron Payne, Presiding
The meeting convened at 2:07 p.m.

- II. **Secretary:** Edward Mambruno
A motion was made by Commissioner Pestana to approve the Minutes of the August 10, 2016 Regular Commission Meeting. It was seconded by Commissioner Tucker. The motion carried unanimously.

- III. **Affirmative Action Recommendations – Vote Required**
Assistant Attorney General, Emily Melendez recused herself from hearing the AA plan for the Office of the Attorney General.

The following plans were presented by Deputy Director Cheryl Sharp: Office of the State Comptroller, Department of Education, Office of the Attorney General, Department of Economic and Community Development, and CT State Colleges and Universities.

Staff Recommendations: **Approval**

1. Office of the State Comptroller

Representing the agency were Natalie Braswell, Assistant State Comptroller and Ginger Frasca, HR Specialist.

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 had not met or substantially met all of its hiring goals at 54.6%, promotion goals were met at 40% and 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 136% for the SBE Goal achievement and 189% for the MBE.

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

A motion was made by Commissioner Norton and seconded by Commissioner Suggs to **approve** the plan and retain the annual filing status of the Office of the state Comptroller. The motion carried unanimously.

2. Department of Education

Representing the agency was Commissioner Diana Wentzell, Karen Zuboff, HR, Levy Gillespie, EEO Director, LaWanda Scott, EEO, and Barbara Brown.

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 all of its hiring goals at 50.5%. The promotion goals were met at 55% and the program goals were not discussed for this filing period. There were no deficiencies in the prior plan review.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 164% goal achievement for the SBE and 265% for the MBE.

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

A motion was made by Commissioner Tucker and seconded by Commissioner Pestana to **approve** the plan and retain their annual filing status of the Department of Education. The motion carried unanimously.

3. Office of the Attorney General

Representing the Agency was Assistant Attorney General Susan Cavanaugh.

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 had not met or substantially met all of its hiring goals at 44.4%, promotion goals were met at 100% and program goals were not established for this filing period.

There were deficiencies in the prior plan review that were substantially addressed and are no longer deficient.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 651% goal achievement for the SBE and 255% for the MBE.

The filing history is as follows: 2011, 2012, 2013, and 2014, approved and 2015, conditionally approved. They are recommended for approval and to retain annual filing status.

A motion was made by Commissioner Giliberto and seconded by Commissioner Pestana for approval of the proposed affirmative action plan for the Norwalk Community College and to move to annual filing status. The motion for **approval** was carried by unanimous vote.

4. Department of Economic and Community Development

Representing the Agency was President Mark Ojakian and Leah Glende, Manager of Diversity, Inclusion & Staff Development.

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 had not met or substantially met all of its hiring goals at 50%, program goals were met at 100% and no promotion goals were established for this filing period.

There were deficiencies in the prior plan review that were substantially addressed and are no longer deficient.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 79% goal achievement for the SBE and 234% for the MBE.

A motion was made by Commissioner Suggs and seconded by Commissioner Tucker for approval of the proposed affirmative action plan for the Department of Economic and Community Development and to move to biennial filing status. The motion for **approval** was carried by unanimous vote.

5. CT State Colleges and Universities

The Agency was represented by Commissioner Catherine Smith and Jamila Goolgar, EEO Designee.

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 had not met or substantially met all of its hiring goals at 81.3%, program goals were met at 100% and promotion goals were not established for this filing period.

The previous plan had no deficient elements, therefore the agency is in compliance with the (b)(4) standard.

The Contract Compliance Set-Aside Program for FY 2014/2015 showed 298% goal achievement for the SBE and 457% for the MBE.

A motion was made by Commissioner Mambruno and seconded by Commissioner Suggs for approval of the proposed affirmative action plan for CT State Colleges and Universities and to retain biennial filing status. The motion for **approval** was carried by unanimous vote.

IV. Division Reports

Executive Director's Report: presented by Executive Director Tanya Hughes

- Thanks to the Commissioners for their continued support and commitment to the agency
- Congratulations to Dr. Tucker on her new position in the New Britain school system
- Director Hughes reported that it had been a Banner year for the Agency.
- The aged inventory is less than 2% agency wide. While filing over 2023 cases and closing over 2700 cases this was accomplished with a significantly diminished staff over the past three years. This was the best production rate of any agency from across the country as reported by the EEOC at their 2016 annual conference.
- The Complaint Tracking System developed with BEST and Jim Flynn (retired CHRO Manager) has been working really well on reporting and monitoring data on the case processing activities.
- CHRO received a Performance Assessment Award totaling \$395,245. This was based on the cases processed in the Fair Housing unit.
- The Office of Public hearing is averaging about 155 cases which essentially utilized two human rights referees in an office that usually maintains 3 human rights referees.
- The affirmative action plan for CHRO is being worked upon. In 2014 we received a conditional approval. We are on target for an approval this year.
- The move to 450 Columbus Blvd. was successfully completed without incident on Friday, August 26, 2016.
- The Legislative Program review is nearing completion. A hearing will be held at the LOB on September 21, at 10a.m.

A more detailed report was provided.

Outreach Report: presented by Deputy Director Cheryl Sharp

Future Outreach

- Stand Down Event – Sept 23, 2016. Provides veterans who have returned home with information and access to resources for employment, education, and medical assistance.
- Police and Racial Profiling Discussion – October 27, Hartford Public Library
- Leaders and Legends Award Ceremony, November 17, 2016, Capitol Building
- Legislative and program Review Public Hearing – September 20, at the LOB, Room 2D, 10am

Outreach Successes

- IAOHRA conference – Cheryl Sharp and Michelle Dumas Keuler attended, August 8-11. The group brought together groups from around the world that fight for human rights
- Fair Housing law training – Attorney Michelle Dumas Keuler gave a training session, September 7.
- Contract Compliance law training, Attorney David Kent gave a training to contractors, September 15, 2016,

A detailed report was provided.

Legislative Report: presented by Atty. Michelle Dumas Kueler

Atty. Keuler discussed the upcoming efforts to renew our bills for this legislative session that were presented last session.

V. Exemption Request

The CBORD Group, Inc. Central CT State University, Presented by: Alix Simonetti, Attorney, CHRO

A motion was made by Commissioner Tucker and seconded by Commissioner Mambruno to grant a conditional exemption for the CBORD contracts. The motion carried unanimously.

VI. Reopening Request

Kristen Rzasa v. Centerplan, CHRO Case No. 1630411, Presented by: Margaret Nurse-Goodison, Attorney, CHRO

A motion was made by Commissioner Suggs and seconded by Commissioner Giliberto to deny the reopening request. The motion carried unanimously.

VII. New Business: None

Commissioner Tucker left the meeting at 3:37 pm.

VIII. Executive Session

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

Commissioner Suggs moved to go into executive session at 3:45 p.m. The motion was seconded by Commissioner Pestana. The motion carried by unanimous vote.

Invited into executive session were: Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Asst. Attorney General Emily Melendez, Atty. Jodi Walker Smith, Atty. David Kent, and Atty. Michelle Dumas Keuler.

1. CHRO ex rel. Janele McKay v. Anthony Fuschetto, et al CHRO Case No.1550256
Presented by Jodi Walker Smith, Attorney, CHRO
2. CHRO ex rel. Nicole Lombard v. The Caleb Foundation Inc., d/b/a the Village at Killingly, et al
CHRO Case No. 1550287
Presented by David Kent, Attorney, CHRO
3. Steven Comen v. Meadbrook Third Co/op., et al.
CHRO Case No. 1650119
Steven Comen v. Patricia Gambori, et al.
CHRO Case No. 1650120
Steven Comen v. Imagineers, LLC, et al
CHRO Case No. 1650118
Presented by Michelle Dumas Keuler, Attorney, CHRO
4. Personnel – Performance Review of the Executive Director Tanya Hughes

IX. Return from Executive Session

Commissioner Suggs moved to resume the meeting following executive session at 4:35 pm. The motion was seconded by Commissioner Edith Pestana. The motion carried unanimously.

1. CHRO ex rel. Janele McKay v. Anthony Fuschetto, et al, CHRO Case No.1550256

Commissioner Giliberto moved to accept staff's recommendation to file in Danbury Court for damages. The motion was seconded by Commissioner Suggs. The motion carried with a vote of, 5 –yes, 0 – No, 0 – Abstentions

2. CHRO ex rel. Nicole Lombard v. The Caleb Foundation Inc., d/b/a the Village at Killingly, et al., CHRO Case No. 1550287

[Commissioner Mambruno was signing documents at the time of the following vote. He returned to the table after he finished signing.]

Commissioner Pestana moved to accept staff's recommendation to file in Superior Court for damages. The motion was seconded by Commissioner Suggs. The motion carried with a vote of, 4 –yes, 0 – No, 0 – Abstentions

3. Steven Comen v. Meadbrook Third Co/op, et al. CHRO Case No. 1650119

Commissioner Giliberto moved to accept staff's recommendation to file in New Haven Superior Court for damages. The motion was seconded by Commissioner Suggs. The motion carried with a vote of 5- Yes, 0 – No, 0 – Abstentions

Steven Comen v. Patricia Gambori, et al. CHRO Case No. 1650120

Commissioner Giliberto moved to accept staff's recommendation to file in New Haven Superior Court for damages. The motion was seconded by Commissioner Pestana. The motion carried with a vote of 5- Yes, 0 – No, 0 – Abstentions

Steven Comen v. Imagineers, LLC, et al, CHRO Case No. 1650118

Commissioner Giliberto moved to accept staff's recommendation to file in New Haven Superior Court for damages. The motion was seconded by Commissioner Pestana. The motion carried with a vote of 5- Yes, 0 – No, 0 – Abstentions

X. Old Business: Water Public Schools

CHRO reported that it continues to review the documents from the City of Waterbury. CHRO is scheduled to meet with Attorney Peter Havilland, from the State Department of Education.

IX. Adjournment

A motion was made by Commissioner Mambruno to adjourn the meeting and seconded by Commissioner Pestana. The motion to adjourn carried unanimously. The meeting ended at 4:45 p.m.