

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 2B
HARTFORD, CT 06106
Thursday, July 16, 2013 @ 1:30 PM
Rescheduled Regular Commission Meeting**

COMMISSIONERS PRESENT

Gary H. Collins, Chairperson
Edward Mambruno, Secretary
Cheryl Lynn Clarke
Dawn Niles
Tracey Gove, via conference call
Edith Pestana
Cesar Noble

COMMISSIONERS ABSENT

Edith Pestana
Patricia Wrice
Andrew Norton

STAFF PRESENT

Tanya A. Hughes, Interim Executive Director
Charles Krich, Principal Attorney
James O'Neill, Legislative Liaison
Cheryl Sharp, Human Rights Attorney III
Alvin K. Bingham, AA/CC Supervisor
Valerie Kennedy, HRO Representative
Neva E. Vigezzi, AA Program Analyst
Dedra A. Morris, Administrative Assistant

I. CHAIRPERSON

Chairperson Gary H. Collins convened the Tuesday, 2013, July 17, 2013 regular monthly meeting of the Commission on Human Rights and Opportunities to order at 1:33 p.m.

II. SECRETARY

Commissioner Mambruno requested a motion for the approval of the minutes of the Wednesday, June 12, 2013 regular Commission meeting. A motion was made by Commissioner Noble to approve the June 12, 2013 minutes as presented and second by Commissioner Niles.

Commissioner Mambruno requested a motion for the approval of the minutes of the Wednesday, June 26, 2013 minutes Commission special meeting. A motion was made by Commissioner Noble to approve the June 26, 2013 minutes as presented and second by Commissioner Gove. The motion was approved unanimously. Commissioner Niles abstained since she did not attend the June 26, 2013 meeting.

IV. OUTREACH REPORT - Attorney Cheryl Sharp from the Legal Division

Atty. Sharp highlighted that documentary film is completed and available. DOJ agreed to do racial profiling "town hall" type meeting to address issues raised by Muslims & Shiks and acting US Attorney will speak.

Chairperson Collins: Might be good chance to preview documentary; would be good for interns to be involved; maybe delay till after Labor Day to allow more of the public to attend. Put on August agenda.

DOJ invited Atty. Sharp and Dumaskeuler to speak about bullying in Arab, Sikh and Muslim communities. HUD grants being applied for with other groups and offices. Two attorneys in

Chairperson Collins: How much are these grants for?

They are for \$45k, \$115k, and \$15k. Also put on August agenda.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

A. Staff Recommendations: ***Approvals***

1. Military Department
2. Naugatuck Valley Community College
3. Department of Rehabilitation Services
4. Department of Social Services (Approved by default)
5. Middlesex Community College

Chairperson Collins asked for a motion to accept staff recommendations for approval of five Affirmative Action Plans: Military Department (biennial filing status), Naugatuck Valley Community College (annual filing status), Department of Rehabilitation Services (annual filing status), Department of Social Services (annual filing status) and Middlesex Community College (annual filing status).

1. Military Department

The Military Department plan was recommended for approval based on compliance with the following: the plan contains all elements required; the work force, considered as a whole and by occupational category, is not in parity with the relevant labor market area; the agency has demonstrated every good faith effort to achieve such goals; and the agency had no deficient elements in the previous plan therefore, is in compliance with the standard. Such a motion was made by Commissioner Noble and seconded by Commissioner Niles. The motion was approved unanimously.

2. Naugatuck Valley Community College

The Naugatuck Valley Community College plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has not met all or substantially all of its hiring, promotion and program goals; the agency has demonstrated very good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review and therefore, are in compliance with the standard. Such a motion was made by Commissioner Noble and seconded by Commissioner Niles. The motion was approved unanimously.

3. Department of Rehabilitation Services

The Department of Rehabilitation Services plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review and therefore, are in compliance with the standard. Such a motion was made by Commissioner Noble and seconded by Commissioner Niles. The motion was approved unanimously.

4. Department of Social Services (Approved by default)

The Department of Social Services plan was approved by default. If it has not been default, it will have been recommended for approval. Chairperson Collins asked whether despite the default AA staff had any observations to make about the DSS plan as submitted. AA staff indicated they did not. No vote was taken on this plan.

5. Middlesex Community College

The Middlesex Community College plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency has demonstrated every good faith effort to achieve its goals and despite these efforts has been unable to do so; the agency has substantially addressed

deficiencies. Such a motion was made by Commissioner Noble and seconded by Commissioner Gove. The motion was approved unanimously.

V. AFFIRMATIVE ACTION REGULATIONS

Under Section V of the agenda Chairperson Collins asked Jim O'Neill to provide an overview of the Affirmative Action regulation making process to date. Mr. O'Neill explained that PA 11-51 required a Working Group be set up to review the existing AA regulations and proposed changes that would make the process more efficient and effective. A very stringent timeline was established in the law and it was met. The Working Group established a subcommittee to work on the detailed redrafting. The regulations were reviewed by the subcommittee and AA staff over the course of several meetings and the regulations emailed to the Commissioners are the compromise language that all parties signed off on. No members of the Working Group had further comment. Mr. O'Neill assured Chairperson Collins that everyone who needed to review the regulations

Chairperson Collins: Were other agencies quizzed about these regulations and gotten their feedback.

Chairperson Collins: Who else needs to see these regulations before we move forward?

All parties have had a chance to review and comment.

Chairperson Collins expressed his desire to finalize the regulations by September 1, 2013 meaning that the August Commission meeting would serve as the forum for final discussion by the Commissioners and asked all Commissioners to review the regulations and prepare any comments, questions or suggestions.

Mr. O'Neill asked that any such comments, questions or suggestions be submitted in advance of the meeting so that CHRO staff and members of the subcommittee would be prepared to respond to the Commissioners quickly. In response to a question by Commissioner Noble Chairperson Collins suggested any questions or comments be submitted to himself, AED Hughes and Mr. O'Neill simultaneously.

VII. DIVISION REPORTS

A. Legislative Report

Mr. O'Neill said that Governor Malloy had finished acting on the bills from the 2013 session and that a summary would be sent to the Commissioners in the next couple of weeks.

B. Executive Director's Report

AED Tanya Hughes thanked CHRO staff and Chairs Collins and Norton.

Chairperson Collins: Thanks to staff as well. Wanted AED Hughes to not lose momentum over summer and maintain

Last two weeks has required many answers to public, other agencies, regular Commission business, personnel matters. Working with DOL to fill assorted vacancies. Determining how many positions are available to be refilled. Requesting replacements for two clericals in AA/CC Unit and one for ED. Also two vacancies in legal and two HROR related to contract compliance as well as the regional manager position in Hartford. Planning an agency-wide retreat with training.

Chairperson Collins: Would like to attend retreat if possible, but must be cognizant of cost.

Met with DAS about the move which will not happen for a couple of years. Also looking into more office space at Sigourney St. after DSS moves some workers out. Also trying to get money to fix up Norwich office. Working with Attys. Krich and Sharp to find out how many positions we are allowed under the budget and OPM policy. Did ID that positions that effect federal funding are supposed to be filled and some are not. Also determined a maximum caseload should be 45 per investigator and they presently range from 55 to 100+. Need at least 8 investigators per region EEOC 971 cases for closure Oct. 1, 2012 to April 30, 2013. The contract calls for 1,521 cases and that may be exceeded.

Chairperson Collins: Commissioners

Did get CHRO to be printed on the back of traffic tickets so people know where they can file a complaint if they believe they were profiled leading to a traffic stop.

Another disparity study meeting will be coming up.

Chairperson Collins: Commissioner Gove has written on subconscious profiling or bias. Maybe we could get an academic or maybe Commissioner Gove to come in and speak about that.

Attended Governor's press conference regarding the distribution of Klan material in Milford. And met with many other state officials. CC Unit is backlogged. There are 152 contracts pending. Housing and enforcement Charlie Krich can address that.

Atty. Krich cases are up about 250 which will bring in more federal dollars. The problem is that there are some 2,100 cases in the inventory.

Chairperson Collins: Need to get all our metrics in one place so we can understand the picture of case status and caseload.

Cases closed more than cases taken in which is the first time in four years. Quality has increased, but the problem is staffing. CHRO needs immediately 8 more investigators and 2 more attorneys.

Chairperson Collins: That's what we need to learn through the metrics and also make sure we make CHRO as efficient as possible.

VIII. EXECUTIVE SESSION

Chairperson Collins asked for a motion to go into Executive. A motion was made by Commissioner Mambruno and seconded by Commissioner Gove. Chairperson Collins was joined by Tanya A. Hughes, Interim Executive Director and Charlie Krich, Principal Attorney during executive session. Chairperson Collins did not vote on the motion.

IX. RETURN TO REGULAR SESSION

At 3:30 p.m. Chairperson Collins entertained a motion to return to Regular Session. A motion was made by Commissioner Niles and seconded by Commissioner Noble to return to Regular Session. The motion carried unanimously.

X. VOTE ON EXECUTIVE SESSION ITEMS

Reopening Request:

- (1) CHRO No. 0910374 - Therese Ganeshan v. Webster Bank

Chairperson Collins determined that Therese Ganeshan was in attendance as was Atty. Nick Zaino, outside counsel for Webster Bank.

Chairperson Collins initiated review of the request for reopening (noted above) and asked Therese Ganeshan if she wanted to speak. Ms. Ganeshan explained her belief on the facts of the case.

Atty. Nick Zaino was allowed rebuttal.

Chairperson Collins recapped the Ganeshan case and the concept of newly discovered evidence. Attorney Krich answered whether he had had a chance to review the information Ms. Ganeshan provided the Commission on this date and he said he had, but most of it was related to unemployment compensation and did not produce any new information.

Commissioner Clarke asked about an inconsistency in Ms. Ganeshan's statement about being tardy.

Commissioner Mambruno moved to deny the reopening of the case and Commissioner Noble seconded. On a unanimous voice vote the motion was approved.

NOTE: Chairperson Collins announced that it was expected that a job posting for a permanent executive director would be posted within the week and that the Commissioners intend to move quickly to select a new ED.

XI. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commissioner Mambruno and seconded by Commissioner Niles to adjourn the meeting at 4:05 p.m. The motion carried unanimously.