

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes

Wednesday, November 9, 2022

2:00 p.m.

Via Microsoft TEAMS

Commissioners Present

Lisa Giliberto

Nick Kapoor

Edward Mambruno

Andrew Norton

Edith Pestana

Joseph Suggs

Staff Present

Tanya A. Hughes, Executive Director

Michelle Dumas Kueler, Managing Director, Legal

Kimberly Jacobsen, Managing Director, Legal

Renee Vander Wall Bake, HRO Attorney

Catherine Spain, HRO Attorney

Darcy Strand, Legislative Analyst

Gary Madison, HRO Representative

Aubrey Petersen, Secretary, Legal

Cheryl Sharp, Deputy Director

Robin Fox, HRO Attorney

Neva Vigezzi, Supervisor, AA (TWR)

Robin Trepanier, HRO Attorney

Spencer Hill, HRO Attorney

Ana Mitchell, HRO Representative

Darian Pitts, Executive Secretary

Kristen Parker, Executive Secretary

I. CALL TO ORDER

Commissioner Nick Kapoor called the meeting to order at 2:04 PM.

II. ELECTION OF CHAIRPERSON PRO TEMPORE

Commissioner Kapoor called for a motion to elect the Chair Pro Tempore. Commissioner Norton moved to elect Commissioner Kapoor as Chairperson Pro Tempore for the Wednesday, November 9, 2022, Commission meeting. Commissioner Lisa Giliberto seconded the motion. Commissioner Kapoor asked for other nominations. There being no other nominations or debate Commissioner Kapoor called for the vote. The motion carried. Yes (5); No (0); Abstentions (0).

III. CHAIRPERSON'S REPORT

Commissioner Kapoor noted there was one item on the Chairperson's Report to address. He entertained a motion to amend the agenda to:

- strike November 9th as the next meeting date and insert December 14th and
- to move to the December 14th meeting the following Requests to Reopen:
 - Anne Marie Rivera-Berrios v. East Haven Public Schools
 - Clement Totimeh v. State of Connecticut;

- Alesandra Fischetti v. Trumbull Public Schools
- Heidi Elsinger v. Department of Social Services;
- Heidi Elsinger v. State of Connecticut,
- Rodolfo Lopez v. Walgreens.

Commissioner Suggs offered the motion. Commissioner Pestana seconded. The motion carried. Yes (5); No (0); Abstentions (0).

IV. APPROVAL OF MINUTES

Commissioner Mambruno moved to approve the minutes as written with corrections. Commissioner Pestana seconded. The motion carried. Yes (3); No (0); Abstentions (2) Commissioner Mambruno and Commissioner Suggs.

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by Deputy Director Cheryl Sharp

Department of Administrative Services

Staff Representing the agency were: Michelle Gilman, Commissioner; Alicia Nunez, Director of Equal Opportunity; Nicholas Hermes, Chief Human Resources Officer; Eleanor Michael, Policy, and Legislative Advisor.

This plan is 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 demonstrated every good faith effort to achieve its goals, and despite these efforts, was unable to do so. The agency no deficiencies in the prior Plan reviews and was in compliance with the B4 standard hiring goal.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 27 out of 51 or 52.9%.
- Promotional Goal Achievement: 13 out of 27 or 48.1%.
- Program Goal Achievement: 1 out of 1 or 100%.

The agency's plan history is as follows. In 2017, 2018, 2019, 2020, 2021 the plan was approved.

Commissioner Giliberto moved for approval of the Department of Administrative Services Affirmative Action Plan and that they retain annual filing status; Commissioner Suggs seconded. The motion carried. Yes (5); No (0); Abstentions (0).

Department of Labor

Staff representing the Department of Labor were Commissioner Dante Bartolomeo; Muriel Carpentier, Equal Opportunity Specialist; Neil Griffin, Human Resource Director.

This plan is recommended for approval based on compliance with the following: the plan contains all elements required by sections 46a-68-78 through 46a-68-94. The agency has demonstrated every good faith effort to achieve its goals but was unable to do so. The agency had no deficiencies in the prior plan review. Therefore, the agency is following the B4 standard.

The goal achievement is the following:

- Hiring Goal Achievement: 11 out of 24 or 46%.
- Promotional Goal Achievement: 20 out of 42 or 45%

- Programmable Achievement: 1 out of 1 for 100%

The plan history over the previous five years is as follows. In 2017 and 2018 the plan was approved. In 2019 the plan was disapproved. In 2020 and 2021 the plan was approved.

Commissioner Norton moved to approve the Affirmative Action Plan for the Department of Labor and to retain its annual filing status. Commissioner Pestana seconded. The motion carried. Yes (5); No (0); Abstentions (0).

Metropolitan District Commission

Staff representing the Metropolitan District were Scott Jellison, CEO; Rita Kelly, EEO Representative; Jamie Harlow, Director of Human Resource.

This plan is recommended for approval based on compliance with the following: the plan contains all elements required by sections 46a-68-78 through 46a-68-94. The agency has not met all or substantially all its hiring goals, and promotional goals. The program goals were achieved. The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts, was unable to do so.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 13 out of 25 or 52%.
- Promotional Goal Achievement: 0 out of 2 or 0%.
- Program Goal Achievement 2 out of 2 for 100%

This agency has a five-year approval history from 2017 through 2021.

Commissioner Giliberto moved to approve the Affirmative Action Plan for the Metropolitan District and for it to retain its annual filing status. Commissioner Mambruno seconded. The motion carried. Yes (5); No (0); Abstentions (0).

Southern Connecticut State University

Staff representing Southern Connecticut State University were Joseph Bertolino, President; Dr. Diane Ariza, VP of DEI; Paula rice, Director of Diversity and Equity

This plan is recommended for approval based on compliance with the following: the plan contains all elements required by sections 46a-68-78 through 46a-68-94. The agency has demonstrated every good faith effort to achieve goals but was unable to do so. The agency had no deficiency in the prior plan review and is in compliance with the B4 standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 12 out of 43 or 28%.
- Promotional Goal Achievement: 10 out of 19 or 53%.
- Program Goal Achievement 3 out of 3 for 100%

The plan history over the previous five years is as follows. In 2017 the plan was conditionally approved. In 2018, 2019, 2020, and 2021 the plan was approved.

Commissioner Mambruno moved to approve the Affirmative Action Plan for Southern Connecticut State University and for it to retain annual filing status. Commissioner

Pestana seconded. The motion carried. Yes (5); No (0); Abstention (0).

VI. CONTRACT COMPLIANCE: REQUEST FOR EXEMPTION

Request for Contract Compliance Exemption for the Town of Tolland
Presented by HRO Attorney Spencer Hill.

There was no one present on behalf of the Town of Tolland or New England Arborist Tree Care, LLC.

The town of Tolland is requesting an exemption from certain contract compliance for a proposed contract with New England Arborist Tree Care, LLC for tree trimming services. The contract is valued at \$70,000. The request is being made because the contractor has only three employees and has no plan to subcontract any of the work. This falls under one of the Commission's permissible exceptions in the regulations as an exception for good faith efforts required to set aside a portion of the contract for subcontract with small and minority owned businesses. The request falls within the statutory and regulatory permissible exemptions as the number of workers employed by the contractor to perform the contract totals twenty-five (25) or less. The recommendation is that the request be granted for the full year period.

Commissioner Norton moved to approve the request for exemption to the contract with New England Arborist Tree Care, LLC. Commissioner Mambruno seconded. The motion carried. Yes (5) Opposed (0); Abstentions (0).

VII. REQUESTS TO REOPEN

Commissioner Kapoor reminded all that six out of the seven requests to reopen had been moved to the December 14th Commission Meeting. The case of Karl Mitchel v. Department of Transportation presented by HRO Attorney Catherine Spain would be considered. Staff Recommendation: **Deny**

In attendance were Complainant, Karl Mitchell.

Commissioner Norton moved to deny the request to reopen. Commissioner Mambruno seconded the motion. The motion carried. Yes (4); No (1) Commissioner Pestana Abstentions (0).

VIII. DIVISION REPORTS

Executive Director's Report, Executive Director Tanya Hughes

Personnel

- Tanya and Kim introduced and welcomed new employees to the CHRO.
- Special thanks given to existing staff for all their help with the process, specifically, Dedra Morris, Kristen Parker, Spencer Hill, Jonathan Sykes, Darcy Strand, Kim Jacobsen, Michelle Dumas Kueler.
- Introduced new AG representative Assistant Attorney General Tanya DeMattia
- EEOC Contract Update – vouchered for additional case credit closures totaling \$110,710. Thanked Cathy Kendall, Sue Mota, and Darian Pitts for their help.
- Recruitment activities are on-going.
- Department of Labor released the updated teleworking terms that are set to begin in January 2023.

- Funding received for technology upgrade; estimates received, and new equipment will be ordered.
- Great strides being made with the legislative program; several meetings have been scheduled.
- Meeting planned with CBIA next week. Tanya, Michelle Dumas Kueler, and Kim Jacobsen will be in attendance.
- Work continues with lease updates for Bridgeport and Norwich offices.
- Progress is being made with the Taskforce to Study Comprehensive Needs for Children.
- Attended the Lawyers Collaborative for Diversity- Annual Judges of Color reception on November 3, 2022.
- Collaborated with the Ana Leh Show at the Park Street Library at the Lyric on October 27, 2022 – Christmas in October.
- Attended the CT BlackExpo in New Haven on October 29 and did some outreach regarding the disparity study.
- Lots of work being done with the Kids Court Academy in partnership with the New Haven Symphony Orchestra and the Hartt School of Music.
- Noted the great work being done within the Housing Unit and the Legal Department with assisting our regions.
- Explained what the Domestic Virtual Violence Training would entail.

Outreach Report, Deputy Director Cheryl Sharp

- Noted ongoing initiative to reach out to the Latino community. Noted the work of Outreach Coordinator, Ana Mitchell, to get the CHRO recognized via Television, Radio, and in the Community.
- Work on the Ambassador Program is on-going. Ana and Darcy ensuring that all the units across the state can provide outreach to the communities.
- Meeting held with real Art Ways to continue the process to bring the Civil Rights Museum to fruition. April/May is the planned timeframe for the launch and red-carpet event.
- DEI trainings continue.
- Cheryl, Michelle Dumas Keuler, and Jody Walker Smith will do training with the Connecticut Bar Association for a human relations group on workers compensation.
- Employee trainings continue throughout the state. Invitations received recently to provide training for HR professionals and with the CT Bar Association for Western New England University.
- Year two of Kids Court Academy has concluded. Moving forward with year three which will focus on the Legislature. Invited members of the Commission to sit in, participate, and act as facilitators.
- Regional Offices continues with their community outreach efforts to help people better understand the services provided by CHRO.
- Staff recruitment efforts continue. There are 11 open positions currently. Will most likely announce new staff at the meetings going forward.
- Last week she and Ana Mitchell attended a conference at Harvard on Reparations Health Equity and collected a good deal of useful materials.
- Acknowledged the hard work of the staff, specifically, the DEI group, for getting out into the community and making it a priority to get recognition for CHRO.

Legislative Update, Legislative and Administrative Advisor Darcy Strand

- Noted that the 2023 Legislative session would begin in January. Plans in place to begin dialogue with the Legislators about what the CHRO plans are for the upcoming year.
- Updated Disparity Study: Griffin and strong have completed its data assessment meetings and will provide CHRO with the report which will be used to guide the study's work for the next few months. The disparity website is now live: <https://portal.ct.gov/disparitystudy>

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 to invite in: Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Assistant Attorney General Tanya DeMattia, HRO Attorney Robin S. Kinstler Fox, HRO Attorney Michelle Dumas Keuler, and HRO Attorney Kimberly Jacobsen. Commissioner Giliberto moved to go into Executive Session and Commissioner Pestana seconded. The motion carried. Yes (4); No (0); Abstentions (0). The Commission entered Executive session at 4:13 PM.

The Commission meeting reconvened at 4:34 PM. Commissioner Kapoor, Commissioner Giliberto, Commissioner Mambruno, Commissioner Norton, and Commissioner Pestana returned after the Executive Session. Commissioner Suggs did not return and left the meeting at 4:05 PM.

Commissioner Kapoor noted that no actions or votes were taken during the Executive Session.

X. VOTE ON EXECUTIVE SESSION ITEMS

1. Elizabeth J. Mills Sanders v. Greenwich Premier Services Company and/or d/b/a Greenwich Premier Services Asset Management Group, CHRO No. 1950048
Presented by HRO Attorney Robin S. Kinstler Fox
- 1a. Elizabeth J. Mills Sanders v. Old Track Properties, LLC, CHRO No. 1950049
Presented by HRO Attorney Robin S. Kinstler Fox
- 1b. Elizabeth J. Mills Sanders v. The Town of Greenwich, CHRO No. 1950096
Presented by HRO Attorney Robin S. Kinstler Fox

Commissioner Giliberto moved that the Commission on Human Rights and Opportunities instruct counsel to file in Hartford Superior Court and seek injunctive relief, punitive damages, and a civil penalty. Commissioner Pestana seconded the motion. The motion carried Yes (4); No (0); Abstentions (0).

XI. OLD BUSINESS

There was no old business to discuss.

XII. NEW BUSINESS

There was no new business to discuss.

XIII. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, December 14, 2022, via Microsoft Teams.

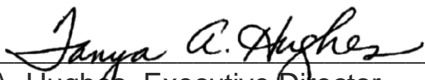
XIV. ADJOURNMENT

A motion was made by Commissioner Pestana and seconded by Commissioner Giliberto to adjourn the Executive Meeting. The vote was: Yes (4); No (0), Abstentions (0). The motion carried.

The Executive Meeting was adjourned at 4:41 PM.

The minutes of the Regular Commission meeting dated November 9, 2022, were approved on December 14, 2022.

Prepared by:



Tanya A. Hughes, Executive Director