

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes Wednesday, February 14, 2024 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
Michelle Dumas Keuler, Managing Director
Jose-Michael Gonzalez, Regional Manager
Michael Roberts, HRO Attorney
Catherine Spain, HRO Attorney
Megan Graefe, HRO Attorney
Courtney Shields, HRO Attorney
Neva Vigezzi, AA Supervisor, (TWR)
Gary Madison, HRO Representative
Darcy Strand, Legislative Advisor
Kristen Parker, Executive Secretary
Leigh Russo, Secretary 2

Kimberly Jacobsen, Managing Director
Robert Aldi, Regional Manager
Spencer Hill, HRO Attorney
Cassandra Bretones, HRO Attorney
Robin Trepanier, HRO Attorney
Timothy Lewendon, HRO Attorney
Gabriela Sandoval, HRO Attorney
Gary Madison, HRO Representative
Jase Olavarria, HRO Trainee
Darian Pitts, Executive Secretary
Aubri Petersen, Legal Secretary
Tanya DeMattia, Asst. Attorney General

I. CALL TO ORDER

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

II. CHAIRPERSON'S REPORT

Commissioner Kapoor welcomed and wished everyone a Happy Valentine's Day. He acknowledged and congratulated the Executive team for the successful Children's March commemorating Martin Luther King, Jr. held on January 15, 2024. He also acknowledged the team's work on the "Cementing Equity in State Government" symposium held on January 19, 2024. He went on to note that all 9 Commissioners were present, and a quorum had been reached. He entertained a motion to amend the agenda to add Attorney/Legislative Advisor, Darcy Strand to the roster of those to be invited into the Executive Session.

To Approve the motion to amend the agenda to include Darcy Strand in the Executive Session:

Motion: J. Suggs

Second: E. Mambruno

Discussion: Chair Kapoor noted that Attorney Strand had been inadvertently left off the roster of invitees to the Executive Session.

Vote:

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

No: 0

Abstain:0

Did not vote: 1 (Kapoor)

The agenda was amended.

III. APPROVAL OF MINUTES

Secretary Mambruno entertained a motion to approve the Minutes of the January 10, 2024, Regular Commission Meeting as presented.

To Approve the Minutes of the January 10, 2024, Regular Commission Meeting:

Motion: E. Pestana

Second: J. Suggs

Discussion: None

Vote:

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

No: 0

Abstain:0

Did not vote: 1 (Kapoor)

IV. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by HRO Attorney Michelle Dumas Keuler.

Connecticut Agricultural Experiment Station

Staff representing Connecticut Agricultural Experiment Station were Vice Director Dr. Lindsay Triplet and Debra Freund.

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 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: 8 out of 15 or 53%
- Promotional Goal Achievement: 2 out of 4 or 50%
- Program Goal Achievement 1 out of 1 or 100%

The five-year approval history is as follows: 2021 Approved; 2020 Approved; 2019 Conditional Approval; 2017 Approved; 2016 Approved.

To Approve the Affirmative Action Plan for The Connecticut Agricultural Experiment Station and to Retain its Biennial Filing Status:

Motion: L. Giliberto
Second: S. Gadkar-Wilcox
Discussion: None

Vote:

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

No: 0

Abstain:0

Did not vote: 1 (Kapoor)

Central Connecticut State University

Staff representing Central Connecticut State University were President Zulma Toro, Interim Vice President for Equity and Well-Being & Director of Counseling and Student Development Dr. Michael Russo.

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 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: 15 out of 41 or 37%
- Promotional Goal Achievement: 11 out of 17 or 64%
- 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 Central Connecticut State University and to Retain its Annual Filing Status:

Motion: E. Mambruno
Second: A. Harris
Discussion: None

Vote:

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

No: 0

Abstain:0

Did not vote: 1 (Kapoor)

Department of Energy & Environmental Protection

Commissioner Pestana recused herself from the discussion and voting on this Affirmative Action Plan.

Staff representing the Department of Energy & Environmental Protection were Commissioner Katie Dykes, Chief of Staff Andrew Hoskins, Chief of Planning and Regulatory Affairs Annie Decker, Human Resources Business Partner Sofia Bonilla, Human Resources Specialist-EEO Renee Lombard, Human Resource Associate-EEO 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 met all or substantially met all of its hiring and promotion goals. The program was met. 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: 34 out of 65 or 52.3%
- Promotional Goal Achievement: 13 out of 28 or 43.4%
- Program Goal Achievement 1 out of 1 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 The Department of Energy & Environmental Protection to Retain its Annual Filing Status:

Motion: E. Mambruno
Second: A. Norton
Discussion: None

Vote:

Yes: 7 (Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Suggs, Titre)

No: 0

Abstain: 0

Recusal: 1 (Pestana)

Did not vote: 1 (Kapoor)

V. CONTRACT COMPLIANCE REQUEST FOR EXEMPTION

National Passenger Railroad Corporation d/b/a Amtrak – Presented by HRO Attorney Spencer Hill

Attorney Hill informed that under this agreement, Amtrak will be granted temporary easements and a modification of an existing permanent right-of-way over lands in the custody of DEEP for the reconstruction of a rail bridge. He added that the original recommendation letter did not mention any type of monetary aspect as it applied to the contract. It has since been updated to include a monetary aspect of \$10,000. He added that Amtrak is a sole source provider of goods and services not readily available and the benefit to the state greatly outweighs contract compliance considerations. Based on the representations he recommended the request be granted.

To Approve a motion to grant the exemption request and incorporate the January 25, 2024, letter into the record for National Passenger Railroad Corporation d/b/a Amtrak:

Motion: L. Giliberto
Second: J. Suggs
Discussion: None

Vote:

Yes: 7 (Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Suggs, Titre)

No: 0

Abstain: 0

Recusal: 1 (Pestana)

Did not vote: 1 (Kapoor)

VI. REQUEST TO REOPEN

1. Shamia Warner v. Sarah Seneca Residential Services

CHRO Case No. 2330549

Presented by HRO Attorney Gabriela Sandoval

To Disapprove the Request to Reopen for CHRO Case # 2330549 – Shamia Warner v. Sarah Seneca Residential Services:

Motion: A. Norton
Second: A. Harris
Discussion: None

Vote:

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

No – 0

Abstain - 0

Did not vote – 1 (Kapoor)

2. Sudhaker Vamathevan v. Workforce Alliance

CHRO Case No. 2330515

Presented by HRO Attorney Timothy Lewendon

To Approve the Request to Reopen for CHRO Case # 2330515 – Sudhaker Vamathevan v. Workforce Alliance.

Motion: L. Giliberto
Second: T. Titre
Discussion: None

Vote:

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

No -1 (Mambruno)

Abstain - 0

Did not vote – 1 (Kapoor)

3. Deborah Honegan v. Edith Bodman
CHRO Case No. 1950084 & 1950165
Presented by HRO Attorney Michael Roberts

To Disapprove the Request to Reopen for CHRO Case # 1950084 & 1950165- Deborah Honegan v. Edith Bodman:

Motion: S. Gadkar-Wilcox
Second: L. Giliberto
Discussion: None

Vote:

Yes – 8 (Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Pestana, Suggs, Titre)
No – 0
Abstain - 0
Did not vote – 1 (Kapoor)

4. Tanguay v. GAL/McDonalds
CHRO Case No. 2340095
Presented by HRO Attorney Catherine Spain

To Approve the Request to Reopen and Remand for CHRO Case # 2340095 – Tanguay v. GAL/McDonalds:

Motion: A. Harris
Second: L. Giliberto
Discussion: None

Vote:

Yes – 7 (Gadkar-Wilcox, Giliberto, Harris, Norton, Pestana, Suggs, Titre)
No -1 (Mambruno)
Abstain - 0
Did not vote – 1 (Kapoor)

VII. 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 - Settlement Update
Presented by HRO Attorney Michael Roberts
2. Overview of the CHRO Regulation Revisions
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, Managing Attorney Michelle Dumas Keuler, Managing Attorney Kimberly Jacobsen, Attorney Catherine Spain,

Attorney Michael Roberts, Legislative Administrative Advisor Darcy Strand, and Assistant Attorney General Tanya DeMattia:

Motion: E. Pestana
Second: A. Harris
Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

Executive Session began at 3:27 PM.

Commissioners Kapoor, Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Pestana, Suggs, and Titre returned after Executive Session at 3:36 PM.

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

** Commissioner Pestana left the meeting at 3:40 PM.**

VIII. NEW BUSINESS

There was no new business to discuss.

IX. DIVISION REPORTS

Executive Director's Report

Director Hughes briefly informed about meetings with partners at Department of Labor, OPM, Office of the Governor, EEO, and Human Resources. Active recruitment is ongoing and a new position to handle the recently elevated complaint intake levels is being explored. She further reported that quarterly meetings continue with the BITS management team as well as the monthly meetings with the customer service designee. She reported on activities with the Uniformity Committee, the Contract Compliance Unit, and work on the Affirmative Action Plan recommendations. Ongoing discussions continue with OPM to finalize the report prior to release.

She also informed that the Equity Study Release was presented at a symposium in collaboration with The Commission on Racial Equity which was a huge success. She noted the success of the MLK March and acknowledged the hard work of the organizers, staff and youth participants. She concluded by encouraging commissioners to review her Status Report for more information regarding agency activities.

** Commissioner Pestana left the meeting at 3:40 PM.**

Outreach Report

Director Hughes informed that Deputy Director Sharp was on vacation and encouraged the group to review the written Outreach Report for details and activities.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand informed that the Equity Study was released during the January 19, 2024, symposium in conjunction with the Commission on Racial Equity. She noted that, technically, it's still in draft form, feedback sessions are being held to get public comments from both residents and nonprofits, and a supplemental chapter will be created on those findings and recommendations before it is officially submitted to the legislature. She added that the link to the study will be posted on the website.

She informed the Commission that the Disparity study will be completed by the end of March. A draft of the study will be given to Griffin and Strong over the next two weeks. A review of the study will also be conducted by all interested parties over the next couple of weeks to look into the findings and recommendations.

Legal Update

Managing Attorney Kimberly Jacobsen informed the group about an age discrimination case that went through the Office of Public Hearing through the ELI process. Unfortunately, the case was not successful. The referee did not find the age discrimination claim credible.

X. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, March 13, 2024, at 2:00 PM. This meeting will be both in-person and virtual via Microsoft Teams.

XI. ADJOURNMENT

To Adjourn:

Motion: A. Norton
Second: A. Harris
Discussion: None

Vote

Yes: 7 (Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Suggs, Titre)

No: 0

Abstain: 0

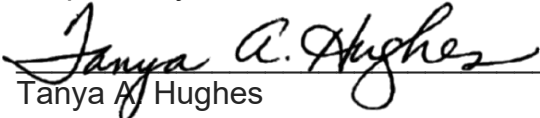
Absent: 1 (Pestana)

Did not vote: 1 (Kapoor)

Chair Kapoor adjourned the meeting at 3:54 PM.

The Minutes of the Regular Commission Meeting dated February 14, 2024, were approved on March 13, 2024.

Prepared by:


Tanya A. Hughes