

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106
WEDNESDAY, MAY 9, 2012
2:00 P.M.**

COMMISSIONERS PRESENT

Andrew Norton, Chairperson
Edward Mambruno, Secretary
Cheryl Lynn Clarke
Tracey Gove
Lyn May
Dawn Niles
Suzanne Tirado

COMMISSIONERS ABSENT

Edith Pestana
Patricia Wrice

STAFF PRESENT

Robert J. Brothers, Jr., Executive Director
David Teed, Assistant Attorney General
Cheryl Sharp, Human Rights Attorney III
Shardae Parker, Civil Rights Fellow
Alvin K. Bingham, Supervisor, Affirmative Action/Contract Compliance
Valerie Kennedy, Human Rights & Opportunity Representative
Susan Hom, Human Rights & Opportunity Representative
Neva E. Vigezzi, Affirmative Action Program Analyst
Heather Petit, Administrative Assistant

I. CHAIRPERSON

Chairperson Andrew Norton convened the Wednesday, May 9, 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, April 11, 2012, Regular Commission Meeting. A motion was made by Commissioner May to approve minutes as presented which was seconded by Commissioner Gove. The motion was approved unanimously. Chairperson Norton did not vote on the motion.

III. GUEST SPEAKER – Shardae Parker, Civil Rights Fellow

Ms. Parker thanked the Commission and stated that before she came to be a fellow at the Commission she knew she did not know what being a lawyer really meant. Ms. Parker stated that the Commission showed her cases from the ground up and that she learned that the law has a more human component than what she perceived when she was in law school. Ms. Parker advised that she was able to see the impact it has on people and how great that impact is.

Ms. Parker works at the Commission each week Monday through Wednesday and additional days when needed. Some of Ms. Parker's duties at the Commission include mediations, settlement conferences, writing briefs and motions, accompanying Attorney Cheryl Sharp in court, and various administrative duties.

Ms. Parker reported that Principal Attorney, Charlie Krich, assigns mediation cases to the Commission's attorneys as well as outside mediators. Included in the mediations are the Complainant, Respondent, and their respective attorneys if they are represented.

Ms. Parker reported she would be leaving the Commission in August 2012 as she is moving to Dallas, TX.

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

Attorney Cheryl Sharp thanked Ms. Parker and explained that Ms. Parker is currently part of a 12 month fellowship program at the Commission. In addition to the fellowship program, Attorney Sharp stated that there is also a fall, spring and summer internship program in which most students receive course credit for participating. Some interns are paid a small stipend from HUD funding as they work on housing projects for the agency. Attorney Sharp reported that the first summer intern started last week.

Attorney Sharp announced that the Racial Profiling Bill passed and CHRO is continuing to hold police and community informational sessions. The last session was held in New Haven and the Commission received a five page spread in the New Haven Independent. The advisory board will be sponsoring another community information session in Bridgeport; date to be determined. CARE, a Muslim community organization, is also involved. Attorney Sharp and Executive Director, Robert Brothers, serve on the advisory board that looks at the issue of racial profiling in the State; however, the task force is not open to the public at this time.

The Commission was contacted by Senator Blumenthal's office and asked to speak to a group from Indonesia that is part of the International Visitors' Association. Attorney Sharp and Attorney Alix Simonetti met with them on May 8, 2012 in regard to religious discrimination and what the Commission's authority and jurisdiction is. The group is looking at ways to implement some of the Commission's practices in their own country. The State Department and the International Visitors' Association have indicated that they want to work closely with the Commission to have CHRO help explain civil rights to various countries' representatives as many countries are behind us in terms of laws and compensation.

Attorney Sharp said the Commission has been able to disseminate a lot of information to the general public through increased publications which is helpful as the attorneys' trial schedules are increasing which makes less time for public appearances.

Kid's court will be held on May 31, 2012 from 5-7pm in the State Capitol's Old Judiciary Room. Children from across the state wrote essays on civil rights. One of the judges of the competition will be Justice Palmer from the Connecticut Supreme Court and several other judges will also be joining CHRO for that competition.

DAS set up a fund for the Commission in regard to education/outreach which will allow people to donate to the Commission when staff participate in public speaking events. The Commission already has donations and money in the account. A part of settlement funds from cases in which CHRO is a party can also be placed into the account.

The Commission continues to do presentations in schools and for community organizations; specifically in the areas of sexual harassment training and discriminatory bullying. In addition, CHRO was asked to provide training to all of mosques in the state as the issue of religious discrimination has heated up due to the profiling of the Muslim community.

Attorney Sharp stated that discriminatory issues are an ebb and flow based on societal pressures; i.e. after the 9/11 attacks, racial profiling increased. Attorney Sharp reported that she wrote, and Attorneys Robin Fox and Alix Simonetti edited, an article for the UConn Law School that will be published this semester. The article looks at Islamophobia and the treatment of Muslims in the state through the lens of CHRO.

On May 10, 2012, EEOC and CHRO will be hosting a networking fair from 10-12pm in Room 2E of the Legislative Office Building. EEOC will be coming to discuss ADA and GINA laws as well as covering the differences between State and Federal law. It is an opportunity for the state and federal government to

come together and talk about their joint efforts. There is some room left for individuals who still want to register; refreshments will be provided.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

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

1. Department of Mental Health and Addiction Services
2. Office of the Governor
3. Office of Governmental Accountability
4. Department of Consumer Protection

Chairperson Norton asked for a motion to accept staff recommendations for approval of four Affirmative Action Plans: Department of Mental Health and Addiction Services, Office of the Governor, Office of Governmental Accountability and Department of Consumer Protection. Such a motion was made by Secretary Mambruno and seconded by Commissioner Clarke.

1. Department of Mental Health and Addiction Services

Representing the agency were Commissioner Patricia Rehmer, Eric Smith, Acting EEO Director, and Lorraine Collazo, AA Secretary.

The Department of Mental Health and Addiction 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 substantially addressed deficiencies noted by the Commission in prior plan reviews.

Chairperson Norton noted that in the category of professionals, officials and administrators, the discrepancy between males and females is very distinct and there are approximately 2 ½ times as many females than males. Commissioner Rehmer attributed this factor to the agency being a healthcare agency and many professionals are nurses and nurses are predominately female as is the case with their social work staff as well.

Secretary Mambruno commended the agency on their psychology internship program and inquired as to how many individuals who complete the program apply for a position at the Department. Commissioner Rehmer did not know the exact number but stated that it is one of the Department's top recruitment efforts.

Chairperson Norton asked Commission staff why DMHAS submitted one plan for all of their departments/components instead of eight individual plans as in the past. Valerie Kennedy, HRO Representative, stated that under the prior Executive Director there was a legislative change which consolidated DMHAS

affirmative action plans. Ms. Kennedy stated that it is a concern for CHRO as each facility has its own human resources department so it does not seem appropriate to have one overall plan.

2. Office of the Governor

The Office of the Governor's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency met all or substantially all of its hiring, promotion and program goals; and, the agency substantially addressed deficiencies noted by the Commission in prior plan reviews.

Chairperson Norton noted that agency heads are not listed in individual agency plans but rather they are incorporated into the Office of the Governor's plan as he is the one who appoints them. Therefore, agency heads are part of the statistical measure of the Governor's Office.

The Office of the Governor was represented by, Tony Jannotta, Assistant Legal Counsel for Governor Malloy. Mr. Jannotta thanked the reviewers for taking the time to review the Governor's plan. Mr. Jannotta stated that Governor Malloy has shown a great commitment to diversity and affirmative action and that it is a goal he has brought with him to the administration.

3. Office of Governmental Accountability

Representing the agency were David Guay, Executive Administrator, and Shawna Khang, Fiscal Administrative Officer.

The Office of the Governmental Accountability's plan was recommended for approval based on compliance with the following: the plan contains all elements required. This is the agency's first filing of an affirmative action plan and as such, there is no five year history.

There are nine total agencies that fall under the Office of Governmental Accountability.

4. Department of Consumer Protection

Representing the agency were Commissioner William Rubenstein and Alicia Nunez, EEO Manager.

The Department of Consumer Protection's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency met all of its hiring, promotion and program goals; and the agency had no deficiencies in the prior plan review.

Commissioner Rubenstein thanked the CHRO staff for all of their hard work. Secretary Mambruno asked the Commissioner about the Department's internship program as well. Commissioner Rubenstein stated that the Department's summer internship program is not usually for college credit but more for experience and to help prepare students for future jobs. As the Department has not been able to hire, it is hard to determine whether or not participants in the internship program are later hired into the department's workforce at this time.

Chairperson Norton called for a vote on the motion to approve the plans, which includes the caveat that the Department of Consumer Protection, Office of the Governor and Office of Governmental Accountability are to retain their biennial filing status and the Department of Mental Health and Addiction Services is to retain its annual filing status. The motion passed unanimously. Chairperson Norton did not vote.

VI. DIVISION REPORTS

A. Legislative Report

Executive Director, Robert Brothers, noted that Jim O'Neill, Legislative Liaison, was not available due to it being the last day of the legislative session. Mr. Brothers stated Mr. O'Neill is watching to make sure no implementers arise that could cause the agency any harm.

B. Executive Director's Report

Mr. Brothers reported that the Governor's proposal to merge CHRO and OPA is dead. Within the last 24 hours, a new budget came out which reduces CHRO's budget by 1.5 million dollars. Part of the money is from the disparity study (\$500,000) as the legislature has given the study to the CT Academy of Science and Engineering (CASE). Mr. Brothers stated that the RFP for getting an outside contractor has been revoked. There is some concern as to how well CASE will do the study as they have never done one before. The remaining \$500,000 will be allocated to CASE in FY 2013-2014.

The remaining reductions will be taken out of the agency by eliminating positions. Currently, CHRO was allocated for 80 positions; however, this will be reduced by six positions and as such, CHRO will only be allocated for 74. However, the Commission only has 66 positions filled at this time. Mr. Brothers stated that Representative Harper and Representative Walker have done an outstanding job during this legislative session to give CHRO the ability to fill the remaining 8 positions.

Mr. Brothers reported that last month, the Commission was able to hire two new investigators and an administrative assistant. This month CHRO hired two more investigators. Mr. Brothers stated that if everything goes as planned the Commission will be able to hire and fill all 74 positions.

Mr. Brothers reported that the bill regarding taking away municipal exemptions for contracting has apparently died. The cost of this bill being implemented would have been an additional 4 to 10 employees at the Commission to review the 169 municipalities that would have been under CHRO's jurisdiction for contracting.

As Attorney Sharp noted earlier, the racial profiling bill has passed.

There was a bill passed that states you cannot discriminate in advertising; i.e. an employer cannot say that an individual must be gainfully employed to get hired for the position. This would now be within the Commission's jurisdiction if someone decided to file a complaint based on such an ad.

There is now a proposal to put the Commission under the Department of Labor for administrative purposes, including human resources. As the Department of Labor is such a large agency, the Commission would utilize their services instead of DAS' SmART Unit.

Chairperson Norton noted a Supreme Court case in which a man was awarded \$98,000 because he was harassed at work for being perceived as a homosexual. Chairperson Norton stated that people in one article said it was a landmark case as sexual orientation could be a category of harassment. Chairperson Norton asked if the Commission knew of the case and asked whether or not an individual could be awarded this amount at CHRO. Attorney Sharp reported that the Commission filed an amicus brief in respect to this matter. Mr. Brothers stated that many times complainants do choose to get a Release of Jurisdiction and go to court mainly for attorney's fees; however, there is no legal cap at CHRO.

VII. EXECUTIVE SESSION

Chairperson Norton asked for a motion to go into Executive Session to discuss litigation as well as a personnel matter. Chairperson Norton asked Mr. Brothers and David Teed, Assistant Attorney General, to stay for the session. A motion was made by Secretary Mambruno and seconded by Commissioner Gove. The motion was approved unanimously.

VIII. RETURN TO REGULAR SESSION

At 4:02 p.m. the Commission returned to Regular Session from Executive Session. Chairperson Norton noted that no votes 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 May and seconded by Commissioner Clarke to adjourn the meeting at 4:03 p.m. The motion carried unanimously. Chairperson Norton did not vote.