

**MINUTES OF THE REGULAR COMMISSION MEETING OF THE COMMISSION ON  
HUMAN RIGHTS AND OPPORTUNITIES  
THURSDAY, JUNE 12, 2008, 2:00 P.M.  
21 GRAND STREET, HARTFORD, CONNECTICUT 06106  
LARGE CONFERENCE ROOM**

**COMMISSIONERS PRESENT**

Andrew Norton, Chairperson  
Edward Mambruno, Secretary  
Larry Conaway (joined the meeting in progress)  
Alexia E. Cruz  
Jimmie L. Griffin  
George Marshall

**COMMISSIONERS ABSENT**

John Lobon  
Gloria Mengual

**STAFF PRESENT**

Robert J. Brothers, Jr., Acting Executive Director  
Alvin Bingham, Affirmative Action and Contract Compliance Supervisor  
Donald Newton, Chief of Field Operations  
Michelle Provost, Fiscal Administrative Supervisor  
David Teed, Assistant Attorney General  
Linda Civitillo, Executive Secretary

**I. CHAIRPERSON**

A. Convene Meeting

Chairperson Andrew Norton convened the June 12, 2008 Regular monthly meeting of the Commission on Human Rights and Opportunities at 2:07 p.m.

**II. SECRETARY**

A. Review and Approval of Minutes of May 8, 2008 Regular Commission Meeting

Secretary Mambruno requested a motion adopting the minutes of the May 8, 2008 Regular Commission meeting. A motion was made by Commissioner Griffin and seconded by Commissioner Marshall to adopt the minutes of the May 8, 2008 Regular Commission meeting as presented. There was no discussion. The motion carried with the following Commissioners voting in favor of the motion: Cruz, Griffin, Mambruno and Marshall. Chairperson Norton did not vote on the motion and Commissioner Conaway was not present for the vote.

### **III. AFFIRMATIVE ACTION RECOMMENDATIONS**

#### **A. Agencies Proposed Affirmative Action Plans**

Staff Recommendations: **Approvals**

1. Connecticut State Library
2. Charter Oak State College
3. Department of Social Services
4. Board of Trustees of Community-Technical Colleges
5. Commission on the Deaf and Hearing Impaired

Chairperson Norton requested a motion accepting the staff recommendations for approval and retention of annual filing status for the affirmative action plans for the Connecticut State Library, Charter Oak State College, Department of Social Services and Board of Trustees of Community-Technical Colleges and approval and retention of biennial filing status for the Commission on the Deaf and Hearing Impaired. A motion was made by Commissioner Mambruno and seconded by Commissioner Cruz to approve the noted affirmative action plans as recommended by staff. The Chairperson invited Alvin Bingham, Affirmative Action and Contract Compliance Supervisor, to provide a summary of each approval recommendation and to introduce the agency representatives in attendance.

Mr. Bingham introduced Kendall Wiggin, State Librarian; Louise Carey, Affirmative Action Manager; and Rich Kingston, Fiscal Manager, in attendance from the Connecticut State Library. The affirmative action plan is being recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. During the reporting period, short-term goal achievement was 2 out of 2 or 100% and total goal achievement was 2 out of 2 or 100%. The affirmative action plan for this agency was approved in 2003, 2004, 2005, 2006 and 2007. The Chairperson congratulated this agency on meeting 100% of its goals and having five years of approved plans. No further discussion followed on this Item.

(Commissioner Conaway joined the meeting) Mr. Bingham introduced Edward Klonoski, President, and Clifford Williams, CFO, who were in attendance representing Charter Oak State College. The affirmative action plan is being recommended for approval based on compliance with the following: the agency has demonstrated every good faith effort to achieve its goals, the plan contains all the elements required and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 0 out of 4 or 0%, long-term goal achievement was 0 out of 7 or

0% and program goal achievement was 1 out of 4 or 25%. The plan was approved in 2003 and 2004, disapproved in 2005 and approved in 2006 and 2007. Commissioner Cruz requested additional feedback from the College regarding their challenges in meeting goals in light of the diverse candidate pool that was interviewed. She also asked if someone from the College could describe the various types of recruitment utilized and indicate which type of recruitment has proven more effective than other sources. Clifford Williams addressed the Commissioners and noted the College does receive a good number of applicants, however, they have not been attracting an appropriate or high enough number of qualified applicants. Mr. Williams indicated the College has attempted a number of different recruitment strategies, including using various diversity packages that may be offered by websites such as Monster.com and HigherEd.com, using minority news publications and mailing out a number of announcements to agencies and community groups. Mr. Williams stated he has also engaged his colleagues in the affirmative action community to determine what types of strategies have worked for them to recruit candidates from diverse backgrounds. Some of the suggestions received resulted in the College including various church groups and organizations to their recruitment lists this year. Mr. Williams indicated it is somewhat difficult to ascertain which recruitment source is more effective than the others. The College sends out notifications cards when an individual applies for a position asking how they heard about the position, however, the response rate is fairly low even from candidates that identify themselves as being from a diverse background and, as a result, the College does not compile data on the responses. Commissioner Mambruno asked for some additional explanation regarding the College's set-aside goal attainment (68% SBE and 31% MBE). Mr. Williams responded that if you look at the data in terms of what the College actually spent, as well as what it was programmed to spend, the compliance numbers do go up. He acknowledged they are having more of a challenge in terms of dollars allocated for minority business enterprises. No additional discussion followed on this Item.

The following representatives were in attendance from the Department of Social Services: Amalia Vazquez Bzdyra, Deputy Commissioner, and Brenda Harris, Equal Employment Opportunity Manager. Mr. Bingham noted the affirmative action plan for this agency is being recommended for approval based on the following: the plan contains all the elements required, the agency has demonstrated every good faith effort to achieve its goals and there were no deficient elements in the prior plan, therefore, the agency is deemed in compliance with the (b)(4) standard. Short-term goal achievement was 85 out of 126 or 68%, total goal achievement was 85 out of 126 or 68%, promotion goal achievement was 50 out of 74 or 68% and program goal achievement was 24 out of 24 or 100%. The affirmative action plan was approved for each of the past five

years. Several questions were asked by Commissioner Griffin of the Department, including: the setting of white male goals in the Officials/Administrators category, why white males are hired when they are not a goal candidate, whether any non-goal candidates are chosen that may be in a minority group and the race and sex of the replacements for the agency's Affirmative Action and Human Resources Directors. Deputy Commissioner Bzdyra responded to Commissioner Griffin's questions. She extended regrets on behalf of Commissioner Starkowski who could not be in attendance today as he was called to a meeting by the Governor. She indicated the agency is in a unique situation in that the Affirmative Action Director and the individual who was responsible for drafting the plan both retired effective June 1. Deputy Commissioner Bzdyra acknowledged the agency has had white male goals in certain categories, however, they are currently looking at their formula to determine why this may be occurring. She stated her belief that the agency has established good faith efforts for non-goal hires. In addition, the agency has undertaken a number of initiatives, including the establishment of a working group comprised of officials, manager and directors to look at the interaction of human resources and affirmative action, working with the Latino and Puerto Rican Affairs and the African-American Affairs Commissions regarding their recruitment efforts and the development of an Affirmative Action/Human Resources training manual to assist with, among other issues, interviewing techniques. Deputy Commissioner Bzdyra also noted the agency recently posted for the vacancy created by the retirement of the agency's Affirmative Action Director and the Human Resources Director position was filled by a white male goal candidate. Commissioners Cruz and Conaway indicated the working group is a good idea and they look forward to seeing the Department back in a year to see if its work has been productive and whether it may help other agencies.

Mr. Bingham introduced Dr. Paul Susen, Academic Chief, and Kenneth Armstrong, Affirmative Action Officer, from the Board of Trustees of Community-Technical Colleges. The plan is recommended for approval based on compliance with the following: the plan contains all the elements required, the agency has met all or substantially all of its hiring and program goals and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. During the reporting period, short-term goal achievement was 4 out of 5 or 80% and total goal achievement was 4 out of 5 or 80%. The plan has been approved for each of the past five years. Mr. Armstrong thanked Mr. Bingham and Neva Vigezzi, who reviewed the plan, for working with the agency to make sure the plan is in compliance. There was no further discussion.

Laura Guilmartin, Affirmative Action Officer, was in attendance representing the Commission on the Deaf and Hearing Impaired. This agency's affirmative action plan is recommended for approval based on compliance with the following: the agency has demonstrated every good faith effort to achieve its goals, the plan

contains all the elements required and the agency has substantially addressed deficiencies noted by the Commission in the prior plan review. Short-term goal achievement was 0 out of 1 or 0% and total goal achievement was 0 out of 1 or 0%. The affirmative action plan was approved in 2002, 2004 and 2006. No further discussion followed regarding this Item.

A motion having been made and properly seconded to approve the affirmative action plans for the five noted agencies with retention of annual filing status for the Connecticut State Library, Charter Oak State College, the Department of Social Services and the Board of Trustees of Community-Technical Colleges and retention of biennial filing status for the Commission on the Deaf and Hearing Impaired, the Chairperson called for a vote. The motion carried unanimously with Commissioners Conaway, Cruz, Griffin, Mambruno and Marshall voting in the affirmative. The Chair did not vote. Chairperson Norton thanked the agency heads for their attendance at today's meeting.

#### **IV. NEW BUSINESS**

- A. Request for Contract Compliance Exemption Between Department of Administrative Services and JPMorgan Chase Bank, N.A. (NY)
- B. Request for Blanket Contract Compliance Exemption Between Department of Social Services and Electronic Data Systems Corporation (TX)
- C. Request for Contract Compliance Exemption Between Judicial Branch and RR Donnelley & Sons (IL)
- D. Request for Contract Compliance Exemption Between UCONN and Carestream Health, Inc. (Toronto, CA)
- E. Request for Contract Compliance Exemption Between UCONN and Philips Electronics North America Corp. (WA)
- F. Request for Contract Compliance Exemption Between UCONN and Oracle Corporation (CA)
- G. Request for Contract Compliance Exemption Between UCONN and RR Donnelley & Sons (IL)
- H. Request for Contract Compliance Exemption Between UCONN and NIKE USA, Inc. (OR)
- I. Request for Contract Compliance Exemption Between UCONN Health Center and Sedgewick Claims Management Services, Inc. (TN)

- J. Request for Contract Compliance Exemption Between the Office of the State Treasurer and State Street Bank (MA)
- K. Request for Contract Compliance Exemption Between UCONN and Massachusetts Institute of Technology
- L. Request from the Office of Policy and Management for an Extension of Blanket Exemption Regarding Contracts Between State Agencies and Federal and Other Governmental Entities
- M. Request for Extension of the Memorandum of Understanding between the Commission on Human Rights and Opportunities and the Department of Transportation Regarding Contract Compliance Equivalent Agency Status
- N. Discussion and Vote to Change Location of July and August 2008 Regular Commission Meetings
- O. Request for Contract Compliance Exemption Between the Department of Administrative Services and RR Donnelley & Sons (IL)

Acting Executive Director Robert Brothers asked Chairperson Norton to consider amending the agenda for the purpose of adding one additional contract compliance exemption request under Item IV., New Business. A motion was made by Commissioner Conaway and seconded by Commissioner Marshall to amend the agenda to add Item IV.O., Request for Contract Compliance Exemption Between the Department of Administrative Services and RR Donnelley & Sons (IL). The motion carried unanimously, with the exception of the Chair who did not vote. Mr. Brothers explained that information and staff recommendations pertaining to all of the exemption requests were provided to the Commissioners in the mailing packet except for Items IV. C., G., H., J., K., L., M. and O. Information and staff recommendations regarding the noted Items have been included in the Commissioners' supplemental packet. Mr. Brothers added that going forward the staff recommendation for each exemption request will be included on the agenda for the Commissioners' convenience. Chairperson Norton requested Mr. Brothers summarize each Item under New Business on today's agenda.

Item A. is a recommendation to grant. It involves credit cards that are used by purchasing agents and is a five-year contract. Item B. is an amendment to a contract that was sought and granted at the February Commission meeting. The current request indicates that the Department of Social Services and Electronic Data Systems Corporation have negotiated certain amendments to the original contract. While DSS is requesting a blanket exemption, the staff recommendation is that the Commissioners grant the contract amendment, but that the request for a blanket exemption be denied. Item C. deals with RR Donnelley and Sons, which is in the process of contracting with three state

agencies – the Judicial Branch, UCONN and the Department of Administrative Services. Items C. and O. are contracts that are not in place yet as RR Donnelley and Sons has not been selected as the contractor. The staff is recommending that Items C. and O. be denied without prejudice because it is premature to grant the exemption requests until such time as RR Donnelley and Sons has been selected as the contractor. Item D. is a contract that deals with scientific instruments. The contractor is a sole-source provider and the staff is recommending the exemption be granted. Item E. is being recommended for granting. It is also with UCONN and involves scientific instruments. The contractor is a sole-source provider from Washington State. The recommendation is to grant Item F. The contract will allow UCONN continued and uninterrupted use of software from Oracle. The program is used extensively for several departments, including payroll, finance and human resources. Item G. is a contract with RR Donnelley and Sons and UCONN for transcript paper supplies. In this case, RR Donnelley and Sons was selected as the contractor and the staff is recommending the exemption request be granted. Item H. involves a contract with UCONN and Nike USA and is a ten-year contract for sports equipment. The actual request and the material provided in support of the request are insufficient, however, in the interest of letting the contract go forward, the staff is recommending it be granted with the proviso that supplemental information be submitted by August 12, 2008, specifically, a properly executed copy of the draft officer's certification and a properly adopted resolution of the executive committee of Nike USA. Item I. is recommended for granting. It is a contract for under \$10,000 using less than 25 employees and involves a risk management assessment process. Staff is recommending that Item J. be granted. It has to do with investment advisory services for an international equity fund. The recommendation is to grant Item K. It involves what is referred to as Internet2, which is a web-based Internet service consortium and network hosted by the Massachusetts Institute of Technology that will be utilized by universities. They are a sole-source provider. Item L. relates to a blanket contract compliance exemption for all state agencies and the federal government and state agencies and other governmental entities. The current blanket exemption expires June 30, 2008. The staff is recommending granting the exemption for another six months, through December 31, 2008. Mr. Brothers explained CHRO had attempted, during the past Legislative Session, to be able to cure the problem of state agencies having to come before it for these exemptions by a piece of legislation. OPM and several other agencies supported the proposed legislation, however, the agency was not successful and the legislation did not pass. Item M. pertains to an extension of a Memorandum of Understanding between CHRO and the Department of Transportation. There is a piece of legislation that allows other state agencies that have a similar process as CHRO to do the contract compliance component on their own. The MOU has been in place since 1993 and the current request would allow DOT to be able to continue that process. The staff is recommending the Commissioners grant the extension for one year and provide Mr. Brothers, as the Acting Executive Director, the authority to sign

the MOU on behalf of the Commission. Mr. Brothers noted the Commission receives quarterly reports from DOT regarding all the contracts that fall within the purview of the MOU. Item N. is different in that the staff recommendation is that the Commissioners vote to change the location of the July and August regular monthly meetings. Mr. Brothers indicated there will be as many as ten state agency affirmative action plans on the agenda for July and the Commission's large conference room will not hold the number of anticipated visitors. In August, the health center holds its annual health fair which creates parking problems on Grand Street. The staff is recommending the meetings be moved to the Legislative Office Building. Mr. Brothers reiterated that staff is recommending Item O. be denied without prejudice for the reason noted previously.

Before entertaining a motion and vote on the noted Items, Chairperson Norton asked if there were any questions or comments from the Commissioners or members of the audience whose request is before the Commission today. Linda Hershman and Shelagh McClure, from the Office of the State Treasurer, addressed the Commissioners regarding Item J. Attorney McClure clarified that the request for an exemption as it impacts the Office of the State Treasurer is broader than was stated by Mr. Brothers. For the record, the request involves two contracts with State Street Bank that raise the same issue. Mr. Brothers acknowledged the staff recommendation for this Item was for both contracts and his earlier reference to the one contract was an omission on his part. Julia Lentini, a Staff Attorney in Contract Administration at the Department of Social Services, addressed the Commissioners regarding Item B. She thanked the Commissioners for entertaining granting an exemption for this particular contract amendment. She articulated that the request for a blanket exemption is necessitated by the global nature of the corporation and requested the Commissioners entertain the idea of a blanket exemption just as to one contract with EDS in the future. In response to a question from Commissioner Conaway's concerns regarding granting blanket exemptions in general and the value of this specific contract, Mr. Brothers indicated the contract is for nearly \$24 million dollars in value.

No further discussion followed. A motion was made by Commissioner Mambruno and seconded by Commissioner Griffin to accept all of the staff recommendations under Items IV. A. – O. The motion carried unanimously, with the exception of the Chairperson who did not vote on the motion.

**V. DIVISION REPORTS**

**A. Affirmative Action Program Manager's Report**

Mr. Brothers indicated Gloria Sparveri, Affirmative Action Program Manager, was not present at today's meeting as she was attending mandatory training. In response to an inquiry from Commissioner Cruz regarding when CHRO's

Affirmative Action Plan would be coming before the Commission for a vote, Mr. Brothers stated he would address the issue under Item F.

B. Fiscal Report

Michelle Provost, Fiscal Administrative Supervisor, stated there were no significant changes to report. There is one additional HRO Representative vacancy that occurred in the Capitol Regional Office as a result of the transfer of William Callahan to the Department of Motor Vehicles.

C. Field Operations Report

Donald Newton, Chief of Field Operations, indicated his report was furnished to the Commissioners in their mailing packet. There were no questions or comments for Mr. Newton from any of the Commissioners.

D. Legislative Report

Mr. Brothers reported that James O'Neill, Legislative and Regulations Specialist, is out of the office on vacation. The Commission was unsuccessful in having any of its bills passed during the Legislative Session.

E. Managing Director's Report

F. Acting Executive Director's Report

Mr. Brothers provided a summary of the Managing Director's/Executive Director's reports. He reported that the agency has been unable to fill the Managing Director and Commission Attorney position on a temporary basis while he serves as Acting Executive Director. As a result, Mr. Brothers continues to oversee the Legal Division and has attempted to delegate as many responsibilities as possible. Mr. Brothers also reported that since he assumed the role of Acting Executive Director, the agency's affirmative action plan has been filed, however, it is very late. In addition, he has met with all of the members of the executive staff and set up a schedule for ongoing executive staff meetings. Mr. Brothers indicated he would also like to meet with each Commissioner individually to hear their concerns and take those into consideration.

Lengthy discussion followed regarding the agency's affirmative action plan, specifically its disapproval status last year and its late submission this year. Several Commissioners asked Mr. Brothers if there is a law or regulation that requires that a plan must be automatically disapproved by default because it is filed late and if not, can something be established that would remedy the situation. Mr. Brothers responded there is no statute or regulation that states that, however, there is a question as to whether CHRO has done so in the past. He has not been able to establish that it has. This is an area that will be

addressed as the affirmative action regulations are rewritten. Commissioner Cruz stated it was her understanding that when the plan failed last year the monthly updates were implemented to address problems early, however, the updates do not provide adequate information to determine what is actually contained in the plan and whether it will succeed or fail. She asked if there are problems with the plan this time, what can be done to fix it. Mr. Brothers stated that upon his review of the plan, one area of concern identified was proper justifications for non-goal candidate hires. He immediately instituted the practice of having the Affirmative Action Program Manager and Human Resources Specialist sit in on interviews to ensure that proper justifications are prepared for non-goal hires. The justifications will be generated to their satisfaction, approved by Mr. Brothers and shared with the Commissioners. Chairperson Norton stated it was reported to him by the former Executive Director that a draft copy of the plan was submitted to him for his review prior to its due date and that he had concerns that the plan, as written, would not pass. Those concerns extended to areas beyond the justifications and he felt it would need some rewriting.

**VI. EXECUTIVE SESSION**

In accordance with Section 1-225(c) of the Connecticut General Statutes, as amended, it was moved by Commissioner Mambruno and seconded by Commissioner Marshall that the Commission go into Executive Session, including inviting Acting Executive Director Brothers and Assistant Attorney General David Teed for a portion of the Executive Session, for the purpose of discussing pending litigation and personnel matters as they may arise. The motion carried unanimously. Chairperson Norton did not vote. All members of the public were excused from the Executive Session.

**VII. RETURN TO REGULAR SESSION**

It was moved by Commissioner Mambruno and seconded by Commissioner Marshall to return to Regular Session. The motion carried unanimously, with the exception of the Chairperson who did not vote. Chairperson Norton noted there were no votes taken during the Executive Session.

**VIII. VOTE ON EXECUTIVE SESSION ITEMS**

- A. Report on Pending Claims or Pending Litigation
- B. Personnel Matters

There was no discussion and nothing to report.

**IX. ADJOURNMENT**

There being no further business to come before the Commission, it was moved by Commissioner Conaway and seconded by Commissioner Marshall to adjourn the meeting at 4:25 p.m. The motion carried unanimously. Chairperson Norton did not vote.