

State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
450 Columbus Blvd –North Plaza Conference Room C-D
Hartford, CT 06106
Wednesday, April 10, 2019



2:00 p.m.

Regular Commission Meeting Minutes

Commissioners Present

Cherron Payne, Chair
Edward Mambruno, Secretary
Andrew Norton
Edith Pestana

Lisa Giliberto
Nicholas Kapoor
Joseph Suggs

Commissioners Absent

Shuana Tucker

Staff Present

Tanya Hughes, Executive Director
Cheryl Sharp, Deputy Director

Alix Simonetti, HRO Attorney
Scott Madeo, HRO Attorney
Ronald Simpson, Regional Manager
Shawn Burns, Regional Manager
Neva E. Vigezzi, HRO Representative
Monica H. Richardson, Executive Secretary
Emily Melendez, Assistant Attorney General

Brian Festa, HRO Attorney
Jamie Rubin, Regional Manager
Lynda Rizzo Stowe, Reg. Manager
Muriel Carpentier, HRO Representative
Kristen Daniels, Executive Secretary
Darcy Jones, Legislative Analyst
Lauren Thurston, Assistant Attorney General

I. Chairperson: Cherron Payne, Presiding

The meeting was convened at 2:05 p.m.

II. Secretary: Edward Mambruno

A motion was made by Commissioner Pestana to approve the minutes of the February 13, 2019. It was seconded by Commissioner Giliberto. The vote: Yes (6), No (0), and Abstentions (0). The motion carried.

III. Affirmative Action Recommendations – Vote Required

The following plans were presented by Deputy Director Cheryl Sharp.

Staff Recommendations: **Approval**

1. Department of Revenue Services

Representing the agency were Commissioner Scott Jackson and Penny Potter, EEO Manager.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 43.8%. The promotion goals were met at 66.7% and the program goals were not established.

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 277.3% goal achievement for the SBE and 821.2% for the MBE.

The filing history is as follows: 2014, 2015, 2016, 2017, and 2018, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Suggs to accept the staff recommendation to **approve** the plan of the Department of Revenue Services and retain **annual** filing status. The vote: Yes (6), No (0) and Abstentions (0). The motion was unanimous.

*Chair Payne recused herself during the UCONN AA summary and left the meeting at 2:15 pm. Commissioner Kapoor chaired the meeting during this time.

2. University of Connecticut

Representing the agency was Elizabeth Conklin, Associate Vice President, Dana Wilder, Interim Associate Vice President, Christopher Delello, Associate Vice President, and Hanna Prytko, EEO Manager.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 38%. The promotion goals were 51% and the program goals were met at 100% (4 out of 4).

The Contract Compliance Set-Aside Program for FY 2016/2017 showed 146% goal achievement for the SBE and 240% for the MBE.

The filing history is as follows: 2014, 2015, 2016, 2017, Approved and 2018, Conditionally Approved.

A motion was made by Commissioner Giliberto and seconded by Commissioner Suggs to accept the staff recommendation to **approve** the plan of the University of Connecticut and retain **annual** filing status. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried.

*Chair Payne returned to the meeting at 2:27 pm.

3. Department of Correction

Representing the agency were Commissioner Rollin Cook, Angel Quiros, Deputy Commissioner, Cheryl Cepelak, Deputy Commissioner, Jeff Miller, Administration HR Director, Holly Darin, Equal Employment Opportunity Director, Christian Moore, Equal Employment Opportunity Specialist 2, Sheila Antonacci, Equal Employment Opportunity

Specialist 1, Camille Grant, Equal Employment Opportunity Specialist 1, and Kristen Jalbert, Equal Employment Opportunity Assistant.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 43.1%. The promotion goals were met at 79.6% and the program goals were met at 100% (1 out of 1).

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 90.7% goal achievement for the SBE and 52.8% for the MBE.

The filing history is as follows: 2013, 2014, 2015, 2016, and 2017, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto to accept the staff recommendation to **approve** the plan of the Department of Correction and retain **annual** filing status. The vote: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

Staff Recommendations: **Conditional Approval**

4. Commission on Human Rights and Opportunities
Representing the agency were Executive Director, Tanya Hughes and Deputy Director, Cheryl Sharp

The plan was recommended for **Conditional Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 33.3%. The promotion goals were met at 66.7% and the program goals were met at 100% (2 out of 2).

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 180.7% goal achievement for the SBE and 74.3% for the MBE.

The filing history is as follows: 2013, 2014, 2015, 2016, and 2017, Approved.

A motion was made by Commissioner Giliberto and seconded by Commissioner Kapoor to accept the staff recommendation to **Conditionally approve** the plan of the Commission on Human Rights and Opportunities and retain **biennial** filing status. The vote: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

There was a request made by Commissioner Pestana to have a transcript of the meeting prepared to share with the EEO Manager/ representative assigned to CHRO who was not present at the meeting when the plan was presented with numerous deficiencies and errors contained therein. Director Hughes assured that a transcript will be ordered as requested.

V. CONTRACT COMPLIANCE, REQUEST FOR EXEMPTION:

1. Municipal Street Paving Contracts, 2019-2020

Presented by Alix Simonetti, HRO Attorney III

Following presentation by staff, the commissioners decided to accept staff recommendation to **conditionally grant** the request for exemption

A motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto to accept the staff recommendation to **conditionally grant** the exemption request. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

The conditions are:

The Municipality must inform the contractor of the nondiscrimination requirements CONN. GEN. STAT. §§ 4a-60, 4a-60a prior to the submission of bids, include the nondiscrimination language in the contract, and must notify the Commission of the award of the contract. The municipality must also inform the contractor of this limited exemption and the conditions of the exemption. Despite the fact that there is no set-aside plan compliance requirement, the street paving contract(s)/subcontract(s) shall include the nondiscrimination language of CONN. GEN. STAT. §§ 4a-60 and 4a-60a, and the contractor shall remain subject to the obligation of performing the contract without discrimination on the basis of any or all of the protected statuses identified in § 4a-60 and § 4a-60a. Pursuant to the exemption, the Commission understands that the contractor will not be able to subcontract any work on the contract and as such, it will not be required to comply with the set-aside provisions of CONN. GEN. STAT. § 4a-60g.

2. Connecticut Department of Agriculture Farm Viability Program Grant with New Haven Farms, Inc.

Presented by Alix Simonetti, HRO Attorney

Following presentation by staff, the commissioners decided to accept staff recommendation to **conditionally grant** the request for exemption.

A motion was made by Commissioner Suggs and seconded by Commissioner Mambruno to accept the staff recommendation to **conditionally grant** the exemption request. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

The conditions are:

1. This exemption is limited to the referenced grant contract, Conn. Gen. Stat § 4a-60(c) and § 4a-60a.
2. By or before May 31, 2019, NH Farms will provide a report of its Board of Directors meeting with regard to its adoption of an equal opportunity policy, and it will provide a copy of the nondiscrimination certification, required pursuant to Conn. Gen. Stat § 4a-60(c) and § 4a-60a(b), to the Commission's Executive Director and Attorney Alix Simonetti at the Commission on Human Rights and Opportunities at 450 Columbus Boulevard, Suite 2, Hartford, CT 06103.
3. NH Farms understands that federal law prohibits unlawful discrimination. Further, State of Connecticut law prohibits discrimination on the basis of *race, color, religious creed, age (at any age), sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, genetic information, present or past history of mental disability, intellectual disability, learning disability, and physical disability (including chronic physical conditions) and veteran status*. The exemption recommended herein will not diminish NH Farms duty or responsibility to comply with the law prohibiting discrimination in the State of Connecticut.

VI. Request for Reopening:

1. Sherron Slater v. Secure Care
CHRO No. 1910049
Presented by Brian Festa, HRO Attorney

Following a presentation made by the agency, a motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto to accept the staff recommendation that the request for reopening be **denied**. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried.

2. Doreen Corbett v. Quest Diagnostics Lab
CHRO no 1830044
Presented by David Kent, HRO Attorney

Following a presentation made by the agency, and the complainant, a motion was made by Commissioner Suggs and seconded by Commissioner Pestana to accept the staff recommendation that the request for reopening be **granted**. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried.

3. Glenn Liou v. TripBuilder Media Inc.
CHRO No. 1620333
Presented by Scott Madeo, HRO Attorney

Following a presentation made by the agency and the complainant, a motion was made by Commissioner Suggs and seconded by Commissioner Giliberto to accept the staff recommendation that the request for reopening be **denied**. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried.

* Commissioner Pestana exited the meeting at 4:15 pm

4. Glenn Liou v. Silk Road Art Gallery
CHRO No. 1630082
Presented by Scott Madeo, HRO Attorney

Following a presentation made by the agency and the complainant, a motion was made by Commissioner Giliberto and seconded by Commissioner Suggs to accept the staff recommendation that the request for reopening be **denied**. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried.

VII. Division Reports

Executive Director's Report: by Tanya Hughes, Executive Director

The Executive Director reported on operations, personnel, production activities and DOL activities associated with their Memorandum of Understanding (MOU). Kid's Speak, Jr. will meet on March 26 at the Hartford Armory. An NAACP award will be presented to Executive Director Tanya Hughes on May 16. Auditors are currently reviewing CHRO for the years 2017 and 2018.

Outreach Report: by Cheryl Sharp, Deputy Director. See detailed report. (Attached)
Disability Rights Forum will take place at 450 Columbus Blvd on May 3, 2019.

Legislative Report: by Darcy Jones, Legislative Analyst

The newly formatted legislative report was an excel chart compiled with all the bills that CHRO has investigated/testified upon this legislative session thus far. The ones noted during the meeting were SB 3 – it's still being debated upon, HB722 –the AG's bill, and the Payment bill, and the Disparity study bill.

VII. New Business: N/A

VIII. Executive Session

(Requires a two-thirds vote of commissioners present and voting – staff and guests invited to attend must be noted)

Commissioner Norton moved to go into Executive session at 4:40 pm and was seconded by Commissioner Suggs. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

Invited into Executive Session with the Commissioners was AAG Emily Melendez, and AAG Lauren Thurston for the first part of Executive Session; invited into the second part of executive session were Director Tanya Hughes, Deputy Cheryl Sharp, and Attorney Alix Simonetti.

Pending Litigation:

1. Housing Election Cases

Presented by Alix Simonetti, HRO Attorney

CHRO ex rel. Kimberly Zilinskas v. DiLillo Real Estate, et al.

CHRO Case No. 1950032, and

CHRO ex rel. Kimberly Zilinskas v. Andrew J. Vena and Charlotte N. Vena, et al.

CHRO Case No. 1950033

2. Wallace v. CHRO, et al.

IX. Return from Executive Session

Commissioner Norton moved to return from Executive session at 5:08 pm and was seconded by Commissioner Giliberto. The vote was: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

X. Vote on Executive Session Items

(Action May Be Required)

CHRO ex rel. Kimberly Zilinskas v. DiLillo Real Estate, et al.

CHRO Case No. 1950032, and

CHRO ex rel. Kimberly Zilinskas v. Andrew J. Vena and Charlotte N. Vena, et al.

CHRO Case No. 1950033

A motion was made by Commissioner Giliberto and seconded by Commissioner Norton to accept the staff recommendation have the commission legal counsel file these cases in the Judicial District of Danbury and seek punitive damages and a civil penalty.

The vote: Yes (5), No (0) and Abstentions (0). The motion carried unanimously.

XI. Old Business: N/A

XII. Adjournment

A motion was made by Commissioner Suggs to adjourn the meeting; it was seconded by Commissioner Giliberto. The vote was: Yes (5), No (0) and Abstentions (0). The motion to adjourn carried unanimously. The meeting adjourned at 5:14 p.m.