

**State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
Legislative Office Building, Room 1A
300 Capitol Ave
HARTFORD, CT 06103
Wednesday, January 8, 2020**



2:00 p.m.

Regular Commission Meeting Minutes

Commissioners Present

Cherron Payne, Chair
Edward Mambruno, Secretary
Andrew Norton
Joseph Suggs
Edith Pestana
Nicholas Kapoor

Commissioners Absent

Lisa Giliberto
Neeta Vatti

Staff Present

Tanya Hughes, Executive Director
Cheryl Sharp, Deputy Director

Charles Krich, Principal Attorney
Michael Roberts, HRO Attorney
Robin Fox, HRO Attorney
Jody Walker-Smith, HRO Attorney
Ronald Simpson, Regional Manager
Shawn Burns, Regional Manager
Muriel Carpentier, HRO Representative
Kristen Daniels, Executive Secretary

Michelle Dumas Keuler, HRO Attorney
Kimberly Jacobsen, HRO Attorney
Margaret Nurse Goodison, HRO Attorney
George Welch, HRO Attorney
Jamie Rubin, Regional Manager
Ronald Simpson Regional Manager
Darcy Strand, Legislative Analyst
Monica H. Richardson, Executive Secretary

I. Chairperson: Cherron Payne, Presiding

The regular commission meeting convened at 2:09 p.m.

II. Secretary: Edward Mambruno

A motion was made by Commissioner Norton to approve the minutes of the December 10, 2020. Commissioner Pestana seconded it. The vote: Yes (4), No (0), and Abstentions (1). The motion carried.

III. Affirmative Action Recommendations – (Vote Required)

Deputy Director Cheryl Sharp presented the following plans:

Staff Recommendations: **Approval**

1. Office of Policy & Management

Representing the agency were Secretary Melissa McCaw, Deputy Secretary Konstantinos Diamantis, MaryAnn Palmarozza, OPM Chief Administrative Officer and Carolyn Kozak, Principal Human Resources Specialist.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 37.5%. There were no promotion goals made and the program goals were met at 100% (2 of 2).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 306.6% achievement for the SBE and 858% achievement for the MBE.

The filing history is as follows: 2011, 2012, 2013, 1015 and 2017, Approved.

A motion was made by Commissioner Suggs and seconded by Commissioner Pestana to accept the staff recommendation to **approve** the plan of the **Office of Policy and Management** and retain **biennial** filing status. The vote: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

2. Department of Emergency Services and Public Protection

Representing the agency were Scott Devico, the Chief of Staff, Jeanne Anderson, the HR Administrator, Daphne Lewis, EEO Specialist and Ngina McMillian, the EEO Director.

The plan was recommended for **Approval**:

The agency had not met all or substantially all of its hiring goals at 20%. The promotion goals were met at 27% and the program goals were met at 100% (2 out of 2).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 92% goal achievement for the SBE and 212% for the MBE.

The filing history is as follows: 2014, Disapproved, 2015, Conditionally Approved, 2016, Disapproved, 2017, Conditionally Approved and 2018, Approved.

A motion was made by Commissioner Norton and seconded by Commissioner Mambruno to accept the staff recommendation to **approve** the plan of the **Department of Emergency Services and Public Protection** retain **annual** filing status. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

3. Connecticut Agricultural Experiment Station

Representing the agency were Jason White, State Chemist/ Chief EEO, and Michael Cavadini.

The plan was recommended for **Disapproval**:

The agency did meet all or substantially meet all of its hiring goals at 100% (1 out of 1). The promotion goals were not established, and the program goals were not met (0 out of 1).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 1086% goal achievement for the SBE and 270% for the MBE.

The filing history is as follows: 2011, and, 2013, Approved, 2015, Conditionally Approved, 2016 and 2017, Approved.

A motion was made by Commissioner Pestana and seconded by Commissioner Mambruno to **conditionally approve** the plan of the **CT Agricultural Experiment Station**, return to **annual filing status** and for the agency to contact DAS for support. The vote was: Yes (3), No (2) and Abstentions (0). The motion carried.

IV. Petition for Declaratory Ruling

Health Insurers' Categorization of Certain Gender Confirming Surgeries as Cosmetic
Presented by Attorney Michael E. Roberts

A motion was made by Commissioner Kapoor and seconded by Commissioner Suggs to **grant** the applications of Rylie Robillard, GLAD, the National Center for Transgender Equality, CWELF, and Cigna for Intervenor status, limited to the submission of written arguments and documentary evidence in a timeframe and manner to be determined. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

V. Request For Reopening

1. Harish L. Bhirud v. Stillman Management Company
Harish L. Bhirud v. 71 Terrace Condominium Association, Inc.
CHRO Case Nos. 1950027 & 1950028
Presented by Michelle Dumas Keuler, Commission Counsel

A motion was made by Commissioner Kapoor and seconded by Commissioner Pestana to accept the staff recommendation to **deny** the request to reopen CHRO cases 1950027 and 1950028. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

2. Dianna Peel v 665 Foxon Rd, LLC and JFA management,
CHRO Case Nos. 1750185 & 1750186
Presented by Kimberly Jacobsen, Commission Counsel

A motion was made by Commissioner Kapoor and seconded by Commissioner Suggs to accept the staff recommendation to **grant** the request to reopen CHRO cases 1750185 and 1750186. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

3. Michael Shukaitis v. Electric Boat
CHRO Case 1740132/ EEOC Case 16A201700053

Presented by Robin Fox, Commission Counsel

A motion was made by Commissioner Suggs and seconded by Commissioner Kapoor to accept the staff recommendation to **deny** the request to reopen CHRO case 1740132. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

4. Steven Edelman v. Regional School District #19

CHRO Case 1440333

Presented by Margaret Nurse-Goodison, Commission Counsel

A motion was made by Commissioner Kapoor and seconded by Commissioner Suggs to accept the staff recommendation to **deny** the request to reopen CHRO case 1440333. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

A motion was made by Commissioner Kapoor to add to Executive session a Housing election case (agency materials were presented to Commissioners via email prior to commission meeting, but were inadvertently omitted from agenda). Commissioner Suggs seconded. The vote was: Yes (4), No (0) and Abstentions (1). The motion carried.

***Chair Payne exited the meeting at 4:05 pm; Commissioner Kapoor chaired the meeting.*

VI. Division Reports

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

The Executive Director reported on a budget review meeting with DOL, position refills in SW, FHU, Legal and the CC unit. An Affirmative Action plan data report produced by a former intern was given to the Commissioners to highlight trends found regarding findings in the AA plans. She reported on cases in OPH showing a sharp increase; thus leading to the need to initiate magistrate support. She announced a public meeting Jan 9 in Bridgeport. Commissioner Vatti completed required training on January 3; awaits confirmation hearing.

Outreach Report: by Cheryl Sharp, Deputy Director

See detailed report

- Affirmative Action Working Group, 1/7/20
- CTRP3 Working Group at the LOB, 1/7/20
- CTRP3 Forum, 1/9/20
- Gun Violence and Our Youth Forum, 1/9/20
- Sexual Harassment Training, 1/14/20
- Outreach in the Regions and units: AA/CC-TA sessions; Housing - Emotional support animals legislative committee; Capitol Region - Ron Simpson elected secretary to State of CT Advisory Council; Eastern Region- GNACC Legislative Breakfast, 1/24/20; West Central region, Shawn Burns and Rebecca Cannon visited and read to classes in Buck's Hill elementary school; Sancha Works sponsored a toy drive at Waterbury Boys and Girls club; SW region – MLK, Jr. Legacy of Environmental and Social Justice 2020, 1/19-1/20

Legislative update: by Darcy Strand, Legislative Analyst

- Update on AA Regulations Committee proposed revisions. No further meetings. The proposed regulations were included in the Commissioners information packets.

V. New Business: N/A

VI. 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 and was seconded by Commissioner Pestana. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

Invited into Executive Session with the commissioners were Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Jody Walker Smith, Michael Roberts, and George Welch.

CHRO ex rel. Melissa Dunlap v. Ahmed Alhidami and Sam Ogah

CHRO No. 2050011 and 2050012

Presented by Attorney Jody Walker Smith and Attorney George Welch

CHRO ex rel. Sirmarcus Butler v. 525 MRDJ Enterprises, LLC;

CHRO No. 2050010.

Presented by Attorney Jody Walker Smith and Attorney Michael Roberts

*** Commissioner Mambruno exited Executive session and the meeting at 4:24 pm*

VII. Return from Executive Session

Commissioner Suggs moved to return from Executive session at 4:29 pm and Commissioner Norton seconded. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

VIII. Vote on Executive Session Items

CHRO ex rel. Melissa Dunlap v. Ahmed Alhidami and Sam Ogah

CHRO No. 2050011 and 2050012

A motion was made by Commissioner Pestana to accept staff recommendation to have the commission legal counsel file this case in the Judicial District of New Britain and seek injunctive relief, punitive damages, and a civil penalty. Commissioner Suggs seconded. The vote was: Yes (3), No (0), and Abstentions (0). The motion carried unanimously.

CHRO ex rel. Sirmarcus Butler v. 525 MRDJ Enterprises, LLC;

CHRO No. 2050010.

A motion was made by Commissioner Pestana to accept staff recommendation to have the commission legal counsel file this case in the Judicial District of Waterbury and seek

injunctive relief, punitive damages, and a civil penalty. Commissioner Suggs seconded it. The vote was: Yes (3), No (0), and Abstentions (0). The motion carried unanimously.

IX. Adjournment

A motion was made by Commissioner Suggs to adjourn the meeting; Commissioner Pestana seconded it. The vote was Yes (3), No (0), and Abstentions (0). The motion carried unanimously.

The meeting adjourned at 4:31 p.m.