

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes Wednesday, November 8, 2023 2:00 p.m. Via Microsoft TEAMS

Commissioners Present

Nicholas Kapoor, Chairperson
Edward Mambruno, Secretary
Sujata Gadkar-Wilcox
Lisa Giliberto
Alex Harris
Andrew Norton
Edith Pestana
Joseph Suggs
Tamara Titre

Staff Present

Tanya Hughes, Executive Director
Kimberly Jacobsen, Legal Managing Director
Jose-Michael Gonzalez, Capitol Region Manager
Shawn Burns, WC Regional Manager
Ethan Cain, HRO Attorney
Spencer Hill, HRO Attorney
Jo Keogh, HRO Attorney
Robin Trepanier, HRO Attorney
Darcy Strand, Legislative Analyst
Jase Olavarria, HRO Trainee
Courtney Shields, HRO Representative
Aubri Petersen, Legal Secretary
Darian Pitts, Executive Secretary

Cheryl Sharp, Deputy Director
Michelle Dumas Keuler, Legal Managing Director
Robert Aldi, Eastern Regional Manager
Diane Carter, HDU Manager
Jonathan Sykes, HRO Attorney
Cassandra Bretones, HRO Attorney
Michael Roberts, HRO Attorney
Neva Vigezzi, AA Supervisor, (TWR)
Gary Madison, HRO Representative
Travis Fuller, HRO Trainee
Kristen Parker, Executive Secretary
Leigh Russo, Secretary
Tanya DeMattia, Asst. Attorney General

I. CALL TO ORDER

Chair Nicholas Kapoor called the meeting to order at 2:02 PM.

I CHAIRPERSON'S REPORT

Commissioner Kapoor informed a quorum had been achieved with 8 Commissioners present. He asked for a moment of silence to acknowledge the passing of former CHRO Commissioner Jimmy Griffin.

*Commissioner Gadkar-Wilcox joined the meeting at 2:04 PM.

Chair Kapoor also took a moment to congratulate former CHRO employee Dawn Westbrook on her elevation to an Appellate Court Judgeship, nominated by Governor Lamont.

III. **APPROVAL OF MINUTES**

Secretary Mambruno entertained a motion to approve the Minutes of the October 11, 2023, Regular Commission Meeting as presented.

To Approve the Minutes of the October 11, 2023, Meeting

Motion: J. Suggs

Second: L. Giliberto

Discussion: None

Vote:

Yes – 5 (Kapoor, Norton, Giliberto, Suggs, Mambruno)

No – 0

Abstain – 4 (Titre, Gadkar-Wilcox, Harris, Pestana)

IV. **AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED**

Presented by Deputy Director Cheryl Sharp and HRO Attorney Michelle Dumas Keuler.

Department of Administrative Services

Staff representing Department of Administrative Services were Commissioner Michelle Gilman, Deputy Commissioner Eleanor Michael, Deputy Commissioner Nicholas Hermes, Human Resources Administrator-EEO Alicia Nunez, Assistant Human Resources Director-DAS SmART Unit Danielle Silva.

This plan was recommended for approval based on compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94. The agency has not met all or substantially met all its hiring and promotional goals. The program goals were achieved. The agency has demonstrated every good faith effort to achieve its goals and despite these efforts was unable to do so. The agency had no deficiencies in the prior plan review and therefore, is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 35 out of 70 or 50%
- Promotional Goal Achievement: 8 out of 25 or 32%
- Program Goal Achievement 2 out of 2 or 100%

The five-year approval history is as follows: 2022 Approved; 2021 Approved; 2020 Approved; 2019 Approved; 2018 Approved.

To Approve the Affirmative Action Plan of the Department of Administrative Services and to Retain Annual Filing Status

Motion: A. Norton

Second: L. Giliberto

Discussion: None

Vote:

Yes – 6 (Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Did Not Vote – 1 (Kapoor)

Department of Children and Families

Staff representing the Department of Children and Families were Commissioner Vanessa Dorantes, Deputy Commissioner Jodi Hill-Lilly, Director Monica Rams, EEO Manager Natalie Shipman, EEO Specialist 2 Jennifer Borenski, TWR Jeanette Perez.

This plan was 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 not met all or substantially met all its hiring goals. Promotion and Program goals have been all or substantially met. The agency demonstrated every good faith effort to achieve goals despite these efforts has been unable to do so. The agency had no deficiencies in the prior plan review and therefore they are in compliance with the (b)(4) standard.

The five-year approval history is as follows: 2022 Approved; 2021 Approved; 2020 Approved; 2019 Approved; 2018 Conditional Approved.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 144 out of 288 or 50%
- Promotional Goal Achievement: 42 out of 60 or 70%
- Program Goal Achievement 4 out of 4 or 100%

To Approve the Affirmative Action Plan of the Department of Children and Families and to Retain Annual Filing Status

Motion: L. Giliberto

Second: A. Harris

Discussion: None

Vote:

Yes – 6 (Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Did Not Vote – 1 (Kapoor)

Department of Labor

Staff representing the Department of Labor were Commissioner Dante' Bartolomeo, EEO Jeri Beckford, Legal Director Heidi Lane.

This plan was recommended for approval based on compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94 inclusive. The agency has demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so. The agency had no deficiencies in the prior plan review and therefore, is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 7 out of 21 or 33% Promotional Goal Achievement: 17 out of 41 or 41%
- Program Goal Achievement 1 out of 1 or 100%

The five-year approval history is as follows: 2022 Approved; 2021 Approved; 2020 Approved; 2019 Disapproved; 2018 Approved.

To Approve the Affirmative Action Plan of the Department of Labor and to Retain Annual Filing Status

Motion: E. Mambruno

Second: E. Pestana

Discussion: None

Vote:

Yes – 6 (Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Did Not Vote – 1 (Kapoor)

Metropolitan District Commission

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

This plan was recommended for approval based on compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94 inclusive. The agency has not met all or substantially met all of its hiring goals. Both promotion and program goals were achieved. The agency has demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so. The agency had no deficiencies in the prior plan review and therefore, is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 11 out of 30 or 36%
- Promotional Goal Achievement: 3 out of 3 or 100%
- Program Goal Achievement 2 out of 2 or 100%

The five-year approval history is as follows: 2022 Approved; 2021 Approved; 2020 Approved; 2019 Approved; 2018 Approved.

To Approve the Affirmative Action Plan of the Metropolitan District Commission and to Retain Annual Filing Status

Motion: A. Norton

Second: L. Giliberto

Discussion: None

Vote:

Yes – 5 (Norton, Giliberto, Suggs, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Absent – 1 (Harris)

Did Not Vote – 1 (Kapoor)

Southern Connecticut State University

Staff representing the Office of the Southern Connecticut State University were Interim President Dr. Dwayne Smith, Vice President of Diversity, Equity, and Inclusion Dr. Diane Ariza, Director of Diversity and Equity Programs Paula Rice.

This plan was recommended for approval based on compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94 inclusive. The agency has demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so. The agency had no deficiencies in the prior plan review and therefore, is in compliance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 25 out of 72 or 35%
- Promotional Goal Achievement: 18 out of 32 or 56%
- Program Goal Achievement 2 out of 2 or 100%

The five-year approval history is as follows: 2022 Approved; 2021 Approved; 2020 Approved; 2019 Approved; 2018 Approved.

To Approve the Affirmative Action Plan of Southern Connecticut State University and to Retain Annual Filing Status

Motion: L. Giliberto

Second: E. Pestana

Discussion: None

Vote:

Yes – 6 (Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Did Not Vote – 1 (Kapoor)

Workers Compensation Commission

Staff representing the Workers Compensation Commission were Chairman Stephen Morelli, Legal Director Marie Gallo, Human Resource Generalist Belinda Rivera, EEO Leadership /HR Associate Shaun Simoneau.

This plan was recommended for approval based on compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94 inclusive. The agency has not met all or substantially met all its hiring goals. Program goals were all met. Promotion goals were not established in the prior filing because underutilization of race/sex groups were being addressed via hiring goals. The agency demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so. The agency has substantially addressed deficiencies noted by the Commission in prior plan reviews.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 13 out of 21 or 61.9%
- Promotional Goal Achievement: -- out of -- or --%
- Program Goal Achievement 5 out of 5 or 100%

The five-year approval history is as follows: 2021 Approved; 2019 Approved; 2017 Approved; 2015 Approved; 2013 Approved.

To Approve the Affirmative Action Plan of the Workers Compensation Commission and to Retain Biennial Filing Status

Motion: L. Giliberto

Second: A. Harris

Discussion: None

Vote:

Yes – 6 (Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Did Not Vote – 1 (Kapoor)

V. EXECUTIVE SESSION

It requires a two-thirds vote of Commissioners present and voting staff and guests invited to attend must be noted.

1. CHRO v. Yale University – Update

Presented by HRO Attorney Michael Roberts

2. CHRO v. American Environmental, Inc.

Contract Compliance Enforcement complaint (OPH)

Presented by HRO Attorney Jonathan Sykes/HRO Attorney Spencer Hill

To Enter Executive Session and to invite into Executive Session: Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Managing Attorney Michelle Dumas Keuler, Managing Attorney Kimberly Jacobsen, Attorney Spencer Hill, Attorney Jonathan Sykes, Attorney Michael Roberts, and Assistant Attorney General Tanya DeMattia.

Motion: E. Pestana

Second: L. Giliberto

Discussion: None

Vote:

Yes – 8 (Titre, Gadkar-Wilcox, Norton, Giliberto, Suggs, Harris, Pestana, Mambruno)

No – 0

Abstain – 0

Did Not Vote – 1 (Kapoor)

The Commissioners and invitees entered Executive Session at 3:25 PM.

*Commissioner Suggs left the meeting at 3:26 PM.

Chair Kapoor reconvened the Commission meeting and resumed public session at 3:41 PM and noted that no votes were taken by the Commission in Executive Session.

Commissioners Kapoor, Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Pestana, and Titre returned after Executive Session.

VI. VOTE ON EXECUTIVE SESSION ITEMS

1. CHRO v. American Environmental, Inc.

Contract Compliance Enforcement complaint (OPH)

Presented by HRO Attorney Jonathan Sykes/HRO Attorney Spencer Hill

To file CHRO v. American Environmental, Inc. with the CHRO Office of Public Hearing.

Motion: A. Harris

Second: E. Mambruno

Discussion: None

Vote:

Yes – 5 (Norton, Giliberto, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Absent – 1 (Suggs)

Did Not Vote – 1 (Kapoor)

VII. NEW BUSINESS

1. Discussion and vote on 2024 Commission Meeting Calendar

To approve the 2024 Commission on Human Rights and Opportunities meeting calendar.

Motion: L. Giliberto

Second: E. Pestana

Discussion: Chair Kapoor informed that the 2024 Commission meeting calendar included four hybrid meetings that will be both virtual and in-person. The hybrid meetings are scheduled for March 13, 2024, and April 10, 2024, and will be held at the Central Office located 450 Columbus Blvd, Hartford. The September 11, 2024, and the October 9, 2024, meetings are planned to be held at the Legislative Office Building. All meetings are scheduled to start normally on the second Wednesday of the month at 2:00 PM. Chair Kapoor also requested Executive Director Hughes to forward the meeting calendar to the Secretary of the State.

Vote:

Yes – 5 (Norton, Giliberto, Harris, Pestana, Mambruno)

No – 0

Abstain – 2 (Titre, Gadkar-Wilcox)

Absent – 1 (Suggs)

Did Not Vote – 1 (Kapoor)

2. Discussion on establishing a requirement that complainants request reconsideration prior to requesting a reopening by the Commission

Commissioner Norton informed that he was withdrawing his request on establishing a requirement that complainants request reconsideration prior to requesting a reopening by the Commission. Chair Kapoor informed that the item would be removed from the agenda going forward.

3. Discussion on racial categorization in Affirmative Action

A brief discussion ensued regarding the correct way to categorize certain groups of people by race. CHRO staff noted no one is questioned about their choice when self-identifying;

whatever ethnic group a person chooses is what is accepted. There was also brief discussion on the possibility that the next census would include several additional racial categories. Chair Kapoor asked if more information could be provided on the topic and requested leaving it on the agenda for future discussions.

VIII. DIVISION REPORTS

Executive Director's Report

Director Hughes noted that the EEOC voucher was increased from 1339 to 1370 cases. She further noted that she is working closely with the Department Managers to execute and implement a plan to eliminate aged inventory. She informed there is a full complement of supervisors now that the Capital Region Manager is on board. She also informed that a posting has been created for the supervisor position being vacated by Neva Vigezzi. She then acknowledged and gave kudos to Neva for her contributions to the agency.

Outreach Report

Deputy Director Cheryl Sharp briefly informed that work on the Civil Rights Museum continues with the submission of a budget option by Director Hughes to the Office of Policy and Management. She further informed that private invitations have gone out for the private viewing of the documentary, *One of Millions*, scheduled for Thursday, November 9. She also noted that regional managers, regional staff, and the Legal Department continue to provide sexual harassment training and housing training throughout the state. Kids Court Academy sessions are now complete. The last class was held on October 24. Attorney Rae Van, one of the co-creators of the program joined the last session. The program will resume in February 2024, and will partner with students from Washinton, DC. An invite to participate was extended to the Commissioners. She concluded by offering Director Hughes a "special thank you" for all she did during the time she was away from the office.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand informed that the agency is nearing the end of both the Disparity and Equity studies with a few more public hearings scheduled for the following week in a bid to ensure all needed state contracting folk are involved.

She noted there was a public meeting planned by the Greater African American Alliance of Hartford scheduled for the following week. She further noted that 80 plus anecdotal interviews on the Disparity Study have, thus far, occurred; the goal is to reach 100. A first draft of the Disparity Study should be available for CHRO to review during the first week of February, with the hope that it can be released in March.

She reported the final draft of the Equity Study is currently being reviewed by all interested parties. Once all final comments have been made, a virtual listening tour is planned for some time in January. She added that a full day symposium is planned for January 19, 2024, to launch the Equity Study, which will include representatives from the Biden administration and state constitutional officers.

She informed that the new Legislative Session is beginning, and we are in the process of trying to narrow down what topics should/would be the focus.

Legal Update

Managing Legal Director, Michelle Dumas Keuler and Managing Legal Director, Kimberly Jacobsen updated the group on a case that closed at the Office of Public Hearings in October. The OPH Referee ordered that the Complainant receive \$15,000 for emotional distress from the Respondent.

IX. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, December 13, 2023, at 2:00 PM via Microsoft Teams.

X. ADJOURNMENT

To adjourn

Motion: A. Norton

Second: A. Harris

Discussion: None

Vote:

Yes – 7 (Titre, Gadkar-Wilcox, Norton, Giliberto, Harris, Pestana, Mambruno)

No – 0

Abstain – 0

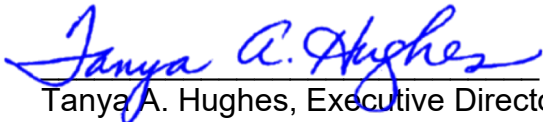
Absent – 1 (Suggs)

Did Not Vote – 1 (Kapoor)

Chair Kapoor thereby adjourned the meeting at 4:19 PM.

The Minutes of the Regular Commission Meeting Dated November 8, 2023, were approved on December 13, 2023.

Prepared by:


Tanya A. Hughes, Executive Director