

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



Regular Commission Meeting Minutes Wednesday, April 10, 2024 2:00 p.m. Via Microsoft TEAMS & In-Person

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, Managing Director
Jose Michael Gonzalez, Regional Manager
Robert Aldi, Regional Manager
Jonathan Sykes, HRO Attorney
Gabriela Sandoval, HRO Attorney
Cassandra Bretones, HRO Attorney
Megan Graefe, HRO Attorney
Ana Mitchell, Outreach Coordinator
Gary Madison, HRO Representative
Jase Olavarria, HRO Trainee
Evelyn Dillon, HRO Trainee
Kristen Parker, Executive Secretary
Leigh Russo, Secretary
Laura Thurston, Asst. Attorney General

Cheryl Sharp, Deputy Director
Jamie Rubin, Regional Manager
Shawn Burns, Regional Manager
Spencer Hill, HRO Attorney
Robin Trepanier, HRO Attorney
Courtney Shields, HRO Attorney
Jody Walker-Smith, HRO Attorney
Darcy Strand, Legislative Advisor
Neva Vigezzi, AA Supervisor, (TWR)
Michael Mitchell, Storekeeper
Travis Fuller, HRO Trainee
Darian Pitts, Executive Secretary
Aubri Petersen, Legal Secretary
Stephanie O'Loughlin, Secretary

I. CALL TO ORDER

Chair Nicholas Kapoor called the meeting to order at 2:05 PM.

II. CHAIRPERSON'S REPORT

Commissioner Kapoor welcomed and thanked all for attending. He noted a quorum had been attained with 4 commissioners present in person and 4 commissioners online. Additionally, he congratulated Commissioners Titre, Gadkar-Wilcox, and Harris for getting through their Senate confirmation hearings, and added his confidence that all would go well during their House delegation hearings. He concluded that the official approval would be celebrated during the next commission meeting.

Commissioner Harris joined the meeting at 2:07 PM.

III. **APPROVAL OF MINUTES**

Secretary Mambruno entertained a motion to approve the Minutes of the March 13, 2024, Regular Commission Meeting as presented.

To Approve the Minutes of the March 13, 2024, Regular Commission Meeting:

Motion: S. Gadkar-Wilcox

Second: E. Pestana

Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

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

Presented by Deputy Director Cheryl Sharp

Department of Revenue Services

Staff representing Department of Revenue Services were Commissioner Mark Boughton, Deputy Commission John Biello, Manager-Equal Employment Opportunity Penny Potter, and HR Business Partner Chris Beloff.

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 of its hiring and promotion goals. No program goals were established. 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: 29 out of 56 or 52%
- Promotional Goal Achievement: 17 out of 29 or 59%
- Program Goal Achievement 0 out of 0 or 0%

The five-year approval history is as follows: 2023 Approved; 2022 Approved; 2021 Approved; 2020 Approved; 2019 Approved.

To Approve the Affirmative Action Plan for The Department of Revenue Services and retain its Annual Filing Status:

Motion: L. Giliberto
Second: E. Mambruno
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 Developmental Services

Staff representing the Department of Developmental Services were Commissioner Jordan Scheff, Equal Employment Opportunity Manager Edward Magnano, Equal Employment Opportunity Specialist Tommy Wilson, Communications Director Kevin Bronson.

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 of its hiring and promotion goals. Program goals were not established 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 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: 79 out of 190 or 42%
- Promotional Goal Achievement 21 out of 36 or 58%
- Program Goal Achievement 0 out of 0 or 0%

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

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

Motion: A. Norton
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)

Office of the State Treasurer

Staff representing the Office of the State Treasurer were Chief of Staff Andrea Comer, Senior Legal Counsel Jessa Mirtle, Deputy General Counsel Ginny Kim, Assistant Treasurer of Strategic Planning and Management Services Alex Marcellino, and Human Resources Director Johnette Tolliver.

This plan was recommended for disapproval based on non-compliance with the following: the plan does not contain all the elements required by sections 46a-68-78 through 46a-68-94 inclusive. The workforce, considered as a whole and by occupational category, is not in parity with the relevant labor market area. There were deficiencies in sections centered on availability analysis, utilization analysis, concluding statement, as well as weak sections of internal communications, assignment of responsibility, monitoring, employment analysis, discrimination, complaint process, and goal analysis.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 15 out of 24 or 62.5%
- Promotional Goal Achievement 1 out of 2 or 50%
- Program Goal Achievement 0 out of 0 or 0%

The five-year history is as follows: 2022 Approved; 2020 Approved; 2018 Approved; 2017 Approved; 2016 Disapproved.

Prior to the vote there was some discussion on whether the Office of the State Treasurer should have their biennial filing status rescinded, make it an annual filing, and if the Plan should be conditionally approved due to the Officer of the Treasurer having taken recent steps to correct the deficiencies.

A Pending Motion was Made to Conditionally Approve the Affirmative Action Plan for the Office of the State Treasurer and Rescind the Biennial Filing Status:

Motion: J. Suggs

Second: S. Gadkar-Wilcox

Discussion: Commissioner Pestana questioned the criteria being used to consider issuing a conditional approval and indicated that she would lean more towards the motion if the State Treasurer had been present considering all the deficiencies and discrepancies. Commissioner Giliberto agreed. CHRO staff member, Jase Olavarria explained the recommendations are governed by State Regulation to be approved or disapproved. Conditional approvals can be granted if voted on by the Commissioners.

Chair Kapoor reminded the Commissioners about the motion pending and noted that if the motion failed another motion would need to be called for disapproval.

Motion: A. Norton

Second: J. Suggs

Discussion: None

Vote:

Yes: 3 (Gadkar-Wilcox, Norton, Suggs)

No: 5 (Giliberto, Harris, Mambruno, Pestana, Titre)

Abstain: 0

Did not vote: 1 (Kapoor)

The motion did not carry.

The Motion to Disapprove the Affirmative Action Plan for the Office of the State Treasurer and to Rescind the Biennial Filing Status:

Motion: L. Giliberto

Second: E. Pestana

Discussion: None

Vote:

Yes: 6 (Gadkar-Wilcox, Giliberto, Harris, Mambruno, Pestana, Titre)

No: 2 (Norton, Suggs)

Abstain: 0

Did not vote: 1 (Kapoor)

V. REQUEST TO REOPEN

1. Kimberly McIntosh v. Tesla and Solar City
CHRO Case No. 2230447 & 2230448
Presented by HRO Attorney Robin S. Kinstler Fox

To Disapprove the Request to Reopen for CHRO Case # 2230447 & 2230448 – Kimberly McIntosh v. Tesla and Solar City

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)

VI. 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. American Environmental
CHRO Case No. 2023-006
Presented by HRO Attorneys Jonathan Sykes & Spencer Hill
2. CHRO ex rel. Sheralyn Colon v. Milford Redevelopment and Housing Partnership
CHRO Case No. 2250117
Presented by HRO Attorney Robin Trepanier

Chair Kapoor entertained the 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 Kimberly Jacobsen, Attorney Jonathan Sykes, Attorney Spencer Hill, Attorney Robin Trepanier, and Assistant Attorney General Laura Thurston:

Motion: L. Giliberto
Second: E. Pestana
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 3:25 PM.

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

Commissioners Kapoor, Gadkar-Wilcox, Giliberto, Harris, Mambruno, Norton, Pestana, and Titre returned after Executive Session at 4:02 PM.

VII. VOTE ON EXECUTIVE SESSION ITEMS

1. CHRO v. American Environmental

CHRO Case No. 2023-006

Presented by HRO Attorneys Jonathan Sykes & Spencer Hill

To Amend the complaint of CHRO v. American Environmental CHRO Case # 2023-006:

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

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

2. CHRO ex rel. Sheralyn Colon v. Milford Redevelopment and Housing Partnership

CHRO Case No. 2250117

Presented by HRO Attorney Robin Trepanier

To have Legal Counsel file CHRO ex.rel Sheralyn Colon v. Milford Redevelopment and Housing Partnership CHRO Case # 2250117 in New Haven Superior Court and to Seek Injunctive Relief to the Extent Necessary for Damages and Civil Penalty.

Motion: S. Gadkar-Wilcox

Second: L. Giliberto

Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

****Commissioners Titre and Harris left the meeting at 4:05 PM****

VIII. NEW BUSINESS

There was no new business to discuss.

IX. DIVISION REPORTS

Executive Director's Report

Director Hughes reported that online recruitment activities continue. She then asked Managing Legal Director, Kimberly Jacobsen to introduce and note the new and transferring CHRO employees. She recognized Courtney Shields, a former Investigator in the Southwest region, now a Durational Attorney, Stephanie Chenard, Housing Unit Secretary, Christina Caruso Clerk in Housing and Legal, and Stephanie O'Loughlin, Durational Attorney.

Director Hughes continued and informed that CHRO has been working closely with the Department of Labor, OPM, the Governor's Office, the EEO designee, as well as BITS. Upgrades have been done in the Bridgeport office to include new carpeting and painting. Production is up throughout the regions. Everything is on track for the upcoming Equity Fair scheduled for Wednesday, May 1 at the State Armory. Expectations for the Fair are high as it is being promoted via social media, radio, and word of mouth. There are on-going plans to hold intensive investigator training with a focus on intake.

Outreach Report

Deputy Director Sharp reiterated that the Equity Fair would take place on May 1st and added the Equity Report will be released and discussed during the Fair. She further informed that there will be 60 plus vendors, state agencies, local and non-governmental agencies who will present their information to the general public. Buses will be coming from towns around the state. This, she continued, will be the biggest event involving access to government. She noted that invites had been sent to the President and Vice President with the hope that some recognition for the Fair would be forthcoming. She informed that Executive Intern, Natarajan Pranathi, who had been a participant in the CHRO's internship program had been selected as one of 25 students in the nation for her work in civil rights, working with autistic students, and creating a technology program specifically for them. She added that on May 22 there will be a celebration of Asian Heritage Month. A film will be shown, and a discussion will take place afterwards. She also updated on the group on the Civil Rights Museum, noting that everything has been put

into place, but because of the politics, additional help is needed to push funding it over the finish line.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand was in attendance at the legislative session and was unable to attend the meeting. Commissioner Kapoor suggested the group review the written Legislative Report for her updates.

Legal Update

Managing Attorney Kimberly Jacobsen informed the group about a reasonable cause finding in a case involving someone who was terminated from a position as a probationary police officer. The case went all the way to the Supreme Court which resulted in a win for the CHRO. The case was sent back to the Office of Public Hearings to get a damage award and ultimately the original damage award was sustained. The award was \$267,139 against the City of Hartford with \$25,672 in attorney fees.

X. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, May 8, 2024, at 2:00 PM. This meeting will be virtual via Microsoft Teams.

XI. ADJOURNMENT

To Adjourn:

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

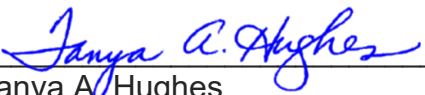
Vote

Yes: 5 (Gadkar-Wilcox, Giliberto, Mambruno, Norton, Pestana)
No: 0
Abstain: 0
Absent: 3 (Harris, Suggs, Titre)
Did not vote: 1 (Kapoor)

Chair Kapoor adjourned the meeting at 4:28 PM.

The Minutes of the Regular Commission Meeting dated April 10, 2024, were approved on May 8, 2024.

Prepared by:



Tanya A. Hughes
Executive Director