

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



DRAFT

Regular Commission Meeting Minutes
Wednesday, April 12, 2023
2:00 p.m.
Via Microsoft TEAMS

Commissioners Present

Lisa Giliberto
Nick Kapoor
Edward Mambruno
Andrew Norton
Edith Pestana

Commissioners Absent

Joseph Suggs

Staff Present

Tanya A. Hughes, Executive Director
Kimberly Jacobsen, Managing Director, Legal
Michelle Dumas Keuler, Managing Director, Legal
Spencer Hill, HRO Attorney
Elizabeth Moyse, HRO Attorney
Neva Vigezzi, Supervisor, AA (TWR)
Gary Madison, HRO Representative
Darian Pitts, Executive Secretary

Cheryl Sharp, Deputy Director
Shawn Burns, Regional Manager
Jaime Rubin, Regional Manager
Anna-Marie Puryear, HRO Attorney
Robin S. Kinstler Fox, HRO Attorney
Darcy Strand, Legislative Analyst
Kristen Parker, Executive Secretary

I. CALL TO ORDER

Commissioner Nick Kapoor called the meeting to order at 2:02 PM.

II. ELECTION OF CHAIRPERSON PRO TEMPORE

Commissioner Kapoor entertained a motion to elect the Chair Pro Tempore. Commissioner

Giliberto moved to elect Commissioner Kapoor as Chairperson Pro Tempore for the April 12, 2023, Commission meeting. Commissioner Pestana seconded the motion. The motion carried. Yes (3); No (0); Abstentions (0).

III. CHAIRPERSON'S REPORT

Commissioner Kapoor reported there has been some communication with OPM centered on the streamlining of the affirmative action plan process. He and other Commissioners have been in contact with the state auditors seeking answers to specific questions as it applies to the regulations governing the Commission. He went on to note he has started a list of items that the Chair should be attentive of each year. He further explained that his list will help with planning the meeting agendas and remind him which

actions should be occurring during each month. For example, the Commission Secretary should be elected during the December meeting of each year and the meeting schedule should be adopted each November. He informed the list will be shared with all the commissioners once it is completed. There has also been some correspondence amongst the group as it applies to certain CHRO cases. He then noted he would not be present for the June Commission meeting and invited the other Commissioners to volunteer to chair. He concluded by informing that there is a quorum present. Commissioners Norton and Suggs at present were not in attendance.

IV. APPROVAL OF MINUTES

Commission Secretary Mambruno entertained a motion to approve the Minutes of the March 8, 2023, Regular Commission Meeting as presented. Commissioner Pestana moved the motion to accept the Minutes. Commissioner Giliberto seconded. Secretary Mambruno asked for discussion. Seeing none he called for a motion to accept the 2023-3-8 Commission meeting minutes as written. The motion carried. Yes (3); No (0); Abstentions (0).

*Commissioner Norton joined the meeting at 2:11 PM.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by Deputy Director Cheryl Sharp

Connecticut State Community College Shoreline West Region

Staff representing Connecticut State Community College Shoreline West Region were Nick D'Agostino, Director of Equity and Civil Rights, Dr. John Paul Chaisson-Cardenas Vice President, Diversity, Equity, and Inclusion, Rebecca Cannon Klemenzen, Senior Investigator.

This plan was recommended for approval based on compliance with the following: the plan contains all the elements required by sections 46a-68-78 through 46a-68-94, inclusive.

The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts was unable to do so. The agency had no deficiencies in the prior plan reviews and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 40 out of 52 or 76%
- Promotional Goal Achievement: 6 out of 20 or 30%
- Program Goal Achievement 3 out of 3 or 100%

There is no five-year history of approval. The length of the history of approval is two years and is as follows: It was approved for both 2021 and 2022.

Commissioner Giliberto moved to approve the Connecticut State Community College Shoreline West Region Affirmative Action Plan and for them to retain annual filing status. Commissioner Mambruno seconded. The motion carried. Yes (4); No (0); Abstentions (0).

Department of Correction

Staff representing the Department of Correction were: Angel Quiros, Commissioner, William Mulligan, Deputy Commissioner of Operations and Rehabilitation Services, Sharronda Carlos, Deputy Commissioner of Administration, Nick Rodriguez, District

Administrator, District 1, Eulalia Garcia, District Administrator, District 2, Ashley McCarthy, Director of External Affairs, Holly Darin, Equal Employment Opportunity Director, Kristen Jalbert, Equal Employment Opportunity Assistant, Debbie Sass, HR Generalist 3-Staffing Unit.

This plan was recommended for approval based on compliance with the following: the plan contains all the elements required by sections 46a-68-78 through 46a-68-94, inclusive.

The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts was unable to do so. The agency had no deficiencies in the prior plan reviews and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 319 out of 564 or 57%
- Promotional Goal Achievement: 57 out of 79 or 72%
- Program Goal Achievement 1 out of 1 or 100%

The five-year history of approval is as follows: 2017, 2018, 2019, 2020, 2021.

Commissioner Mambruno moved to approve the Department of Correction Affirmative Action Plan and for them to retain their annual filing status. Commissioner Giliberto seconded. The motion carried. Yes (4); No (0); Abstentions (0).

Department of Revenue Services

Staff representing the Department of Revenue Services were Louis Bucari, First Assistant Commissioner, Penny Potter, Equal Employment Opportunity Manager.

This plan was recommended for approval based on compliance with the following: the plan contains all the elements required by sections 46a-68-78 through 46a-68-94, inclusive.

The agency has not met all or substantially all of its hiring and promotion goals. Program goals were not established in the prior filing. The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts was unable to do so. The agency had no deficiencies in the prior plan reviews and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 31 out of 45 or 69%
- Promotional Goal Achievement: 21 out of 39 or 54%
- Program Goal Achievement -- out of -- or --%

The five-year history of approval is as follows: 2018, 2019, 2020, 2021, 2022.

Commissioner Giliberto moved to approve the Department of Revenue Services Action Plan and for them to retain their annual filing status. Commissioner Mambruno seconded. The motion carried. Yes (4); No (0); Abstentions (0).

Commission on Human Rights and Opportunities

Staff representing the Commission on Human Rights and Opportunities were Tanya Hughes, Executive Director, Cheryl Sharp, Deputy Director, Jerri Beckford, Equal Employment Opportunity Specialist.

This plan was recommended for approval based on compliance with the following: the plan contains all the elements required by sections 46a-68-78 through 46a-68-94, inclusive.

The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts was unable to do so. The agency had no deficiencies in the prior plan reviews and therefore is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 4 out of 12 or 33%
- Promotional Goal Achievement: 1 out of 3 or 33%
- Program Goal Achievement 2 out of 2 or 100%

The five-year history of approval is as follows: 2013 Approved, 2015 Conditionally Approved, 2017 Approved, 2019 Conditionally Approved, 2021 Approved.

Commissioner Norton moved to approve the Commission on Human Rights and Opportunities Action Plan and for them to retain their biennial filing status. Commissioner Mambruno seconded. The motion carried. Yes (4); No (0); Abstentions (0).

VI. CONTRACT COMPLIANCE REQUEST FOR EXEMPTION

- Epic Systems Corporation and The Department of Mental Health and Addiction Services
- Epic Hosting, LLC and the Department of Mental Health and Addiction Services Presented by HRO Attorney Spencer Hill

Attorney Hill noted the requests are separate, although related, were submitted simultaneously, but are formally separate companies with separate contracts and will need to be voted on separately. The first request from Epic Systems Corporation is asking that all contract compliance requirements, including but not limited to affirmative action requirements, implementation of a written affirmative action plan, annual reporting requirements, contract monitoring, other required contract compliance reports, including related to outreach, recruitment, solicitation, and/or advertising methods is considered for exemption. The request is also for an exemption from the sexual harassment training, training requirements, notice requirements, as well as to provide exemption from providing access to books, records, or accounts concerning employment practices or procedures. Attorney Hill added that parts of the request do not fall under permissible by the Commission's statutes. Therefore, the Commission is not authorized to grant exemption from the sexual harassment training requirements.

Commissioner Giliberto moved to partially grant the exemption request on behalf of the Department of Mental Health and Addiction Services and its proposed contract with Epic Systems Corporation in accordance with those guidelines set forth in the letter by Executive Director Hughes dated April 4, 2023, to Epic Systems Corporation. Commissioner Pestana seconded it. The motion carried. Yes (4); No (0); Abstentions (0).

The second request for Epic Hosting LLC, continued Attorney Hill, is a substantially similar request to the first one. The same exemption basis is requested, and the same caveat applies with respect to the limits of the authority to grant the full request.

Commissioner Giliberto moved to partially grant the exemption request on behalf of the Department of Mental Health and Addiction Services and its proposed contract with Epic Hosting, LLC in accordance with those guidelines set forth in the letter by Executive

Director Hughes dated April 4, 2023, to Epic Hosting, LLC. Commissioner Pestana seconded it. The motion carried. Yes (4); No (0); Abstentions (0).

VII. REQUEST TO REOPEN

1. Frank Bell v. Office of Chief Public Defender
CHRO Case No. 2310065
Presented by HRO Attorney Anna-Marie Puryear
2. Frank Bell v. Law Offices of Pat Brown
CHRO Case No. 2310083
Presented by HRO Attorney Anna-Marie Puryear
3. Ivy Leysa v. Nathaniel Wetherell
CHRO Case No. 2220186
Presented by HRO Attorney Robin S. Kinstler Fox

Commissioner Giliberto recused herself from the 1) Frank Bell v. Office of the Chief Public Defender CHRO case no. 2310065 and 2) Frank Bell v. the Law Offices of Pat Brown CHRO Case No. 2310083.

In the case of the first Item, Frank Bell v. Office of the Chief Public Defender Commissioner Mambruno made the motion to accept the decision to deny reopening case number 2310065. Commissioner Norton seconded. There being no discussion the motion carried. Yes (3); No (0); Abstentions (0); Commissioner Giliberto recused.

In the case of the second item, Frank Bell v. the Law Offices of Pat Brown Commissioner Mambruno motioned to accept the decision to deny reopening case number 2310083. Commissioner Pestana seconded. There being no discussion the motion carried. Yes (3); No (0); Abstentions (0); Commissioner Giliberto recused.

Commissioner Giliberto was welcomed back to the meeting by Commissioner Kapoor.

In the case of Ivy Leysa v. Nathaniel Wetherell, CHRO Case no. 2220186 Commissioner Giliberto moved to grant the request to reopen. Commissioner Mambruno seconded. There being no discussion the motion carried. Yes (4); No (0); Abstentions (0).

VIII. DIVISION REPORTS

Executive Director's Report, Executive Director Tanya Hughes.

- Robust recruitment activities are continuing; Updates to the interview process and questions are also continuing.
- Meetings are being held with BITS regarding the agency's computer upgrade and upgrades to the telephone systems in Norwich and Bridgeport.
- Meetings have been held with the Department of Education/SERC regarding their gender guidance policies. Attorney Michael Roberts has attended these meetings with Director Hughes.
- Meetings with Legislators on various committees are ongoing as well as testimony on Bills that affect the agency.
- Meetings are being held with EEOC and training opportunities provided by EEOC are occurring.
- The Audit review for 2021-2022 is nearing completion.
- Deputy Director Cheryl Sharp will be recognized by the CBA and receive the Citizen of the Law award.

Outreach Report, Deputy Director Cheryl Sharp

- Regional trainings and informational sessions are continuing across the state.
- Partnerships with state, federal, and nonprofit organizations are also continuing.
- An increasing number of DEI trainings are taking place. The most recent one was held this week. Another one is scheduled for this Friday.
- KCA is flourishing with a mix of students currently participating. The KCA competition is in full swing and will culminate in June. Papers are due in May and volunteers are being sought to serve as judges. Superior Court Judges have agreed to serve. Commissioners Giliberto and Kapoor also volunteered to serve as judges.
- KCA is also partnering with the Connecticut Bar, The CT Bar Foundation, The State of Connecticut, Department of Education, and UConn Law School. Donations are also coming in from area law firms. Cheryl has also been contacted about summer employment for students 16 or older.
- Eleven public and 19 regional informational outreach session have occurred in this past month.
- Ninety-six closures have been made within the Housing unit prior to the end of the fiscal year. If 100 closures are met the agency can get an enhancement of HUD administrative cost.
- Diane Carter and her team were acknowledged for their hard work and their outreach activities, specifically as it applies to Hispanic community.
- Materials and brochures are being created to reach out to the Hispanic community.

Legislative Update, Legislative and Administrative Advisor, Darcy Strand

Darcy informed that the legislative session continues. The public hearing portion is winding down. Only Finance and Appropriations Committees are still meeting to finish their work on the Budget. The Governor's office and the Legislature will spend the rest of the session negotiating the final Budget. The Bill HB 6638 AA Revising the State's Antidiscrimination Statutes got out of the Judiciary Committee. This Bill will also modernize the definition of sexual orientation.

IX. EXECUTIVE SESSION

It requires a two-thirds vote of Commissioners present and voting staff and guests invited to attend must be noted.

Commissioner Kapoor entertained a motion to go into Executive Session and invite in: Assistant Attorney General Thurston, Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, HRO Attorney Kimberly Jacobsen, and HRO Attorneys Anna-Marie Puryear and Liz Moyse. Commissioner Pestana moved the motion. Commissioner Giliberto seconded. The motion carried. Yes (4); No (0); Abstentions (0). The Commission entered Executive session at 3:48 PM.

The Commission meeting reconvened at 3:57 PM. Commissioner Kapoor, Commissioner Giliberto, Commissioner Mambruno, Commissioner Pestana, and Commissioner Norton returned after Executive Session.

Commissioner Kapoor noted that no actions or votes were taken during the Executive Session.

X. VOTE ON EXECUTIVE SESSION

1. Donna Burston v. Federation Homes, Inc., Vesta Corporation, and Vesta Management

CHRO Cases # 235005 & 235006
Presented by HRO Attorneys Anna-Marie Puryear & Liz Moyse

Commissioner Kapoor entertained a motion to vote on the Executive Session items. Commissioner Gilberto moved to have the case filed in Hartford Superior Court and seek injunctive relief, punitive damages, and civil penalty. Commissioner Mambruno seconded. There being no further discussion the motion carried. Yes (4); No (0); Abstentions (0).

XI. NEW BUSINESS

1. Discussion of AAIANHNPI (Asian, American Indian, Alaska Native, Native Hawaiian, Native Pacific Islander designations)

Commissioner Norton initiated the discussion on the AAIANHNPI designation being changed- and/or separated into simpler categories, such as Native Asian and Pacific people; something a bit more accessible and easier for average people to understand. He went on to say that he is not looking to make a motion at this time as he is not sure if it is within the role of the Commissioners to make the decision to change the designation. He added that he also would not seek a vote without more thought going into the process/decision.

Neva Vigezzi then explained that the designation is used for census data primarily and is not used in everyday conversation. She further explained that the breakdown of the current designation would lead to the census numbers being so small that goals would never be set for any of these groups.

Commissioner Pestana suggested that a separate meeting should be held to discuss the goals and how the agencies use or do not use them.

A very lengthy discussion ensued on the pros and cons of changing the designation with a better acronym that culminated in Commissioner Kapoor advising the group to think about the issue and pick it up for the next Commission meeting scheduled for May. He also asked Commissioner Norton to send him a draft motion that can be reviewed by the group and CHRO staff for their weigh in and promote further discussion during the May meeting.

2. Discussion of Lowering College Degree Requirements for State Employment

Commissioner Norton explained that there are many jobs that require college degrees that are unnecessary to perform the position. He added that the graduation rate amongst minorities is lower than non-minorities. This presents a disadvantage in certain job categories. He further added that he wanted to introduce the idea to see if CHRO wanted to take a stance and reduce the number of state jobs that have a college degree requirement because it would broaden the applicant pool, include some people who are well qualified, but not degreed, and have a positive racial impact.

Commissioner Kapoor suggested this topic should be discussed in more detail during the May Commission meeting and suggested Commissioner Norton draft a motion for CHRO staff to weigh in on.

A very lengthy discussion ensued. Director Hughes noted the agency could further explore the discussion. Deputy Director Cheryl Sharp suggested the CHRO legal team look at the issue and produce a position statement based on the question have it presented during the May Commission meeting.

3. Commission Meeting Schedule for 2023

Commissioner Kapoor informed that the Commissioners that it was brought to his attention during the audit review that we need to adapt the 2023 Commission Meeting schedule. He then entertained a motion to adopt the Commission Meeting schedule for 2023 as presented. Commissioner Pestana moved the motion. Commissioner Giliberto seconded. Prior to the vote, Commissioner Kapoor noted the meetings are scheduled for the second Wednesday of the month at 2:00 PM via TEAMS. There being no further discussion, the vote was Yes (4); No (0); Abstentions (0). The motion carried.

4. Summer Retreat for Commissioner Training

Commissioner Kapoor noted a reminder from the auditors the group is out of compliance with the statute regarding Commissioner training. The statute requires the Commission to take part in five hours of training. He offered June 22, 23, 29, and July 17 as possible dates to hold the training.

A brief discussion ensued on the possibility that the Commissioners were not out of compliance as the majority of them had attended some form of training via the agency wide training held this past December, the technical assistance programs, and the Summer Symposium. Commissioner Kapoor suggested that a list is compiled showing which Commissioners attended what activity when, and how much more training each commissioner needs to have gone forward. This list would then be kept within the Executive Department for submission to the auditors when needed.

XII. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, May 10, 2023, at 2:00 PM via Microsoft Teams.

XIII. ADJOURNMENT

Commissioner Kapoor entertained the motion to adjourn. Commissioner Norton moved the motion. Commissioner Giliberto seconded. The motion to adjourn carried. Yes (4); No (0); Abstentions (0). The meeting adjourned at 4:37 PM.