

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes
Wednesday, May 10, 2023
2:00 p.m.
Via Microsoft TEAMS

Commissioners Present

Nick Kapoor
Edward Mambruno
Andrew Norton
Joseph Suggs

Commissioners Absent

Lisa Giliberto
Edith Pestana

Staff Present

Tanya A. Hughes, Executive Director
Kimberly Jacobsen, Managing, Director, Legal
Michelle Dumas Keuler, Managing Director, Legal
Spencer Hill, HRO Attorney
Libby Renish, HRO Attorney
Timothy Lewendon, HRO Attorney
Catherine Spain, HRO Attorney
Megan Graefe, HRO Attorney
Spencer Hill, HRO Attorney
Neva Vigezzi, Supervisor, AA (TWR)
Gary Madison, HRO Representative
Darian Pitts, Executive Secretary

Cheryl Sharp, Deputy Director
Diane Carter, Regional Manager
Jaime Rubin, Regional Manager
Anna-Marie Puryear, HRO Attorney
Robin S. Kinstler Fox, HRO Attorney
Michael E. Roberts, HRO Attorney
Anna-Marie Puryear, HRO Attorney
Jody Walker-Smith, HRO Attorney
Jase Olavarria, HRO Representative
Darcy Strand, Legislative Analyst
Kristen Parker, Executive Secretary
Aubri Petersen, Legal Secretary

I. CALL TO ORDER

Commissioner Nick Kapoor called the meeting to order at 2:03 PM.

II. ELECTION OF CHAIRPERSON PRO TEMPORE

Commissioner Kapoor entertained a motion to elect the Chair Pro Tempore. Commissioner Norton moved to elect Commissioner Kapoor as Chairperson Pro Tempore for the May 10, 2023, Commission meeting. Commissioner Suggs seconded the motion. The motion carried. Yes (3); No (0); Abstentions (0).

III. ELECTION OF SECRETARY FOR 2023

Commissioner Kapoor informed to be in compliance with the suggestion from the State Auditors, an election of the Commission's Permanent Secretary for the rest of calendar year 2023 shall occur at today's meeting. He also noted that the election will take place in December of

each year moving forward. He then asked if there were any nominations for Secretary of the Commission for the remainder of calendar year 2023. Commissioner Norton moved that Commissioner Ed Mambruno serve as Commission Secretary for the rest of calendar year 2023. Commissioner Suggs seconded. The motion was brought to a vote and carried. Yes (3); No (0); Abstentions (0).

IV. CHAIRPERSON'S REPORT

Commissioner Kapoor reported a quorum is present with the attendance of Commissioners Suggs, Mambruno, Norton, and himself. He noted that Commissioners Giliberto and Pestana were not present.

He also entertained a motion to amend the agenda to add a fourth item under the Executive Session items to discuss the Pekah Wallace matter. Commissioner Mambruno made the motion to amend the agenda. Commissioner Norton seconded. Two-thirds being in the affirmative, the motion carried. Yes (3); No (0); Abstentions (0).

Commissioner Kapoor also reminded the group he would be absent for the June 14, 2023, Commission meeting and asked if there were any volunteers to Chair the June meeting. He concluded he would reach out to discuss the matter.

V. APPROVAL OF MINUTES

Commission Secretary Mambruno entertained a motion to approve the Minutes of the April 12, 2023, Regular Commission Meeting as presented. Commissioner Suggs moved the motion to accept the Minutes. Commissioner Kapoor seconded. Secretary Mambruno asked for discussion. Seeing none he called the motion. The motion carried. Yes (3); No (0); Abstentions (0).

VI. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by Deputy Director Cheryl Sharp

Department of Social Services

Staff representing the Department of Social Services were Peter Hadler, Deputy Commissioner, Astread Ferron-Poole, Director of Administration, AA Division, Kailie Gulino-Farnum, AAO.

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 or substantially met all of its hiring, and promotional goals; Program goals were achieved. The agency 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: 58 out of 116 or 50%
- Promotional Goal Achievement: 45 out of 74 or 61%
- Program Goal Achievement 2 out of 2 or 100%

There is a five-year history of approval from 2017 - 2021.

Commissioner Mambruno moved to approve the Department of Social Services Affirmative Action Plan and for them to retain annual filing status. Commissioner Suggs seconded. The motion carried. Yes (3); No (0); Abstentions (0).

Department of Veterans Affairs

Staff representing the Department of Veterans Affairs were Joseph Danao, Acting Commissioner, Deputy Commissioner, Bethanne Watts, Human Resources Business Partner 1, Ashley Burke, Human Resources Specialist-Equal Employment Opportunity, Shaun Simoneau, Leadership Associate-Equal Employment Opportunity.

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. The agency has not met all or substantially met all of its hiring goals. Promotional goals were not established. Program goal was met. The agency 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: 20 out of 38 or 51%
- Promotional Goal Achievement was not set.
- Program Goal Achievement 1 out of 1 or 100%

The five-year history of filing is as follows: 2022 Approved; 2021 Disapproved (Failure to File); 2020 Disapproved; 2018 Approved; 2016 Approved.

Commissioner Norton moved to approve the Department of Veterans Affairs Affirmative Action Plan and for them to retain their biennial filing status. Commissioner Suggs seconded. The motion carried. Yes (3); No (0); Abstentions (0).

VII. REQUEST TO REOPEN

1. Robert L. Morgan v. Elm City Communities/The Housing Authority of the City of New Haven
CHRO Case No. 2250019
Presented by HRO Attorney Robin S. Kinstler Fox
2. Adisone Keorajavongsay v. Envipco
CHRO Case No. 2230075
Presented by HRO Attorney Libby Reinish

In the case of Robert L. Morgan v. Elm City Communities/The Housing Authority of the City of New Haven, Commissioner Norton made the motion to deny the request to reopen. Commissioner Suggs seconded. There being no discussion, the motion was brought to a vote and carried. Yes (3); No (0); Abstentions (0).

In the case of Adisone Keorajavongsay v. Envipco, Commissioner Suggs made the motion to deny the request to reopen. Commissioner Norton seconded. There being no further discussion, the motion carried. Yes (3); No (0); Abstentions (0).

VIII. DIVISION REPORTS

Executive Director's Report, Executive Director Tanya Hughes.

- Robust recruitment activities are continuing; Interviews, approving positions in the UKG format and getting rapid responses.
- Meetings are being held with BITS regarding the agency's computer upgrade and upgrades to the telephone systems in Norwich and Bridgeport. Angela Taetz acknowledged for working with the internal IT team as well as the Affirmative Action team and OPM developing an electronic filing platform for filing Affirmative Action Plans.
- The IT Team is working to update the CHRO website.

- Meetings with Statewide security and the police have been taking place due to some incidents occurring within the agency.
- As part of the EEOC training a new career mobility opportunity program has been initiated. Attorneys currently working as HRO representatives, who have been admitted to the Connecticut Bar in good standing are eligible for an opportunity to participate in the program, gain some litigation experience, with the hope that this experience translates into an opportunity to work in the agency's Legal Department.
- Meetings continue with SERC regarding gender guidance. Commissioner Charlene Russell Tucker indicated this is a priority for her agency.
- Meetings continue with various Committees and the Attorney General's Office.
- The computer refresh continues moving forward. Everything is being prepared for deployment throughout the agency.
- Shawn Burns has been doing double duty as Manager for both West Central and Capitol Regions due to the vacant Manager position in Capitol Region. Everyone across the agency is pitching in and happy to assist.
- The plan is underway for the needed upgrades in both Norwich and Bridgeport. Good news received that Bridgeport upgrade will not be as costly as originally anticipated. The hardware is already in place. It just needs to be activated.

Legislative Update, Legislative and Administrative Advisor, Darcy Strand

- Both the Disparity and Equity Studies are going well.
- For the Disparity study data requests have been submitted to state departments based on information gathered in the data assessment report. This data will be used in the actual data analysis and is the basis for this study.
- The move now is to begin the public input phase of both studies.
- Griffin and Strong will conduct an online survey of business owners, focus groups will be created, and public hearings will be held.
- For the Equity Study Faulkner Consulting Group continues its meetings with executive branch agencies conducting interviews regarding executive branch programs.
- Faulkner and the CHRO continues coordinating public outreach and moving towards planning for the upcoming focus groups.
- Darcy asked the group for their help in getting the word out about the study and noted that she would be reaching out over the next few weeks.
- For the Legislative Update. The House acted on the CHRO's Bill "HB 6638 AA Revising the State's Antidiscrimination Statues" and passed it 132 to 17.

Outreach Report, Deputy Director Cheryl Sharp

- Regional trainings and informational sessions are continuing across the state. The highlights indicated there were 17 Regional Information sessions and 13 Regional Public Outreach events.
- The total number of people reached/served during the month of April was 4043.
- Meetings continue with all the CHRO stakeholders and appearances are being made at various committee meetings.
- Focus continues on finding funding for the Civil Rights Museum. A meeting is scheduled with Chairs of the Appropriations Committee to discuss funding the museum.
- Cheryl thanked all who attended and supported the Celebrate the Stars event. Great contacts were made that will benefit KCA.
- KCA is flourishing with a mix of students currently participating. The KCA competition papers have all been submitted by high school and middle school students. The scoring process has begun, and finalists will be chosen. Acknowledgement made to Commissioners Kapoor and Giliberto for volunteering to be judges.

- Senator Doug McCrory and Attorney Phyllis Perry joined the most recent session of KCA.
- The DEI Committee continues to send positive messages and information out via the agency's social media platform.
- New Tech Committee Chair Jonathan Sykes and the rest of the committee are working to upgrade the website.
- One of the Interns who has worked for the agency for several years is doing the bi-weekly KCA updates and is helping with the KCA competition.

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: HRO Attorney Michelle Dumaskeuler, HRO Attorney Kimberly Jacobsen, HRO Attorney Catherine Spain, HRO Attorney Anna-Marie Puryear, HRO Attorney Megan Graefe, Executive Director Tanya Hughes, and Deputy Director Cheryl Sharp for items #1 - #3 on the agenda, and to invite in Assistant Attorney General Laura Thurston and Assistant Attorney General Tanya DeMattia for item # 4.

** Commissioner Suggs left the meeting at 3:25 PM.

Commissioner Mambruno moved the motion. Commissioner Norton seconded. Two thirds being in the affirmative of those present and voting, the motion carried. Yes (2); No (0); Abstentions (0). The Commission entered Executive Session at 3:26 PM.

Commissioner Kapoor reconvened the Commission in public session at 4:03 PM. Commissioner Kapoor, Commissioner Mambruno, and Commissioner Norton returned after Executive Session.

Commissioner Kapoor noted that no actions or votes were taken during the Executive Session. He also noted that, per the motion, at the conclusion of discussion of Item # 3 everyone except Assistant Attorney General DeMattia and Assistant Attorney General Thurston remained in Executive Session to discuss Item # 4.

X. **VOTE ON EXECUTIVE SESSION**

1. Niasha and Nathaniel Pendergrass v. T&D Realty, LLC et al
CHRO Case No. 2250094
Presented by HRO Attorney Megan Graefe
2. Joe K. Young and Olga Maurice v. Coldwell Banker Realty-Danbury Office, Leslie S. Brent and James M. Glynn III,
CHRO Case No 2150144 & 2150145
Presented by HRO Attorney Anna-Marie Puryear
3. John Gardino v. Milford Redevelopment and Housing Partnership
CHRO Case No. 2250163
Presented by HRO Attorney Catherine Spain

In the matter of CHRO Case No. 2250094, Niasha and Nathaniel Pendergrass v. T&D Realty, LLC et al Commissioner Kapoor entertained a motion to file this case in the appropriate judicial

district and to seek damages according to staff recommendation. Commissioner Mambruno moved the motion. Commissioner Norton seconded. There being no further discussion, the motion carried. Yes (2); No (0); Abstentions (0).

In the matter of CHRO Case No. 2150144 & 2150145, Joe K. Young and Olga Maurice v. Coldwell Banker Realty-Danbury Office, Leslie S. Brent and James M. Glynn III Commissioner Kapoor entertained a motion to file this case in the appropriate judicial district and to seek damages according to staff recommendation. Commissioner Norton moved the motion. Commissioner Mambruno seconded. There being no further discussion the motion carried. Yes (2); No (0); Abstentions (0).

In the matter of CHRO Case No. 2250163, John Gardino v. Milford Redevelopment and Housing Partnership Commissioner Kapoor entertained a motion to file this case in the appropriate judicial district and to seek damages according to staff recommendation. Commissioner Norton moved the motion. Commissioner Mambruno seconded. There being no further discussion the motion carried. Yes (2); No (0); Abstentions (0).

XI. NEW BUSINESS

1. Discussion of AAIANHNPI (Asian, American Indian, Alaska Native, Native Hawaiian, Native-Pacific Islander designations): Racial Categories in Affirmative Action Plans – Presented by HRO Spencer Hill

Attorney Hill informed the affirmative Action Plans are principally governed by regulations. The statute does not provide for specific details of what is included within the plans but provides that the contents of the plans be “developed pursuant to regulations adopted by the Commission on Human Rights and Opportunities.” He added that there is no mechanism in the regulations to formally change the classifications/categories. He further informed that the designation AAIANHNPI does have a practical use based both in demographic data contained by the Department of Administrative Services, and US Census Bureau and is used frequently as an alternative to the “other” designation which to some is a somewhat offensive term and is the reason the specific (AAIANHNPI) acronym is used.

Commissioner Norton, seeking clarification, asked if the regulatory change was the only way to eliminate the “other” designation? Attorney Hill responded that there is no other mechanism in the regulations to use any other term. He noted that the terms are being changed as part of a larger overhaul of the regulations for affirmative action plans. Regulations proposed by the Commission change the “other” category, in this instance, to “AAIANHPI”, a term that is already in use by agencies informally and within internal communications as replacement for “other.”

A lengthy discussion ensued on the use of the term “other,” and its impact.

Commissioner Kapoor asked Commissioner Norton if he would like to make some type of motion or request that the topic continue at the June meeting. After more discussion it was decided to carry the discussion over to the June meeting listed under “New Business.”

2. Discussion of Lowering College Degree Requirements for State Employment: Recommendation Regarding College Degree Requirements – Presented by HRO Attorney Michael E. Roberts

Attorney Roberts noted there is authority for the Commission to make a recommendation regarding the reduction of the use of college degree requirements by the State of Connecticut due to adverse impact to people and communities of color. However, his recommendation is that the Commission does not make the recommendation at this time due to the fact a number of studies are underway that are looking at inequities specifically in various states and the practices of

various state agencies. He further advised that the Commission table the topic until some of the studies have been completed and data collected.

A lengthy discussion ensued on how changing the requirement could affect job outcomes for persons without degrees, but who have the experience to do the work. It was also noted the CHRO is in the process of conducting its own equity study. Commissioner Norton asked if the CHRO can ensure that its equity study would research the impact that educational requirements may have on the state hiring process. Director Hughes informed that no new items/inquiries could be added to the current equity study but will explore whether that study will produce the results he has inquired about.

The decision was made to keep the topic on the agenda for the next meeting in June.

XII. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

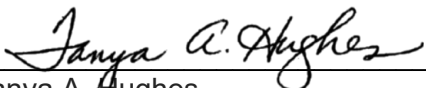
The next Commission Meeting will occur on Wednesday, June 14, 2023, at 2:00 PM via Microsoft Teams.

XIII. ADJOURNMENT

Commissioner Kapoor entertained the motion to adjourn. Commissioner Norton moved the motion. Commissioner Mambruno seconded. The motion to adjourn carried. Yes (2); No (0); Abstentions (0). The meeting adjourned at 4:39 PM.

The Minutes of the Regular Commission Meeting dated May 10, 2023, were approved on June 14, 2023.

Prepared by:



Tanya A. Hughes