

**MINUTES OF THE  
MANAGEMENT ADVISORY COUNCIL  
September 15, 2010**

**Visit the MAC website at [ct.gov/MAC](http://ct.gov/MAC)**

Peter Bucknall, MAC Chair, called the meeting to order at 9:05 a.m. Peter thanked those in attendance for their participation. Peter welcomed and introduced the guest speaker, Erin Choquette. Ms. Choquette is an attorney in the Commissioner's Office of the Department of Administrative Services and is presenting today on "What Managers Should Know about Disability Laws".

### **Guest Presentation**

There are three primary laws prohibiting discrimination based on disabilities that managers should be familiar with. These are the *Americans with Disabilities Act (ADA)*, the *Connecticut Fair Employment Practices Act (CFEPA)*, and the *Genetic Information Non-Disclosure Act (GINA)*. The ADA has a three-pronged definition of disability. It includes: having a physical or mental impairment that substantially limits a major life activity; having a record of such impairment; or being regarded as having such impairment. Just as it is illegal for employers to discriminate against a person with an impairment, it is also illegal to discriminate against a person who is no longer impaired but has a history of an impairment, perhaps out of concern that the condition will recur. Employers should not make their own judgments or rely on perceptions to conclude that someone cannot do the job; they should rely on solid medical information.

The ADA, as amended, does not provide good guidance on what "substantially limits" means. We know that, when determining if a person is substantially limited, one must look at how they engage in their major life activities without any accommodation or other mitigating measures (ex., how a person who is hearing-impaired functions without any hearing aid. An exception is ordinary eyeglasses or contact lenses. Having to wear eyeglasses does not make a person disabled, but if a person requires a special low-vision device, they may be substantially limited. If a person has an episodic condition, such as multiple sclerosis in remission or epilepsy, the determination of "substantially limited" should be made relative to when the condition is active. Major life activities include not only "external" activities such as walking and communicating, but also "internal" major bodily functions such as respiratory and circulatory functions.

In order to be protected under the ADA, a person has to be "otherwise qualified" by meeting the skill, experience, education, and other job-related requirements that pertain to the position. For example, if a position requires a commercial drivers' license, a person who does not have one is not otherwise qualified, even if a disability is what prevents them from getting the license. In looking at the required skills, one must focus on the "essential functions" of the position.

A "reasonable accommodation" is a modification or adjustment that does not create an "undue hardship" for the employer and that enables an otherwise qualified person with a disability to be considered for a position (ex., an accommodation for an applicant), to perform the essential functions of a position, or to enjoy equal benefits of employment (ex., training opportunities, company social functions, access to common areas such as break rooms). To avoid undue hardship, an employer is not required to fundamentally alter their operations.

CFEPA prohibits discrimination based on mental retardation or a mental, physical, or learning disability. Case law has established that CFEPA requires employers to provide accommodations.

Managers have a role to play relative to the employment of persons with disabilities. ADA requires an interactive process in determining reasonable accommodations. This process should involve the  
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applicant/employee, the hiring manager, and Human Resources. In making an accommodation, it must be reasonable, but need not be the employee's first choice or the "best" possible accommodation. Managers also need to avoid making inappropriate medical inquiries; generally HR should handle all medical information. Managers must prevent workplace harassment of persons with disabilities and prevent retaliation against persons requesting an accommodation.

*G/NA*, which took effect in November 2009, prohibits employers from discriminating or harassing employees based on genetic information. Employers are prohibited from using genetic information in employment decisions and, with certain exceptions, are prohibited from acquiring genetic information. Managers need to be very careful not to ask medical questions of their employees, even on a conversational basis.

A brief question and answer session followed the presentation. Attorney Choquette recommended the U.S. Equal Employment Opportunity Commission's web site as an excellent resource for additional information at <http://www.eeoc.gov>

A copy of Attorney Choquette's PowerPoint presentation is attached to these minutes.

Following a brief break, Peter Bucknall convened the business meeting at 10:30 a.m.

### **Approval of Minutes**

The minutes of the July 21, 2010 meeting were approved unanimously, as submitted.

### **Treasurer's Report**

Claudia Helgott, Treasurer, reported that there was no activity in the account during the past two months. The balance remains \$2,491.58 as of August 31, 2010. The Treasurer's report was accepted.

### **Committee Reports**

Credentials. Ellen Carter, MAC Credential Chair, had no activity to report.

### **Old Business**

Speakers and Logistics. Commissioner Martin Anderson is confirmed for the November 17 meeting. He would like questions compiled in advance. Please forward any questions to Elise Kremer. Speakers are needed for 2011. Please submit any suggestions to Elise.

Web Site. Chris Beloff reported that he will be posting Attorney Choquette's presentation on the web site when it becomes available.

Communications Committee. In Tom Crafa's absence, there was no report.

Orientation Committee. Peter reported that the next iteration of the New Managers Orientation Program will begin in January 2011. Dave Lynn will present a segment on MAC.

Managers Day 2010. Peter reported that registration is closed, but some checks are still being received. The latest count was 240 registrants. If anyone is aware of a manager that missed the deadline, please contact Peter right away. Follow-up with Dr. Lee is needed, to confirm whether he will do a book signing. Peter will follow up with Tom Crafa regarding the purchase by DVD players for DVA. Chris Beloff reported that Elise Kremer had forwarded him a question as to whether VHS tapes were being accepted in the collection for DVA. Chris indicated that the collection was only for DVD's.

Other Old Business. There was no other Old Business.

## **New Business**

Management Personnel Policy 10-2. This policy was distributed via the list serv. It updates the reimbursement rates for managerial, confidential, and executive employees.

Salary Compression Workgroup. Claudia Helfgott reported that the workgroup met a couple of weeks ago and elected Dave Lynn as chair. The group will be looking at "comparables". Claudia has already started developing some comparables, for example, IT Manager 1 and Information Technology Supervisor. It is detailed and time-consuming work since it is necessary to look at the total package of compensation and benefits. Some issues were raised about managers who do field work, managers who use their own vehicles for work-related travel, and managers who are required to carry beepers 24/7. If there are specific situations that members would like the workgroup to consider, please e-mail them to Claudia or Dave.

Other New Business. There was discussion of the new telecommuting guidelines issued by DAS. The prior policy excluded managers and supervisors from the telecommuting program. The new guidelines set forth criteria for analyzing the proposed telecommuting arrangement. The criteria include the question "Is the employee in a job classification or position that requires leading or supervising staff?" The question was raised whether this would allow managers who do not have employees reporting to them to telecommute. This would be a good question to put on the list for Commissioner Anderson's presentation.

## **Adjournment**

The business meeting was adjourned at 11:15 a.m.

The list of those in attendance at the September 15, 2010 meeting and a copy of Attorney Choquette's PowerPoint presentation are attached and are hereby made a part of these minutes.

The next meeting is scheduled for Wednesday, October 20, 2010 in Conference Room B at the Department of Transportation. There will be no guest speaker at the October meeting.

Respectfully submitted,

Elise Kremer  
MAC Secretary  
MAC Representative for the  
Department of Public Health

**MAC ATTENDANCE ROSTER**  
**September 15, 2010**

<u>Agency</u>	<u>Name</u>	<u>Rep/Alt/Guest</u>
Administrative Services	Peggy Zabawar	A
Administrative Services	Carol Wilson	G
Banking	Claudia Helfgott, Treasurer	R
Children and Families	Gayle Hoffman	A
Children and Families	Rita Pelaggi	G
Children and Families	Kim Somaroo-Rodriguez	G
Comptroller	Stephen Perkins	A
Consumer Protection	Elisa Nahas	R
Correction	Don Currey	G
Correction	Wanda Lewis	G
Developmental Services	Jadwiga Goclowski	R
Developmental Services	Vanessa Alvarez	G
Developmental Services	Joanne Ciardello	G
Developmental Services	Cordula	G
Developmental Services	Jeff Cyr	G
Developmental Services	Lorna Reid	G
Economic and Community Development	Sheila Hummel	R
Education	Deb Paradis	R
Elections Enforcement	David Barry	R
Environmental Protection	Angella Levy	R
Fire Protection and Control	Adam Piskura	G
Insurance	Mark Murphy	A
Labor	Ram Aberasturia	R
Labor	Stephen Romano	A
Mental Health and Addiction Services	Carl Shields	R
Mental Health and Addiction Services	Angela Levix	A
Mental Health and Addiction Services	Renata Kozak	G
Motor Vehicles	Phillippia Fletcher-Denovellis	G
Pardons and Parole	Rasa Pakalnis	R
Policy and Management	Ellen Carter	R
Policy and Management	Claire Nolin	G
Public Safety	Marybeth Bonsignore	R
Public Utility Control	Peter O'Neil	R
Public Works	Bob Cody	R
Revenue Services	Penny Potter	G
Social Services	Peter Bucknall, Chair	R
Social Services	Astread Ferron-Poole	G
Transportation	Wanda Seldon	R
Transportation	Nancy Bryant	G
Transportation	Diane Donato	G
Transportation	Jim Fallon	G
Transportation	Kathy Germain	G
Transportation	Kathleen Karwick	G
Transportation	Nancy Malinguaggio	G
Transportation	Joseph Obara	G
Transportation	Jackie Ouellette	G
Transportation	Denise Rodosevich	G

**MAC ATTENDANCE ROSTER (CONTINUED)**  
**September 15, 2010**

<u>Agency</u>	<u>Name</u>	<u>Rep/Alt/Guest</u>
Transportation	Doreen Rossi	G
Transportation	Paula Jean Yukna	G
Veterans' Affairs	Chris Beloff, Vice Chair	A