

**MINUTES OF THE REGULAR MEETING OF THE  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
LEGISLATIVE OFFICE BUILDING – ROOM 1A  
HARTFORD, CT 06106  
WEDNESDAY, NOVEMBER 14, 2012  
2:00 P.M.**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Dawn Niles  
Tracey Gove  
Cheryl Lynn Clarke  
Edith Pestana  
Patricia Wrice

**COMMISSIONERS ABSENT**

Lyn May

**STAFF PRESENT**

Robert J. Brothers, Jr., Executive Director  
David Teed, Assistant Attorney General  
Alvin K. Bingham, Supervisor, Affirmative Action/Contract Compliance  
Valerie Kennedy, Human Rights & Opportunity Representative  
Neva E. Vigezzi, Affirmative Action Program Analyst  
Susan Hom, HRO Representative  
Cheryl Sharp, Human Rights Attorney 3  
Amanda Posila, HRO Representative  
James J. O'Neill, Legislative Liaison  
Marla Schiller, EEO Manager  
Epifanio Carrasquillo, HRO Regional Manager  
Heather Petit, Administrative Assistant

**I. CHAIRPERSON**

Chairperson Norton convened the Wednesday, November 14, 2012 regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:07 p.m.

**II. SECRETARY**

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, October 10, 2012, Regular Commission Meeting. A motion was made by Commissioner Clarke to approve the minutes which was seconded by Commissioner Niles. Commissioner Pestana abstained from the motion. The

motion was approved unanimously. Chairperson Norton did not vote on the motion.

**III. GUEST SPEAKER – Amanda Posila, HRO Representative**

Ms. Posila stated that she is a new investigator with the Commission. Before coming to the Commission, Ms. Posila reported she did a lot of community education and outreach in Bridgeport focusing around domestic and sexual violence. Ms. Posila said she has many years of experience with agency related issues such as social justice and equality.

Ms. Posila stated that since coming to the Commission she has done informal outreach around the reporting process, protected classes, how to file a complaint and the complaint process as a whole. Ms. Posila has been able to work with many universities in the area. Ms. Posila stated she was recently invited to speak at SCSU about the Commission and the reporting process but also, specifically, to talk about gender identity and expression; one of the newest protected classes. Ms. Posila was also asked to discuss the history of the civil rights movement and she conducted two classes in regard to this. Ms. Posila stated that she also participated in the Stand Down event sponsored by Veteran Affairs.

Chairperson Norton asked Ms. Posila if they have received complaints regarding gender identity and expression in the Southwest Region. Ms. Posila stated that they have received a few complaints; more in regard to gender identity than expression.

Commissioner Gove asked Ms. Posila what the percentage of outreach she does versus investigative duties. Ms. Posila stated that unfortunately, because of the case load, she cannot do as much outreach as she would like although there is a need for it. She has adjusted well to the work flow and expectations of the office and understands that investigations are her first priority. Commissioner Gove stated that the staff at CHRO has been doing a fantastic job at outreach.

Ms. Posila thanked the Commissioners for having her speak and said she is really happy to be here.

**IV. OUTREACH REPORT – Cheryl A. Sharp, Human Rights Attorney 3**

Attorney Sharp said that she and Attorney Alix Simonetti recently conducted a training for the CT Hospital Association in regard to gender identity and expression. Attorney Sharp stated that they spoke to many administrators from local area hospitals in regard to whether or not a hospital is a place of public

accommodation and how patients are treated when they go to get care at the hospital.

Attorney Sharp stated she also attended a roundtable discussion with the Department of Justice which centered on the issue of English-only rules in the workplace as well as accommodating individuals who are hearing impaired.

Attorney Sharp stated that the Office of Protection and Advocacy had a board meeting on November 13, 2012, in which they discussed last year's proposal of merging CHRO and OPA. Attorney Sharp said that they were represented nationally by other similar agencies who stressed the importance of why the agencies should be separate and not merged together.

Attorney Sharp invited the Commissioners to attend "Grant Writing Fridays" wherein she meets with representatives from the Governor's Prevention Partnership and other groups to apply for grants to enable the promotion of civil rights.

Chairperson Norton asked for some of the reasons why OPA stated that a merger with CHRO and OPA is not a good idea. Attorney Sharp stated that CHRO represents the state's interest in eliminating discrimination whereas OPA represents the individual. She also said that OPA is an advocacy agency and their authority and power is much broader in regard to the assistance they give their cliental, whereas, CHRO prosecutes complaints at public hearing or court on behalf of the state.

## **V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED**

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

1. Department of Administrative Services
2. Metropolitan District Commission
3. Department of Labor

Chairperson Norton asked for a motion to accept staff recommendations for approval of three Affirmative Action Plans: Department of Administrative Services, Metropolitan District Commission and the Department of Labor, which included the retention of their annual filing statuses. Such a motion was made by Commissioner Gove and seconded by Commissioner Wrice. There was discussion on the motion.

1. Department of Administrative Services

Representing the college were Donald J. DeFronzo, Commissioner, Brenda Abele, HR Manager, Alicia Nunez, EEO Manager and Andrea Keilty, Policy and Legislative Advisor.

Alvin Bingham reported that the Department of Administrative Services' plan was recommended for approval based on compliance with the following: the plan contains all elements required. Mr. Bingham stated this is the first filing of the agency since it was consolidated with BEST and DPW; therefore, there were no hiring or promotion goals for this reporting period. To this end, they are in compliance with the b(4) standard and there is no five year history.

Commissioner DeFronzo thanked his staff for all of their hard work on the first plan that consolidated three large agencies. Commissioner DeFronzo thanked CHRO staff as well for their guidance and support through the process.

## 2. Metropolitan District Commission

Representing the agency were Charles P. Sheehan, CEO, R. Bartley Halloran, District Counsel, Christopher Stone, Assistant District Counsel, Erin Ryan, Director of Human Resources, George Scurlock, Director of Diversity and Rita Kelley, Affirmative Action Officer.

Mr. Bingham reported that the Metropolitan District Commission's 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 has substantially addressed deficiencies noted in the prior plan review.

Secretary Mambruno commended MDC on its substantial goal achievement for the second year in a row.

Commissioner Clarke recused herself from discussion and voting of the Metropolitan District Commission's plan due to the working relationship between her employer and the MDC.

Chairperson Norton asked Commissioner Gove and Commissioner Wrice to accept a friendly amendment to remove the MDC from the motion before them. Such a motion was made by Secretary Mambruno and seconded by Commissioner Pestana. The motion passed unanimously. Chairperson Norton did not vote.

Chairperson asked for a motion to accept staff recommendation for approval of the Metropolitan District Commission's plan and the retention of the agency's annual filing status. Such a motion was made by Secretary Mambruno and

seconded by Commissioner Niles. Commissioner Clarke recused herself from the vote. The motion passed unanimously. Chairperson Norton did not vote.

3. Department of Labor

Representing the agency were Sharon Palmer, Commissioner, Thomas Donlon, HR Director, and Marla Shiller, EEO Manager.

Alvin Bingham reported that the Department of Labor's 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 substantially addressed deficiencies noted in the prior plan review.

Chairperson Norton commended the agency on the high level of goal attainment and welcomed Commissioner Palmer.

Secretary Mambruno stated that they have done an exceptional job having just come off a conditional approval.

Commissioner Palmer thanked the Commissioners and said that all credit belongs to the staff as she has only been at the agency since October.

Chairperson Norton then called for a vote on the motion to approve the affirmative action plans for the Department of Administrative Services and the Department of Labor including the retention of their annual filing statuses. The motion passed unanimously. Chairperson Norton did not vote.

B. Staff Recommendations: ***Disapprovals***

1. Southern Connecticut State University

Representing the agency were Mary A. Papazian, President, Jaye Bailey, Associate Vice President for Human Resources, Toby Bates, Director of Employee Relations and Leah Glende, EEO Administrator.

Mr. Bingham reported that the agency was recommended for disapproval based on non-compliance with the following: the workforce considered as a whole and by occupational category is not at parity with the relevant labor market area; the agency has not met all or substantially all of its program goals; the agency has not demonstrated every good faith effort to achieve its goals; and the agency has not substantially addressed the deficiencies in the prior plan review.

Ms. Papazian stated she is new to the University and was chagrined when she learned where they were vis-a-vis the affirmative action plan. Ms. Papazian

thanked Dr. Valerie Kennedy for her support throughout the process. Ms. Papazian stated the importance of affirmative action is something they hold dearly at the University. Ms. Papazian said she noticed that there were 10 out of 18 elements missing when she was given the plan and confirmed her commitment that the institution will not come before the Commission this way again. Ms. Papazian said they have not had the leadership they needed and will be making changes in staff in this area. Ms. Papazian said she looks at it as an opportunity to make real change.

Mr. Bates stated that Ms. Papazian has been trying hard to improve the human resources policies and procedures and because of a deficiency in diversity and equity there was a problem. Mr. Bates assured that this would not happen in the future.

Commissioner Pestana asked why the workforce analysis indicated there were 31 individuals that left and 25 were classified as non-white. Ms. Glende stated that most were retirements or promotions and also reported that when staff members change their hours from full-time to part-time it shows them as leaving even though they didn't as they only report full time positions in the plan.

Chairperson Norton asked for a vote on the motion to accept the staff recommendation to disapprove Southern CT State University's affirmative action plan and to retain its annual filing status. There was no further discussion. The motion passed unanimously. Chairperson Norton did not vote.

## **VI. DIVISION REPORTS**

### **A. Legislative Report**

Chairperson Norton welcomed Mr. O'Neill back. Mr. O'Neill stated that the agency's legislative proposal for the next session was submitted by Charles Krich, Principal Attorney, in his absence. Mr. O'Neill said that he and Attorney Krich recently met with the Governor's Office and Office of Policy and Management to review it. Mr. O'Neill stated that they left with a positive feeling that the bill was entertained.

### **B. Executive Director's Report**

Mr. Brothers stated that he was in the process of hiring three new HRO Representatives. Mr. Brothers said that the current administration has allowed the agency to hire more than they have been able to in the past three years. Mr. Brothers reported that he would like to promulgate a new list of candidates for the HRO Representative positions as the current list has been exhausted. Commissioner Gove asked if it was possible to indicate that the HRO

Representative is an investigatory position when posted. Mr. Brothers agreed this would be beneficial; however, he stated that it is ultimately up to the Department of Administrative Services.

Mr. Brothers reported that he sits on the board of the Child Poverty Council and recently went to a meeting regarding homeless children who are trying to attend school. Mr. Brothers stated he was shocked at the number of children this encompasses.

Mr. Brothers stated that he also sits on the board of the Racial Profiling Group and they are currently in the process of working on proposed legislation to improve the Alvin Penn Act. Mr. Brothers explained that the Alvin Penn Act required a police officer to do a self-assessment of the race of an individual when they conduct a stop, which was then forwarded on to the African American Affairs Commission (AAAC). Mr. Brothers stated that the problem was that not every police department in the state was doing it and even if they were and the information was forwarded, AAAC had no staff to be able to do anything with the information. Mr. Brothers stated that they are looking for a way to better inform individuals that if they feel they have been discriminated against they have a right to file a complaint.

Chairperson Norton said that he would like have a discussion about an observation that he has made in state government; the differing point of view between people in the hiring/affirmative action business in regard to goal candidates. Chairperson Norton stated that some people believe they should just interview goal candidates because they "will have to hire one anyway." Chairperson Norton stated that in addition, some people believe they should hire a candidate because they have met the goal threshold even if other candidates have many more years' experience.

Mr. Brothers stated that it is discriminatory in itself to just interview goal candidates. Mr. Brothers stated that Ms. Vigezzi and Dr. Kennedy can speak to this and said that this is probably why so many plans are reviewed and recommended for disapproval as they are not articulating why the goal candidate wasn't hired.

Ms. Vigezzi reiterated that it is discrimination to just interview goal candidates as they are goals and not quotas. Dr. Kennedy said they are aware that state agencies' human resources/affirmative action staff need training; however, the unit is short staffed. In addition, Dr. Kennedy said she often suggests that agencies put preferred qualifications in their ads as well. Dr. Kennedy said that the agencies should not measure candidates against each other but against criteria they put in the ad.

## **VII. EXECUTIVE SESSION**

Chairperson Norton asked for a motion to go into Executive Session to discuss litigation as well as personnel matters. Chairperson Norton asked that the motion permit Mr. Brothers and David Teed to stay for the session. Such a motion was made by Secretary Mambruno and seconded by Commissioner Gove. The motion was approved unanimously. Chairperson Norton did not vote.

**VIII. RETURN TO REGULAR SESSION**

At 4:07 p.m. the Commission returned to Regular Session from Executive Session. Chairperson Norton stated that no votes or actions were taken in Executive Session.

**IX. VOTE ON EXECUTIVE SESSION ITEMS**

(Requires a Vote by Commissioners on the Record)

None.

**X. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Clarke and seconded by Commissioner Pestana to adjourn the meeting at 4:08 p.m. The motion carried unanimously. Chairperson Norton did not vote.