

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



DRAFT

**Regular Commission Meeting Minutes
Wednesday, June 12, 2024
2:00 p.m.
Via Microsoft TEAMS**

Commissioners Present

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

Commissioners Absent

Edward Mambruno, Secretary

Staff Present

Tanya Hughes, Executive Director
Michelle Dumas Keuler, Managing Director
Jose Michael Gonzalez, Regional Manager
Robin Trepanier, HRO Attorney
Courtney Shields, HRO Attorney
Catherine Spain, HRO Attorney
Spencer Hill, HRO Attorney
Cheyanne Clark, HRO Attorney
Neva Vigezzi, AA Supervisor, (TWR)
Travis Fuller, HRO Representative
Jase Olavarria, HRO Representative
Ana Mitchell, Outreach Coordinator
Darian Pitts, Executive Secretary
Aubri Petersen, Secretary
Stephanie O'Loughlin, Secretary

Kimberly Jacobsen, Managing Director
Shawn Burns, Regional Manager
Michael E. Roberts, HRO Attorney
Megan Graefe, HRO Attorney
Cassandra Bretones, HRO Attorney
Rene Vandenwallbake, HRO Attorney
Libby Reinish, HRO Attorney
Megan Oates, HRO Attorney
Gary Madison, HRO Representative
Laura Roxbury, HRO Representative
Darcy Strand, Legislative Liaison
Michael Mitchell, Storekeeper
Kristen Parker, Executive Secretary
Kristina Caruso, Legal Secretary
Laura Thurston, 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 welcomed and thanked all for attending. He noted that there was a quorum with 7 members present. He recognized Neva Vigezzi noting her 46 years of service to

the CHRO. He added that her contributions to the agency were too numerous to list, thanked her for her service, and wished her well on her retirement.

**** Commissioner Gadkar-Wilcox joined the meeting at 2:05 PM.****

Chair Kapoor also asked everyone to join him for a moment of silence to recognize the passing of Commissioner Mambruno's relative.

III. APPROVAL OF MINUTES

Acting Secretary Commissioner Pestana entertained a motion to approve the Minutes of the May 8, 2024, Regular Commission Meeting as presented.

To Approve the Minutes of the May 8, 2024, Regular Commission Meeting:

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

Vote:

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

IV. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by Managing Legal Director Michelle Dumas Keuler

State Elections Enforcement Commission

Staff representing the State Elections Enforcement Commission were Executive Director and General Counsel, Michael J. Brandi, Human Resources Generalist 2, Charla Vincent, TWR formally EEOC Specialist 2, Muriel Carpentier.

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. This is the State Elections Enforcement Commission's first filing and therefore is in compliance with the (b)(2) standard. Since this is their first filing no goals were established in the prior plan to be evaluated; therefore, the agency is in compliance with the (b)(3) standard. The agency is also in compliance with the (b)(4) standard as a first-time filer.

In 2023 they were disapproved for failure to file.

To Approve the Affirmative Action Plan for the State Elections Enforcement Commission and retain its Annual Filing Status:

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

Vote:

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

University of Connecticut

Staff representing the University of Connecticut Vice Provost for Academic Affairs, Gladis Ker-saint, Ph.D, Associate Vice President and Chief Diversity Officer, Jeffrey Hines, MD. Interim As-sociate Vice President and Chief Human Resources Officer, Lakeesha Brown, EEO and Search Compliance Manager, Office of Institutional Equity, Hanna Prytko, and Interim Associate Vice President, Office of Institutional Equity, Sarah Chipman.

This plan was recommended for approval based on compliance with the following: the plan con-tains 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 un-able to do so. The agency had no deficiencies in the prior plan review and therefore is in compli-ance with the (b)(4) standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 173 out of 406 or 42.61%
- Promotional Goal Achievement 57 out of 115 or 49.56%
- Program Goal Achievement 3 out of 3 or 100%

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 University of Connecticut and to Retain its Annual Filing Status:

Motion: L. Giliberto

Second: T. Titre

Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

V. CONTRACT COMPLIANCE REQUEST FOR EXEMPTION

Department of Transportation 1-Year Blanket Exemption for Easement Agreements
Presented by HRO Attorney Spencer Hill

Attorney Hill presented the request for exemption for the Department of Transportation for a pe-riod of one year for easement contracts. Specifically, the recommendation is that the Commis-sioners extend the exemption for the continuous period ending June 30, 2025, subject to the fol-lowing conditions:

- 1) The application of this exemption is limited to excusing a contractor or subaward party from the nondiscrimination certification requirements; the Contractor/subaward entity is expected to comply with the other nondiscrimination requirements.
- 2) Department of Transportation will continue to notify each contractor of the requirements of Connecticut Law.
- 3) Department of Transportation shall file a single report with the Commission regarding the con-tracts executed under this blanket exemption.

This report shall be filed at the time DOT requests a renewal of this blanket exemption. If a renewal is not requested, it shall be filed on or before December 1, 2025.

To Grant the one-year exemption for easement agreement request of the Department of Transportation, including the conditions referenced in the May 21, 2024, letter as amended to remove UCHC and insert DOT.

Motion: S. Gadkar-Wilcox
Second: E. Pestana
Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote: 1 (Kapoor)

VI. REQUEST TO REOPEN

1. Kenneth Finley, Tychel Blatche, Jimmy L. Jacobs, Albert W. Lucky, Sr. v. Greater Hartford Legal Aid

CHRO Case Nos. 2310436, 2310437, 2310438, 2310439

Presented by HRO Attorney Renee Vanden Wall Bake

To Disapprove the Request to Reopen for CHRO Case Nos 2310436, 2310437, 2310438, 2310439 – Kenneth Finley, Tychel Blatche, Jimmy L. Jacobs, Albert W. Lucky, Sr. v. Greater Hartford Legal Aid

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

Vote:

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

No: 0

Abstain: 0

Did not vote – 1 (Kapoor)

2. Jamie Mantie v. Windsor Locks Housing Authority

CHRO Case No. 2310287

Presented by HRO Attorney Michael E. Roberts

To Approve the Request to Reopen CHRO Case no. 2310287 – Jamie Mantie v. Windsor Locks Housing Authority

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

Vote:

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

No: 0

Abstain: 0

Did not vote – 1 (Kapoor)

3. Samuel C. Braffith v. Yale New Haven Hospital Pequot Health Center
CHRO Case No. 2340300
Presented by HRO Attorney Catherine Spain

To Disapprove the Request to Reopen for CHRO Case no. 2340300 – Samuel C. Braffith v. Yale New Haven Hospital Pequot Health Center

Motion: L. Giliberto

Second: A. Harris

Discussion: None

Vote:

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

No: 0

Abstain: 0

Did not vote – 1 (Kapoor)

VII. NEW BUSINESS

There was no new business to discuss.

VIII. DIVISION REPORTS

Executive Director's Report

Director Hughes reported on preparations to complete the agency's annual report, which is due by September 1, meetings continue with Department of Labor, OPM, OLR, and the Governor's office. Plans are in motion to hold CHRO's all day agency-wide meeting, scheduled for Monday June 17 at the Legislative Office Building. She added her hope that the Commissioner would be available to join.

She reported that upgrades for the Bridgeport, Waterbury, and Norwich offices are moving along and almost complete. The Affirmative Action Unit has been working closely with some of the legal designees to identify vendors for a project to develop an electronic filing system and that the agency's EEOC contract is being finalized.

She announced that Commissioner Kapoor would be a panelist for the Pride Month lunch and film event on Thursday, June 27th. She further noted that nominations for the Leaders and Legends award is approaching. One of the categories is the Mario and Janet Vigezzi award. The award is named for the parents of Neva Vigezzi, who, will retire after 46 years at the end of June. Tanya and the entire group offered kudos and heartfelt thanks to Neva in appreciation for all she has contributed to CHRO, and the State of Connecticut.

** Commissioners Suggs, Gadkar-Wilcox, and Pestana left the meeting at 3:45 PM. **

Outreach Report

Managing Legal Director Michelle Dumas Keuler briefly highlighted a few of the outreach events, including, Pride Month events, the agency-wide meeting at the LOB, and the Juneteenth event on the New Haven Green on Saturday, June 15th. She concluded by encouraging everyone to review the full written report and reach out to Deputy Director Sharp and/or Outreach Coordinator, Ana Mitchell, with any additional questions or comments.

Legislative Update

Legislative and Administrative Advisor, Darcy Strand reported that the legislative session ended on May 8, the bill tracking sheet had been forwarded to the group with an actual write up on the various bills that were passed. She then highlighted some of the actions: CHRO appointed to a taskforce established to study the effects of hate speech and bullying on children that will begin in July; a bill requiring the education and training of barbers, hairdressers, and cosmeticians to

include working with textured hair that relates back to the Crown Act; a bill that passed concerned the health and safety of Connecticut residents; a bill aligning State Law and Federal Law concerning Service Animals. The bill broadens the applicability of current protections related to guide dogs by replacing references to them with a federal definition for “service animals.”

Legal Update

Managing Attorney Kimberly Jacobsen discussed a recent Supreme Court decision on a whistleblower case. This case concerned a sovereign immunity issue and whether the claimant would be eligible to file a whistleblower case given that they were reporting their own misconduct in this case. A mixed decision was rendered by the Supreme Court, ending in a determination that the agency had jurisdiction, that there was no sovereign immunity, and that there was no link between protected activity, whistleblowing, and the reprimands given to the complainant. Attorney Jacobsen concluded that “although the decision was not a 100% win, it was still a win.” The complainant was not compensated financially.

IX. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, July 10, 2024, at 2:00 PM. This meeting will be virtual via Microsoft Teams.

X. ADJOURNMENT

To Adjourn:

Motion: L. Giliberto

Second: A. Harris

Discussion: None

Vote

Yes: 4 (Giliberto, Harris, Norton, Titre)

No: 0

Abstain: 0

The Chairman adjourned the meeting at 4:16 PM.