

**MINUTES OF THE REGULAR MEETING OF THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
LEGISLATIVE OFFICE BUILDING – ROOM 1A
HARTFORD, CT 06106
WEDNESDAY, SEPTEMBER 12, 2012
2:00 P.M.**

COMMISSIONERS PRESENT

Edward Mambruno, Secretary
Edith Pestana
Dawn Niles
Tracey Gove
Patricia Wrice

COMMISSIONERS ABSENT

Andrew Norton, Chairperson
Suzanne Tirado
Cheryl Lynn Clarke
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
Michelle Dumas Keuler, Human Rights Attorney 3
Heather Petit, Administrative Assistant

I. CHAIRPERSON

Secretary Mambruno convened the Wednesday, September 12, 2012 regular monthly meeting of the Commission on Human Rights and Opportunities to order at 2:03 p.m.

Secretary Mambruno stated that Chairperson, Andrew M. Norton, was unable to attend today's meeting so Commissioner Norton designated Secretary Mambruno to serve in his stead. Secretary Mambruno stated that he was serving under §46a-54-6a of the Commission on Human Rights and Opportunities' Regulations and that there was a quorum with five commissioners.

II. SECRETARY

Secretary Mambruno requested a motion for the approval of the minutes of the Wednesday, August 8, 2012, Regular Commission Meeting. A motion was made by Commissioner Pestana to approve minutes as presented which was

seconded by Commissioner Niles. The motion was approved. Commissioner Wrice abstained from the vote. Secretary Mambruno did not vote on the motion.

III. GUEST SPEAKER – Richard H. Strauss, Executive Director, Connecticut Academy of Science and Engineering (CASE)

Mr. Strauss stated he was joined today by Richard Pierce, from Evolution Enterprises, who will serve as a sub-contractor on the disparity study and Alissa DeJonge, from CT Economic Resource Center, who is the lead consultant for the project at the academy.

Mr. Strauss reported that CASE became involved with the disparity study after they were approached by Senator Harp and Representative Walker asking them to assist in conducting the study. Mr. Strauss stated that a bill was then proposed and subsequently adopted during the last legislative session which charged CASE with the conduction of the study.

Mr. Strauss said they have been waiting for the release of the carry over funds for the study. Mr. Strauss said ironically, his office received notice today that the funds have just been released. CASE hopes to be underway by the beginning of October. The work is supposed to be done by June 13, 2013; however, they have the option of extending it up to a year.

Mr. Strauss distributed the annual report of the academy and explained some of the projects that they are currently working on. Mr. Strauss also discussed the Scope overview that was worked on by the project management team which utilized the RFP that CHRO and DAS put out in the spring. He stated that the overview lists the study committee that will be providing the general oversight of the research team and the recommendations based on the findings in the report.

Mr. Straus reported that the team will be having several meetings in the near future and they will add the Commissioners to their contact list so they can be present at the meetings if they so desire. Mr. Strauss asked the Commissioners if they had any questions for him.

Commissioner Pestana asked who has familiarity with the actual conduction of the study. Mr. Strauss stated they are relying heavily on Gerald James who is the study advisor as he has familiarity with the methodology. They are also relying on members of their study committee who have expertise in that area.

Secretary Mambruno asked if there were any minority set aside businesses that have contacted CASE to be involved in the study. Mr. Strauss stated that once the legislation was adopted, Glenn Cassis, Executive Director of the African American Affairs Commission, distributed an announcement that CASE was

involved with the study. Mr. Strauss reported that after the announcement went out, they were contacted by several businesses and as a result of that they added several members.

Mr. Pierce stated that his firm, Evolution Enterprises, has worked on an extensive disparity study and they have expertise and methodology to conduct the study. Mr. Pierce also said that they have an extensive database and contacts throughout the state with various minority trade organizations and are well equipped to find those minority subgroups.

Secretary Mambruno asked if they had considered using anyone from CHRO's staff. Mr. Strauss stated that he met with the Executive Director, Robert Brothers, a few weeks ago and they discussed what they were going to be doing but did not discuss the availability of his staff to help out. CASE would most likely need to rely on staff for contact with prime contractors for assistance with the study.

Commissioner Pestana stated that CHRO has staff that are experienced in contract compliance and believes they would be very useful and hopes they will work with them in some aspect. Mr. Strauss stated he would be continuing discussions with Mr. Brothers in regard to this.

Secretary Mambruno thanked Mr. Strauss for coming to speak to them today.

IV. OUTREACH REPORT – Michelle Dumas Keuler, Human Rights Attorney 3

Attorney Keuler presented the legal outreach activities report on behalf of Attorney Cheryl Sharp who was at the HUD conference in Boston. Attorney Keuler announced that an article entitled, *Sweet Land of Liberty, Islamaphobia and the Treatment of Muslims in the State of Connecticut*, by Attorney Sharp was published in the CT Public Interest Law Journal.

Attorney Keuler reported that last month, many CHRO lawyers along with many groups of the State of Connecticut held an Anti-Bullying Summit at the Capitol. It was a huge success and many agencies came to give information to the public. Attorney Keuler stated that it has been running on CT-N as well.

Next Friday, the agency will be participating in the Stand Down which is an event at the Veterans' Home in Rocky Hill. It is a daylong event that several state agencies attend including CHRO to give information to veterans on housing and various aspects of their lives.

Attorney Keuler stated that she and several other attorneys have been participating in Section 8 meetings across the state. They have been training fair housing officers on their responsibilities in fair housing law.

Attorney Keuler stated that Kids' Court will kick off on November 8, 2012 with Kids Speak which is a daylong event where kids from all over the state come and participate in discussions about civil rights and bullying. Attorney Keuler said that this will lead to Kids' Court which is an essay writing contest in the spring. The essays are judged by luminaries and awards are given out.

Commissioner Pestana asked if the attorneys actually have 1,000 cases as stated in the outreach report. Attorney Keuler stated that 1,000 is a culmination of all the cases that come through the legal division including; mediations, public hearing cases, whistleblower complaints, and cases going through early legal intervention.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

A. Staff Recommendations: *Approvals*

1. Central Connecticut State University
2. Department of Economic and Community Development
3. Office of the Attorney General
4. Board of Regents for Higher Education

Secretary Mambruno asked for a motion to accept staff recommendations for approval of four Affirmative Action Plans: Central Connecticut State University, Department of Economic and Community Development, Office of the Attorney General and the Board of Regents for Higher Education. Such a motion was made by Commissioner Gove and seconded by Commissioner Niles. The motion included the caveat that Central Connecticut State University and the Office of the Attorney General retain their annual filing status, Department of Economic and Community Development retain its biennial filing status and the Board of Regents for Higher Education change their filing status from semi-annual to annual.

1. Central Connecticut State University

Representing the college were Dr. John W. Miller, President, and Rosa Rodriguez, Chief Diversity Officer.

Alvin Bingham reported that the Central Connecticut State University'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 by the Commission in prior plan reviews.

Commissioner Niles asked why the college used Hartford county data for the labor market instead of statewide and national as the plan indicates. Neva Vigezzi said that in some of the categories they used Hartford County data incorrectly. Ms. Vigezzi said they will be working with the college to provide technical assistance to correct these categories.

2. Department of Economic and Community Development

Representing the agency were Ronald F. Angelo, Deputy Commissioner and Antoinette Alphonse.

Mr. Bingham reported that the Department of Economic and Community Development'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 had no deficiencies in the prior plan review.

3. Office of the Attorney General

Representing the agency were Nora Dannehy, Deputy Attorney General, and Richard C. Campbell, Chief Administrative Officer and Affirmative Action Officer.

Mr. Bingham reported that the Office of the Attorney General's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency demonstrated every good faith effort to achieve its goals; and the agency substantially addressed deficiencies noted by the Commission in prior plan reviews.

Secretary Mambruno noted that Assistant Attorney General, David Teed, has done an outstanding job for the agency and anytime he has needed him he has been right there. Secretary Mambruno stated that he is an asset to the agency and the Commission.

4. Board of Regents for Higher Education

Representing the agency were Steven Weinberger, Vice President, and Toby Bates, Director of Employee Relations, Leah Glende, EEO Administrator and Wendy Bovia, HR Specialist.

Mr. Bingham reported that the Board of Regents for Higher Education's plan was recommended for approval based on compliance with the following: the plan contains all elements required; the agency was deemed to have met all of its

goals; and there were no deficiencies. This is the Board of Regents for Higher Education's first filing.

Secretary Mambruno called for a vote on the motion to approve the plans and their proper filing status. The motion passed unanimously. Secretary Mambruno did not vote.

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

1. Office of the State Comptroller
2. Department of Education

Secretary Mambruno entertained a motion to accept staff recommendation for disapproval of the Office of the State Comptroller's Affirmative Action Plan and the Department of Education's Affirmative Action Plan and that the motion includes the retention of their annual filing status. A motion was made by Commissioner Wrice and seconded by Commissioner Pestana.

1. Office of the State Comptroller

Representing the agency were Kevin Lembo, Comptroller, Martha Carlson, Deputy Comptroller, Johnette Tolliver, EEO Specialist, Natalie Braswell, General Counsel, Doris Vieira, HR Director, Grace Soares and Elena Vazquez, HR Associate.

Mr. Bingham reported that the agency was recommended for disapproval based on non-compliance with the following: the plan had all elements required; the agency has not demonstrated every good faith effort to achieve its goals; and the agency had no deficiencies in the prior plan review.

In the five year history, the plan has been approved. Mr. Bingham stated that Susan Hom did the review; however she was unable to attend today. As such, Ms. Vigezzi would be taking her place for discussion.

Ms. Vigezzi reported that the plan was recommended for disapproval because there were a number of areas where there were goals established and there were goal candidates yet the plan didn't explain what happened to those goal candidates; i.e. who was/was not selected for interviews and why. Therefore, Ms. Vigezzi stated it did not meet the b(3) standard.

Comptroller Lembo told the Commission that the agency takes this very seriously. Comptroller Lembo stated that they have long been partners with CHRO in developing plans that are not only meant to meet the letter of the law but also the spirit of the law. Commissioner Lembo said they have a new EEO

officer, Johnette Tolliver, who is doing amazing work as is Natalie Braswell, General Counsel.

Comptroller Lembo said that Ms. Tolliver came in to help them as part of a SmART agency support effort when their previous Affirmative Action Officer moved on. Ms. Tolliver had a limited amount of time to pull the information together. Comptroller Lembo stated that it seems the disapproval was based on two things; 1) a claimed miscalculation and therefore, subsequent errors with goal setting and 2) there was no explanation as to why the agency did not hit the goals or make a good faith effort.

Comptroller Lembo explained that one of the sections related to the goals was left out of the plan and after they got the report it was subsequently sent to the agency. Comptroller Lembo stated he was there to answer any questions and to ask that the Commissioners would reject the reviewer's recommendation and, in fact, approve the plan as amended.

Secretary Mambruno asked for a vote on the motion to disapprove the Office of the State Comptroller's affirmative action plan. Commissioner Niles and Commissioner Gove opposed. Commissioner Wrice voted in favor of the recommendation. Commissioner Pestana abstained. The motion did not pass.

Commissioner Niles made a motion to conditionally approve the Office of the State Comptroller's affirmative action plan and retain its annual filing status with the caveat that they get technical assistance as soon as possible to fix the plan. Commissioner Gove seconded the motion. Commissioner Gove and Commissioner Niles voted in favor. Commissioner Wrice opposed the motion. Commissioner Pestana abstained. The motion passed. Secretary Mambruno did not vote.

2. Department of Education

Representing the agency were Stefan Pryor, Commissioner, Charlene Russell-Tucker, Chief Operations Officer, Kim Barberi, Assistant Agency Personnel Administrator, Levy Gillespie, EEO Director, Rita Ferraiolo, Education Labor Relations Specialist and Colleen Clancy, Education Labor Relations Specialist.

Mr. Bingham reported that the agency was recommended for disapproval based on the following: the work force considered as a whole and by occupational category is not at parity with the relevant labor market area; the agency has not met or substantially met all of its hiring and/or promotion goals; the agency has not substantiated every good faith effort to achieve such goals; and the agency has not substantially addressed deficiencies noted in the prior plan review.

Commissioner Niles stated she is very concerned with the number of times the plan has been disapproved over the years.

Commissioner Pryor stated he is relatively new in the position. He wanted the commission to know that this issue is very important to him. Commissioner Pryor stated that they certainly believe in the values of affirmative action and in the diversity of candidates in their workforce. Commissioner Pryor stated that Mr. Bingham and Ms. Kennedy have been very helpful to the agency.

Commissioner Pryor acknowledged that there were communication errors and that there were problems in the presentation of the plan. Commissioner Pryor stated that they have made the following concerted efforts in regard to affirmative action: they have added structure and content to their job postings and explain in greater detail what is required, they have ongoing internal meetings between their human resources and affirmative action departments to improve communication and they conduct agency job fairs, and attend minority recruitment and Hero for Hire job fairs.

Commissioner Pryor stated that in regard to omissions in the plan, there was a belief by Department of Education staff that executive management positions were not to be included or reported in the plan. He further explained that both executive staff employee hires were goal candidates. Commissioner Pryor pledged to have those positions reported going forward. Commissioner Pryor said they are fully committed to correcting and amending the plan to ensure the recording is 100% accurate.

Commissioner Pryor stated that in the area of promotions, the agency has automatic promotions where there are no opportunities for competition. Ms. Kennedy stated they should be reported as well. Commissioner Pryor stated he agreed and will make sure the agency reports that way from this point forward.

Commissioner Niles stated that the concern is that the Department of Education has a failing history. Commissioner Niles stated the Commission has been issuing certificates of non-compliance to those agencies or schools with a history of disapproval. Commissioner Niles noted that a certificate of non-compliance states that you have to be in compliance before you can hire anyone.

Commissioner Niles made a motion to accept staff recommendation for disapproval of the Department of Education's affirmative action plan. Commissioner Gove seconded. The motion passed unanimously. Secretary Mambruno did not vote.

Commissioner Niles made a motion to issue a certificate of noncompliance to the Department of Education to get the plan into compliance as soon as possible. Secretary Mambruno stated that pursuant to §46a-68a there is a motion for an

issuance of a certificate of noncompliance. Commissioner Pestana seconded the motion. Commissioner Gove, Commissioner Niles and Commissioner Pestana voted in favor of the motion. Commissioner Wrice opposed. The motion passed. Secretary Mambruno did not vote.

Secretary Mambruno said he is very disheartened that they have to issue this certificate of noncompliance; however, the Norwalk, Tunxis and Manchester Community Colleges were in compliance within three to four weeks, after the issuance of the certificate. Secretary Mambruno stated that the agency can grieve the decision by statute.

Mr. Brothers told Commissioner Pryor that CHRO staff will work with his staff to have this cured by next month. Mr. Brothers said he will then make a recommendation to lift the certificate.

Commissioner Pryor thanked the Commissioners for their consideration. He stated he would like to make himself available as well.

VI. DIVISION REPORTS

A. Executive Director's Report

Mr. Brothers reported that the biggest problem the agency is facing right now is staffing levels. Mr. Brothers stated that when he was Interim Director in 2008 there was a hiring freeze in place. He stated the agency has not been able to hire anyone for almost four years up until the beginning of this year. Ms. Petit was the first hire and subsequently they have hired several investigators. Mr. Brothers said that unfortunately, one of the investigators exited quickly so they are in the process of refilling that position. Mr. Brothers stated that they currently have 66 employees but are appropriated for 74. However, Mr. Brothers stated that trying to get to the appropriated number is difficult. Mr. Brothers stated they are currently trying to fill positions with the help of the Department of Labor.

Mr. Brothers said that in regard to the outreach report that stated each attorney has 1,000 cases, they are not actual cases assigned but are cases they are reviewing. As a result of PA 11-237, the process was changed so that every case has to go through early mediation. Mr. Brothers stated that the agency is almost at the point of closing as many cases as they are opening. Mr. Brothers stated that they have approximately 2,000 cases pending.

Commissioner Gove asked how the implementation of volunteer mediators was going. Mr. Brothers stated that they have many volunteer attorneys, interns and externs that conduct mediations and that they have been a big help to the agency.

Mr. Brothers stated that that the Department of Labor has assumed all business office functions for CHRO except IT. Mr. Brothers reported that the Norwich office is having an issue with bandwidth and BEST has indicated the cost to upgrade would be approximately \$10,000. Mr. Brothers stated that they are exploring all options in regard to this.

Mr. Brothers stated that Jim O'Neill, Legislative Liaison, is still out of the office. However, the legislative proposal is almost entirely done and ready for submission.

VII. EXECUTIVE SESSION

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

VIII. RETURN TO REGULAR SESSION

At 3:54 p.m. the Commission returned to Regular Session from Executive Session. Secretary Mambruno 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 Niles and seconded by Commissioner Gove to adjourn the meeting at 3:55 p.m. The motion carried unanimously. Secretary Mambruno did not vote.