

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes Wednesday, December 13, 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 Regional Manager
Shawn Burns, WC Regional Manager
Jamie Rubin, SW Regional Manager
Jonathan Sykes, HRO Attorney
Cassandra Bretones, HRO Attorney
Michael Roberts, HRO Attorney
Catherine Spain, HRO Attorney
Megan Graefe, HRO Attorney
Timothy Lewendon, HRO Attorney
Robin Trepanier, HRO Attorney
Darcy Strand, Legislative Analyst
Cyndi Dryfe, HRO Investigator
Christopher Blustein, HRO Representative
Sancha Works, HRO Representative
Travis Fuller, HRO Trainee
Darian Pitts, Executive Secretary
Leigh Russo, Secretary

Cheryl Sharp, Deputy Director
Michelle Dumas Keuler, Legal Managing Director
Robert Aldi, Eastern Regional Manager
Diane Carter, HDU Supervisor
Ethan Cain, HRO Attorney
Spencer Hill, HRO Attorney
Jo Keogh, HRO Attorney
Libby Reinish, HRO Attorney
Renee Vandenwallbake, HRO Attorney
Gabriela Sandoval, HRO Attorney
Jody Walker-Smith, HRO Attorney
Neva Vigezzi, AA Supervisor, (TWR)
Gary Madison, HRO Representative
Ana Mitchell, Outreach Coordinator
Courtney Shields, HRO Representative
Jase Olavarria, HRO Trainee
Kristen Parker, Executive Secretary
Aubri Petersen, Legal Secretary
Tanya DeMattia, Asst. Attorney General

I. CALL TO ORDER

Chair Nicholas Kapoor called the meeting to order at 2:03 PM.

II. CHAIRPERSON'S REPORT

Commissioner Kapoor informed a quorum had been achieved with 8 Commissioners present. He noted that Commissioner Suggs was not present at the moment. **Commissioner Suggs joined the meeting at 2:25 PM. ** Chair Kapoor continued and offered belated birthday wishes to both Director Hughes, and Commissioner Norton. He also reminded the group about the agency-wide training scheduled for Tuesday, December 19.

III. APPROVAL OF MINUTES

Secretary Mambruno entertained a motion to approve the Minutes of the November 8, 2023, Regular Commission Meeting as presented.

To Approve the Minutes of the November 8, 2023, Meeting

Motion: L. Giliberto

Second: A. Harris

Discussion: None

Vote:

Yes: 8

No: 0

Abstain:0

IV. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

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

Department of Motor Vehicles

Staff representing Department of Motor Vehicles were Commissioner Antonio Guerrero, EEO Officer Mildred Verdejo, EEO Associate Jeniaya Petteway, Chief of Staff Tiffany Hardwick, and HR Business Partner, Dorane Smith.

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 Department of Motor Vehicles did not submit an Affirmative Action Plan in 2022. With no previous plan submitted, there were no previous hiring, promotional or program goals. The agency had no deficiencies in the prior plan review and therefore, is in compliance with the (b)(4) standard.

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

To Approve the Affirmative Action Plan for The Department of Motor Vehicles and to Retain its Annual Filing Status:

Motion: L. Giliberto

Second: E. Mambruno

Discussion: None

Vote:

Yes: 6 (Giliberto, Pestana, Harris, Mambruno, Norton, Titre)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Absent: 1 (Suggs)

Did not vote: 1 (Kapoor)

Office of the Chief State's Attorney, Division of Criminal Justice

** Commissioner Giliberto recused herself from the discussion and vote on this plan. **

Staff representing the Office of the Chief States's Attorney were Deputy Chief State's Attorney John J. Russotto, Equal Employment Specialist Janice C. duFrend, and HR Director Theresa Eisenbach.

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 and promotional goals. Program goals were not established in the prior filing. 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 Goal Achievement is as follows:

- Hiring Goal Achievement: 11 out of 29 or 38%
- Promotional Goal Achievement: 14 out of 16 or 87%
- Program Goal Achievement 0 out of 0 or 0%

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

To Approve the Affirmative Action Plan for The Office of the Chief State's Attorney, Division of Criminal Justice and to Retain its Annual Filing Status:

Motion: E. Mambruno

Second: E. Pestana

Discussion: None

Vote:

Yes: 5 (Pestana, Harris, Mambruno, Norton, Titre)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Recuse: 1 (Giliberto)

Absent: 1 (Suggs)

Did not vote: 1 (Kapoor)

Department of Agriculture

Staff representing the Department of Labor were Commissioner Bryan Hurlburt, Director of Operations Nathan Wilson, HR Generalist 3 Heidi Gray, EEO HR Associate Katya Hunt.

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

The Goal Achievement is as follows:

- Hiring Goal Achievement: 4 out of 14 or 29%
- Promotional Goal Achievement: 0 out of 0 or 0%
- Program Goal Achievement 1 out of 1 or 100%

To Approve the Affirmative Action Plan for The Department of Agriculture to Retain its Biennial Filing Status:

Motion: A. Norton

Second: E. Mambruno

Discussion: None

Vote:

Yes: 6 (Giliberto, Pestana, Harris, Mambruno, Norton, Titre)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Absent: 1 (Suggs)

Did not vote: 1 (Kapoor)

Office of Early Childhood

Staff representing the Office of Early Childhood were Commissioner Beth Bye, Deputy Commissioner Elena Trueworthy, Chief of Staff, Katherine Devine, HR Generalist 2 Nickson Renoncourt, EEO HR Associate Jordan Kubik.

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. Promotion goals were not met, and Program goals were not set in the prior filing. The agency has 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: 7 out of 27 or 25.9%
- Promotional Goal Achievement: 0 out of 0 or 0%
- Program Goal Achievement 0 out of 0 or 0%

The five-year approval history is as follows: 2021 Approved; 2019 Approved; 2017 Approved; 2016 Disapproved; 2015 Disapproved.

To Approve the Affirmative Action Plan for Office of Early Childhood to Retain its Biennial Filing Status:

Motion: E. Mambruno

Second: T. Titre

Discussion: None

Vote:

Yes: 7 (Giliberto, Pestana, Harris, Mambruno, Norton, Titre, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

UCONN Health

Staff representing the UCONN Health were Interim CEO/Executive VP for Health Affairs Dr. Bruce Liang, Associate VP/AAO Letissa Reid, EEO/Search Compliance Officer Hanna Prytko, HR Vice President Lekeesha Brown.

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, promotional, and program goals. The agency has 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: 117 out of 384 or 31%
- Promotional Goal Achievement: 35 out of 95 or 37%
- Program Goal Achievement 2 out of 3 or 67%

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

To Approve the Affirmative Action Plan for UCONN Health and to Retain its Annual Filing Status:

Motion: L. Giliberto

Second: E. Mambruno

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

Office of State Comptroller

Staff representing the Office of State Comptroller were Deputy Comptroller Tara Downes, EEO Office/HR Generalist 3 Morgan Roane.

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. Promotional goals were substantially met, and Program goals were met. The agency 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 27 or 40.7%
- Promotional Goal Achievement: 10 out of 12 or 83.3%
- 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 for Office of State Comptroller and to Retain its Annual Filing Status:

Motion: T. Titre

Second: E. Pestana

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

Office of the Attorney General

Staff representing Office of the Attorney General were Assistant Deputy Attorney General Antoria Howard, and Director of HR/ AAO Susan Cavanaugh.

This plan was recommended for disapproval based on non-compliance with the following: The plan does contain all elements required by Sections 46a-68-78 through 46a-94 inclusive. The workforce, considered as a whole and by occupational category, is in parity with the relevant labor market area. The agency has not met all or substantially met all its hiring, promotional, and program goals. The agency has demonstrated every good faith effort to achieve goals and despite these efforts has been unable to do so.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 17 out of 29 or 58.6%
- Promotional Goal Achievement: 7 out of 10 or 70%
- Program Goal Achievement -- out of -- or --%

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

To Disapprove the Affirmative Action Plan for Office of the Attorney General and to Retain its Annual Filing Status:

Motion: L. Giliberto

Second: E. Pestana

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

V. REQUEST TO REOPEN

1. Danielle Polite v. North Haven Police Department

CHRO Case No. 220093 Presented by HRO Attorney Catherine Spain

To disapprove the Request to Reopen for CHRO Case # 220093 – Danielle Polite v. North Haven Police:

Motion: E. Mambruno

Second: A. Norton

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

2. Gregoria Hicks v. Waterbury Teachers' Association, Danielle Byron, Kevin Egan, Karlyn Fitzpatrick, George Flaherty, Craig Poulter

CHRO Case No. 213610-15

Presented by HRO Attorney Renee Vanden Wall Bake

To disapprove the Request to Reopen for CHRO Case # 213610-15 – Gregoria Hicks v. Waterbury Teachers' Association, Danielle Byron, Kevin Egan, Karlyn Fitzpatrick, George Flaherty, Craig Poulter:

Motion: L. Giliberto

Second: A. Harris

Discussion: Brief discussion ensued on some concern regarding the CAR process and whether the complainants are receiving enough help with putting their complaints together in a bid to survive the process.

Vote:

Yes: 6 (Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 2 (Gadkar-Wilcox, Pestana)

Did not vote: 1 (Kapoor)

VI. EXECUTIVE SESSION

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

1. James Graham v. CV Ansonia I, LLC and CV Ansonia II, LLC
CHRO case No. 2350174
Presented by HRO Attorney Libby Reinish
2. Audrah Hale v. Colt Gateway, LLC, et al.
CHRO Case No. 2350165
Presented by HRO Attorney Jonathan Sykes
3. CHRO v. Yale University – Update
Presented by HRO Attorney Michael Roberts

Chair Kapoor entertained a motion to enter Executive session.

To enter Executive Session and to invite into the Executive Session the following individuals: Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Managing Attorney Michelle Dumas Keuler, Managing Attorney Kimberly Jacobsen, Attorney Libby Reinish, Attorney Jonathan Sykes, Attorney Michael Roberts, and Assistant Attorney General Tanya DeMattia.

Motion: L. Giliberto

Second: E. Pestana

Discussion: None

Vote:

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

No: 0

Did not vote: 1 (Kapoor)

Executive Session began at 3:57 PM.

Commissioners Kapoor, Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Pestana, Suggs, Harris, and Titre returned after Executive Session at 4:15 PM.

Chair Kapoor reconvened the Commission in public session and noted that no actions or votes were taken during the Executive Session.

VII. VOTE ON EXECUTIVE SESSION ITEMS

1. James Graham v. CV Ansonia I, LLC and CV Ansonia II, LLC
CHRO case No. 2350174
Presented by HRO Attorney Libby Reinish

To file James Graham v. CV Ansonia I, LLC and CV Ansonia II, LLC in the Milford Judicial District for injunctive relief and give damages and civil penalties.

Motion: L. Giliberto

Second: J. Suggs

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

2. Audrah Hale v. Colt Gateway, LLC, et al.

CHRO Case No. 2350165

Presented by HRO Attorney Jonathan Sykes

To accept staff recommendation to file the case Audrah Hale v. Colt Gateway, LLC, et al in the Hartford Judicial District and to pursue injunctive relief, damages, and civil penalty.

Motion: A. Norton

Second: E. Mambruno

Discussion: None

Vote:

Yes: 7 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs)

No: 0

Abstain: 1 (Gadkar-Wilcox)

Did not vote: 1 (Kapoor)

VIII. NEW BUSINESS

1. Election Of Commission Secretary for 2024

Chair Kapoor noted the need to elect the Commission Secretary for 2024 and opened the floor for nominations.

Commissioner Norton nominated Commissioner Edward Mambruno to serve as Secretary for calendar year 2024. No other nominations were entertained.

To elect Commissioner Edward Mambruno as Commission Secretary for the calendar year 2024.

Motion: A. Norton

Second: J. Suggs

Discussion: none

Vote

Yes: 8 (Pestana, Harris, Mambruno, Norton, Titre, Giliberto, Suggs, Gadkar-WilCox)

No: 0

Did not vote: 1 (Kapoor)

2. Discussion on racial categorization in the affirmative action system for certain groups of people not currently represented in the racial declaration section.

A discussion ensued, led by Commissioner Norton, questioning what racial category could be used by someone from North Africa. Attorney Spencer Hill addressed the question and informed the Commission that under the current racial categorization system, as used by the US Census Bureau, the Connecticut Department of Labor, and other authorities that collect these racial disparities, people falling into that category would identify as Middle Easterners. He also pointed out that the US Census Bureau has proposed a rule to create a new racial category of Middle Eastern or North African, or MENA upon its adoption.

In conclusion, the Commission decided to remove the topic as an agenda item moving forward.

IX. DIVISION REPORTS

Executive Director's Report

Director Hughes noted that everyone should have received her Status and Executive Director's Production Reports for updates on the agency activities. She then opened the floor to any questions the group might have regarding the report. She then briefly highlighted the upcoming agency-wide meeting scheduled for Tuesday, December 19, 2023, the upcoming public release of the agency's Equity Study, the collaborations with the Governor's office, DAS, and OPM on the release date for both the Equity and Diversity studies, and receipt of payment on the EEOC contract and HUD partnership grants.

Outreach Report

Deputy Director Cheryl Sharp briefly informed that CHRO would be collaborating with the Connecticut Racial Profiling Project later in the evening and invited everyone to attend the event to be held in Glastonbury. She also highlighted the Children's March taking place in January and noted that this would be the last opportunity for folks to be a part of the film the agency is working on for social justice through youth voices. She further informed that the Kids Court Academy will resume in February. This session will focus on public accommodations and denial of access. She concluded by informing that the agency is involved/participating in training and offering technical assistance with housing issues, contract compliance, and affirmative action. She encouraged the group to review the Outreach Report for more details and information.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand informed that the Equity Study is set to be released on January 19, 2024, in conjunction with a planned Equity Symposium that will showcase our state as a leader in efforts to embed equity throughout all three branches of our government. She added that there will be a few more listening tour events for community members and other stakeholders. The next step in the process will be to get the Legislature and Executive Branch to move forward with the recommendations contained within the Study. She invited the Commissioners to participate in the events surrounding the studies and will send calendar invites as the events are finalized.

She informed the Commission that the Disparity study will be finished by March. She further informed that some meetings have been held with Legislators who want to create legislation around the study. Strategizing around this has begun with Griffin and Strong.

She added that Griffin and Strong is working to identify participants for focus groups planned for some time in January.

Legal Update

Managing Attorney Kimberly Jacobsen informed there were no legal updates to report at this time.

X. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, January 10, 2024, at 2:00 PM via Microsoft Teams.

XI. ADJOURNMENT

To Adjourn

Motion: E. Mambruno

Second: Titre

Discussion: None

Vote

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

Chair Kapoor adjourned the meeting at 4:42 PM.

The Minutes of the Regular Commission Meeting dated December 13, 2023, were approved on January 10, 2024.

Prepared by:


Tanya A. Hughes, Executive Director